



New South Wales

Protection of the Environment Operations Legislation Amendment (Miscellaneous) Regulation 2023

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

JAMES GRIFFIN, MP
Minister for Environment and Heritage

Explanatory note

The objects of this Regulation are as follows—

- (a) to remove the prescribed noise level permissible for ride-on mowers and the prohibition on the sale of ride-on mowers without approved noise labels,
- (b) to remove the method for determining the noise level of domestic air conditioners and the prohibition on the sale of new domestic air conditioners without approved noise labels,
- (c) to provide that certain waste is not clinical waste or sharps waste if it is treated by a method approved by the EPA, previously the method was required to be approved by the Health Secretary,
- (d) to correct cross-references.

This regulation is made under the *Protection of the Environment Operations Act 1997* including sections 5 and 323, the general regulation-making power and Schedule 2, clause 3.

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Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations Legislation Amendment (Miscellaneous) Regulation 2023*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of protection of the environment operations legislation

1.1 Protection of the Environment Operations Act 1997 No 156

[1] Schedule 1, clause 50(1), definition of “clinical waste”

Omit “the Director-General of the Department of Health”. Insert instead “the EPA”.

[2] Schedule 1, clause 50(1), definition of “sharps waste”

Omit “the Secretary of the Ministry of Health”. Insert instead “the EPA”.

1.2 Protection of the Environment Operations (General) Regulation 2022

Sections 121(1) and 122(1)

Omit “section 117” wherever occurring. Insert instead “section 119”.

1.3 Protection of the Environment Operations (Noise Control) Regulation 2017

[1] Clause 3 Definitions

Omit clause 3(1), definition of *domestic air conditioner*.

[2] Clause 44 Labelling of domestic air conditioners with sound power level

Omit the clause.

[3] Clause 47 Sale of grass-cutting machines that emit noise in excess of prescribed level

Omit the matter relating to ride-on mowers from the table.

[4] Clause 48 Labelling of grass-cutting machines with maximum sound power level

Omit clause 48(3), definition of *Category 1 grass-cutting machine*, paragraph (b).

[5] Clause 68 Determining sound power level of domestic air conditioners

Omit the clause.