

Protection of the Environment Legislation Amendment Act 2011 No 63

[2011-63]



New South Wales

Status Information

Currency of version

Repealed version for 1 March 2012 to 31 March 2012 (accessed 22 December 2024 at 13:13)

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

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 1.4.2012.

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 Amendment Act 2011 No 63



New South Wales

An Act to amend environment protection legislation to create the office of Chairperson of the Environment Protection Authority and to make further provision with respect to the notification and management of pollution incidents; and for other purposes.

1 Name of Act

This Act is the *Protection of the Environment Legislation Amendment Act 2011*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 (Repealed)

Schedule 2 Amendment of **Protection of the Environment Operations Act 1997 No 156**

[1] Section 66 Conditions requiring monitoring, certification or provision of information, and related offences

Insert after section 66 (5):

- (6) **Publication of results of monitoring** The holder of a licence subject to a condition referred to in subsection (1) (a) must, within 14 days of obtaining monitoring data as referred to in that subsection:
- (a) if the holder maintains a website that relates to the business or activity the subject of the licence—make any of the monitoring data that relates to pollution, and the licensee's name, publicly and prominently available on that website in accordance with any requirements issued in writing by the EPA, or
 - (b) if the holder does not maintain such a website—provide a copy of any of the monitoring data that relates to pollution, to any person who requests a copy of the data, at no charge and in accordance with any requirements issued in

writing by the EPA.

Maximum penalty:

- (a) in the case of a corporation—\$4,400, or
- (b) in the case of an individual—\$2,200.

(7) **False or misleading publication of results** A person who makes available or provides monitoring data in accordance with subsection (6) is guilty of an offence if the monitoring data is false or misleading in a material respect.

Maximum penalty:

- (a) in the case of a corporation—\$4,400, or
- (b) in the case of an individual—\$2,200.

[2]-[19] (Repealed)

[20] Section 308 Public register

Insert after section 308 (2) (d):

- (d1) details of each mandatory environmental audit under Part 6.2 undertaken in relation to a licence issued by that authority,
- (d2) details of each pollution study required by a condition of a licence issued by that authority,
- (d3) details of each pollution reduction program required by a condition of a licence issued by that authority,

[21] Section 308 (2) (j1)

Insert after section 308 (2) (j):

- (j1) details of each penalty notice issued by that authority,

[22] (Repealed)

[23] Schedule 5, Part 13

Insert after Part 12:

Part 13 Provisions consequent on enactment of [Protection](#)

of the Environment Legislation Amendment Act 2011

35 Obligation to publish results of monitoring

- (1) Subject to subclause (2), the obligation under section 66 (6) to publish results of monitoring does not apply to any monitoring conducted before the commencement of that subsection.
- (2) A person who held an environment protection licence immediately before the commencement of section 66 (6) does not commit an offence under that subsection during the first 3 months after that commencement.

36 Duties to prepare and implement pollution incident response management plans

A person who held an environment protection licence immediately before the commencement of Part 5.7A does not commit an offence under that Part during the first 6 months after that commencement.

37 Obligation to include matter on register

The obligation to include matter on the public register:

- (a) created by section 308 (2) (d1) applies only to mandatory environmental audits undertaken after the commencement of that paragraph, and
- (b) created by section 308 (2) (d2) applies only to pollution studies undertaken after the commencement of that paragraph, and
- (c) created by section 308 (2) (d3) applies only to pollution reduction programs undertaken after the commencement of that paragraph, and
- (d) created by section 308 (2) (j1) applies only to penalty notices issued after the commencement of that paragraph.

[24] (Repealed)

Schedule 3 (Repealed)