

**Subordinate Law No. 36 of 2000**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**ENVIRONMENT PROTECTION (LEGISLATION) REGULATIONS 2000**

**EXPLANATORY STATEMENT**

Circulated by authority of

Brendan Smyth MLA  
Minister for Urban Services

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### **ENVIRONMENT PROTECTION (LEGISLATION) REGULATIONS 2000**

#### **EXPLANATORY STATEMENT**

##### Outline:

The Environment Protection (Legislation) Regulations 2000 provide for the amendment of Schedule 1 to the Environment Protection Act 1997 to add two further activities as Class A activities. Class A activities are activities that require environmental authorisations from the EMA under Section 42 of the Act and to which conditions can be attached.

The new activities are:

- (fa) the provision of regulated waste for transportation from one place in the Territory to another place in the Territory;
- (fb) the transportation of regulated waste from one place in the Territory to another place in the Territory

These regulations are introduced to ensure that the provision and movement of regulated waste within the Territory will demand the same stringency, as that required for the movement of interstate "controlled" waste . Interstate waste is dealt with by the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure implemented by the Environment Protection (Amendment) Regulations 1999, and requires both the producer and transporter of "controlled" waste to hold an appropriate environmental authorisation from the Environment Management Authority (EMA)

## Part 1 Formal requirements

Clauses 1 and 2 are formal requirements specifying the name of the Regulations and commencement arrangements. The Regulations are drafted as free standing which means that they amend the Act as well as the existing regulations. They will lapse after they have taken effect (Interpretation Act 1967 s43, as applied to regulations by Subordinate Laws Act 1989 S9)

## Part 2 Amendments to the Environment Protection Act 1997

### Clause 3 Amendment to Schedule 1

This clause amends Schedule 1 of the Environment Protection Act 1997 by inserting in Clause 1 of the Schedule (the interpretation clause) the definition of environmental standards which means the ACT's Environmental Standards: Assessment and Classification of Liquid and Non Liquid Wastes published by Environment ACT as in force for the time being. (This document is based on the NSW EPA document with appropriate changes to suit ACT circumstances)

It also adds the definition of regulated waste to the interpretation clause by adding Clause 1A deals with the meaning of regulated waste. That is :

Regulated waste is waste that contains one or more of the following types of waste: Hazardous waste, Group A waste, Industrial waste, Solid waste other than municipal waste, food waste or vegetable matter produced by agriculture or horticulture.

Clause 3(2) states that an expression used in subclause (1) which deals with the meaning of regulated waste, also further defines the definition of regulated waste in the environmental standards (That is the ACT's Environmental Standards: Assessment and Classification of Liquid and Non Liquid Wastes published by Environment ACT), has the same meaning as that given in the standards.

Clause 2 states that for the purposes of Section 42 (environmental authorisations) the following activities are Class A activities. The two paragraphs are added after clause (f) they are:

(fa) the provision of regulated waste for transportation from one place in the Territory to another place in the Territory and

(fb) the transportation of regulated waste from one place in the Territory to another place in the Territory.

## Part 3 Amendments of Environment Protection Regulations

### Clause 4 Regulations Amendment

This part amends the Environment Protection Regulations.

### Clause 5 Substitution.

Regulations 1,2 and 3 are repealed and following regulations substituted:

1.Name of Regulations

The name of the regulations is the Environment Protection (Legislation) Regulations 2000

2.Dictionary

The dictionary at the end of the regulations is part of the regulations and defines certain words and expressions used in the regulations. A definition in the dictionary applies to the entire regulations unless the definition provides otherwise.

3.Interpretation

An expression used in these regulations has the same meaning as in Schedule 1 or 2 of the Act.

Regulation 6: Dictionary

After Schedule 5 of the regulations the dictionary set out in Schedule 1 of these regulations is added.

Regulation 7: Renumbering

Renumbering of parts and divisions of regulations is undertaken for clarity and correctness.