

# Protection of the Environment Legislation Miscellaneous Amendments Act 2017 No 21

[2017-21]



New South Wales

## Status Information

### Currency of version

Current version for 9 November 2017 to date (accessed 2 May 2024 at 13:54)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Protection of the Environment Legislation Miscellaneous Amendments Act 2017 No 21



New South Wales

An Act to make miscellaneous amendments to certain legislation relating to the protection of the environment.

## 1 Name of Act

This Act is the *Protection of the Environment Legislation Miscellaneous Amendments Act 2017*.

## 2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by this section.
- (2) Schedule 3 [1], [2], [4], [9], [11]–[13], [15] and [17] commence on a day or days to be appointed by proclamation.

## Schedules 1, 2 (Repealed)

## Schedule 3 Amendment of *Protection of the Environment Operations Act 1997 No 156*

### [1] Sections 63 (1) and 308 (2) (c) and Schedule 2, clause 9 (1) (h) (i)

Insert “or renewed” after “issued” wherever occurring.

### [2] Section 76A

Insert before section 77 in Part 3.6:

#### **76A Application of Part**

This Part does not apply to a licence to carry out any scheduled activity that involves the transportation of trackable waste.

**[3] (Repealed)**

**[4] Chapter 3, Part 3.6A**

Insert after Part 3.6:

## **Part 3.6A Duration and renewal of licences to transport trackable waste**

### **78A Application of Part**

This Part applies to a licence to carry out any scheduled activity that involves the transportation of trackable waste (***a licence to transport trackable waste***).

### **78B Duration of licence to transport trackable waste**

- (1) Once a licence to transport trackable waste comes into force, the licence remains in force for the period specified in the licence, being a period not longer than 5 years, unless it is suspended, revoked or surrendered.
- (2) The licence is, while it remains in force, subject to any variations made to the licence under this Act.

### **78C Renewal of licence to transport trackable waste**

- (1) The holder of a licence to transport trackable waste may apply in writing to the appropriate regulatory authority for the renewal of the licence.
- (2) An application for renewal of a licence to transport trackable waste must:
  - (a) be made in or to the effect of a form approved by the appropriate regulatory authority, and
  - (b) contain or be accompanied by such information as is required by the appropriate regulatory authority (as indicated in the form or in material accompanying the form), and
  - (c) be made within the time period prescribed by the regulations, and
  - (d) be accompanied by the fee prescribed by the regulations.
- (3) The appropriate regulatory authority may renew a licence to transport trackable waste for a period specified in the licence, being a period not longer than 5 years.
- (4) The appropriate regulatory authority must not refuse an application for renewal unless before doing so:

- (a) it has given notice to the applicant that it intends to do so, and
- (b) it has specified in that notice the reasons for its intention to do so, and
- (c) it has given the applicant a reasonable opportunity to make submissions in relation to the matter, and
- (d) it has taken into consideration any such submissions by the applicant.

**Note—**

Section 287 enables appeals to be made in connection with licence applications within a specified period after the person is given notice of the decision concerned. The section provides that the person may appeal if the licence application is not granted within 60 days, and for the purposes of the appeal the licence application is taken to have been refused.

**[5]-[10] (Repealed)**

**[11] Section 287 Appeals regarding licence applications and licences**

Insert “or renewal” after “issue” in section 287 (2).

**[12] Section 287 (2) note, Schedule 2, clause 8 (1) and (2) and Dictionary, definition of “licence application”**

Insert “renewal,” after “issue,” wherever occurring.

**[13] Section 308 Public register**

Insert “, other than an application for the renewal of a licence to transport trackable waste within the meaning of section 78A,” after “licence application” in section 308 (2) (a).

**[14] (Repealed)**

**[15] Schedule 2 Regulation-making powers**

Insert “, for renewal of a licence” after “application for a licence” in clause 9 (4).

**[16]-[18] (Repealed)**

**Schedules 4, 5 (Repealed)**