



Australian Capital Territory

Environment Protection Amendment Act 2001

2001 No 91

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Australian Capital Territory

Environment Protection Amendment Act 2001

2001 No 91

An Act to amend the *Environment Protection Act 1997*

*Notified under the Legislation Act 2001 on 24 September 2001
(see www.legislation.act.gov.au)*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Environment Protection Amendment Act 2001*.

2 Commencement

- (1) This Act, other than sections 10 and 12, commences on the day it is notified in the Gazette.
- (2) Sections 10 and 12 commence on the day this Act is notified in the Gazette or immediately after the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register), whichever is later.

3 Act amended

This Act amends the *Environment Protection Act 1997*.

4 Objects
Section 3 (1) (a)

omit

Territory

5 Interpretation
Section 4 (1), definition of *authority*

omit

Management

substitute

Protection

**6 Appointment
Section 11 (1)**

omit

Management

substitute

Protection

7 Section 11 (2)

omit

Management

substitute

Protection

**8 Contents
Section 24**

omit

this part,

substitute

this part and relevant best practice,

**9 Notification of environmental protection agreements
New section 41 (5) and (6)**

insert

(5) The Minister may, in writing, declare that this section does not apply to an environmental protection agreement if satisfied that the implementation of the agreement—

(a) is not likely to cause environmental harm; or

(b) is likely to cause environmental harm, but not material environmental harm.

(6) A declaration under subsection (5) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

10 Notification of grant New section 50 (7) and (8)

insert

(7) The Minister may, in writing, declare that subsections (3) to (6) do not apply to an authorisation if satisfied that the activity authorised, if carried out in accordance with any conditions stated in the authorisation—

(a) is not likely to cause environmental harm; or

(b) is likely to cause environmental harm, but not material environmental harm.

(8) A declaration under subsection (7) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

11 Kinds of conditions Section 51 (a)

omit

this Act

substitute

this Act and relevant best practice, including

**12 Contents of environmental improvement plan
Section 68 (1)**

omit

shall

substitute

must, having regard to relevant best practice,

**13 Annual returns—auditors
Section 76B**

omit

20

substitute

60

**14 Interpretation
Section 91A, heading**

substitute

91A Definitions for div 5

15 New section 91A (2) (b) (iv)

insert

- (iv) the appropriateness of any remediation plan, long-term management plan, assessment proposal or remediation proposal.

16 Section 92

omit

17 Inspection of premises—routine inspections
New section 99 (e)

insert

- (e) take photographs, films, or audio, video or other recordings.

18 Section 101

substitute

101 Routine inspections—serious and urgent circumstances

- (1) An authorised officer who enters premises under section 96 (Entry of premises—routine inspections) may, if satisfied on reasonable grounds that it is necessary to do so because of urgent and serious circumstances, require the occupier or a person on the premises to do any of the following:
 - (a) answer questions;
 - (b) furnish information;
 - (c) make available to the authorised officer any record or document kept on the premises;
 - (d) provide reasonable assistance to the authorised officer in relation to the exercise of the authorised officer's functions.
- (2) The power to act under subsection (1)—
 - (a) may be exercised even though the officer entered the premises without a warrant; and
 - (b) is in addition to any other power of the officer.

19 Section 136

omit

20 Section 167

substitute

167 Review of Act

- (1) The Minister must review the operation of this Act as soon as possible after 1 June 2003.
- (2) The Minister must present to the Legislative Assembly a report on the outcome of the review on or before 1 June 2004.

**21 Activities requiring an environmental authorisation
Schedule 1, clause 1, new definition of *clinical waste***

insert

clinical waste—see the *Clinical Waste Act 1990*, section 3 (1).

22 Schedule 1, clause 2 (c)

omit

commercial

23 Schedule 1, new clause 2 (ca)

insert

- (ca) the sterilisation of clinical waste.

24 Schedule 1, clauses 2 and 3

renumber items when Act next republished under the Legislation Act 2001.

Endnotes

Act amended

- 1 Republished as in force on 31 May 2000 (Republication No 1). See also Acts 2000 Nos 31, 36 and 55; 2001 No 9.

[Presentation speech made in Assembly on 21 June 2001]

I certify that the above is a true copy of the Environment Protection Amendment Bill 2001 which was passed by the Legislative Assembly on 30 August 2001.

M J McRae
Clerk of the Legislative Assembly

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