



Australian Capital Territory

## **Environment Protection (Legislation) Regulations 2000**

**Subordinate Law 2000 No 36**

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The Australian Capital Territory Executive makes the following regulations under the *Environment Protection Act 1997*.

Dated 7 September 2000.

**BRENDAN SMYTH**  
Minister

**GARY HUMPHRIES**  
Minister

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# Environment Protection (Legislation) Regulations

**Subordinate Law 2000 No 36**  
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*Environment Protection Act 1997*

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SCHEDULE 1

## **PART 1—PRELIMINARY**

### **1 Name of regulations**

These regulations are the *Environment Protection (Legislation) Regulations 2000*.

### **2 Commencement**

These regulations commence on the day they are notified in the Gazette.

## **PART 2—AMENDMENTS OF ENVIRONMENT PROTECTION ACT**

### **3 Amendments of Environment Protection Act—sch 1**

Schedule 1 of the *Environment Protection Act 1997* is amended—

**(a)** by inserting in clause 1 the following definitions:

“*environmental standards* 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.

*regulated waste*—see clause 1A.”; and

**(b)** by inserting after clause 1 the following clause:

**“1A Meaning of regulated waste**

**“(1) *Regulated waste*** means waste that is, or contains, 1 or more of the following kinds of waste:

- (a) hazardous waste;
- (b) group A waste;
- (c) industrial waste;
- (d) solid waste, other than—
  - (i) municipal waste; or
  - (ii) food waste; or
  - (iii) vegetable matter produced by agriculture or horticulture.

“(2) An expression used in subclause (1) and defined in the environmental standards has the same meaning as in the standards.”; and

(c) by inserting after paragraph 2 (f) the following paragraphs:

“(fa) the provision of regulated waste for transportation from 1 place in the Territory to another place in the Territory;

“(fb) the transportation of regulated waste from 1 place in the Territory to another place in the Territory.”.

*Note* S 166 (6) of the *Environment Protection Act 1997* allows the amendment by regulations of Schedule 1 of the Act.

### **PART 3—AMENDMENTS OF ENVIRONMENT PROTECTION REGULATIONS**

#### **4 Regulations amended**

This Part amends the *Environment Protection Regulations*.

#### **5 Substitution**

Regulations 1, 2 and 3 are repealed and the following regulations substituted:

##### **“1 Name of regulations**

These regulations are the *Environment Protection Regulations 1997*.

##### **“2 Dictionary**

The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary at the end of these regulations defines certain words and expressions used in these regulations.

*Note 2* A definition in the dictionary applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G, as applied by the *Subordinate Laws Act 1989*, s 9).

##### **“3 Interpretation**

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

“(2) A reference in these regulations to an *ozone depleting* substance does not include a reference to a thing that has been manufactured if the thing—

- (a) contains, or will use in its operation, an ozone depleting substance; or
- (b) consists in part of an ozone depleting substance only because the substance was used in the manufacturing process.

“(3) A reference in subregulation (2) to a thing that has been manufactured does not include a reference to a thing that is to be used only for the transportation and storage of an ozone depleting substance unless the substance can only be used in conjunction with the thing.”.

## **6 Dictionary**

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

## **7 Renumbering**

In the next reprint of the regulations under the *Legislation (Republication) Act 1996*, the parts and divisions of the regulations must be renumbered as permitted under section 13 of that Act.

**SCHEDULE 1**

(See reg 6)

**“DICTIONARY**

(See reg 2)

**Act** means the *Environment Protection Act 1997*.

**affected land** means a parcel of land (whether inside or outside the Territory) a person on which is affected by excessive noise, but does not include—

- (a) if the noise is being emitted from a parcel of leased land—that land; or
- (b) a road, footpath or cycleway.

**affected occupier** means an occupier of affected land and, in relation to affected land that is—

- (a) unleased land; or
- (b) public land within the meaning of section 153 of the *Crown Lands Act 1989* (NSW);

and includes a person who is lawfully on that land.

**agvet chemical product** means—

- (a) an agricultural chemical product; or
- (b) a veterinary chemical product;

within the meaning of the Agvet Code.

**Agvet Code** means the Agricultural and Veterinary Chemicals Code as in force for the time being under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth).

**approval**, in relation to an activity, means a licence, lease, permit or other instrument (however described) under a Territory law authorising the conduct of the activity on specified public land.

**building work** means building work for which a building approval under Part 3 of the *Building Act 1972* is required.

**built-up area** means an area declared under the *Bushfire Act 1936* to be a built-up area.

**CFC** means a chlorofluorocarbon mentioned in Part I of Schedule 1 of the *Ozone Protection Act 1989* (Cwlth), whether existing alone or in a mixture.

**SCHEDULE 1**—continued

**chimney** means a structure or opening designed to permit the emission of pollutants into the air from premises, whether or not the chimney is structurally part of the premises.

**compliance location**—see regulation 25.

**essential service** means the provision of electricity or any other service that is prescribed as an essential service under the *Essential Services (Continuity of Supply) Act 1992*.

**excessive noise** means noise that, under regulation 27, is to be taken to have an adverse impact on the environment.

**halon** means a halon mentioned in Part II of Schedule 1 to the *Ozone Protection Act 1989* (Cwlth), whether existing alone or in a mixture.

**HCFC** means a hydrochlorofluorocarbon mentioned in Part V of Schedule 1 to the *Ozone Protection Act 1989* (Cwlth), whether existing alone or in a mixture.

**methyl chloroform** means the substance mentioned in Part IV of Schedule 1 of the *Ozone Protection Act 1989* (Cwlth).

**national emission guidelines** means the guidelines called the ‘National guidelines for control of emission of air pollutants from new stationary sources 1985’ published by or on behalf of the Australian Environment Council and the National Health and Medical Research Council.

**noise zone**, in relation to a parcel of land to which a land use policy mentioned in column 2 of table 1 in Schedule 2 applies, means the noise zone mentioned in column 1 opposite that land use policy.

**non-scheduled PCB material** means any material that contains PCBs in a measure that is less than the threshold concentration or threshold quantity but is greater than 2mg per kg.

**NRA** means the National Registration Authority for Agricultural and Veterinary Chemicals under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cwlth).

**NSW Authority** means the Environment Protection Authority under the *Protection of the Environment Administration Act 1991* (NSW).



**SCHEDULE 1**—continued

**NSW Noise Control Act** means the *Noise Control Act 1975* (NSW), and includes any regulations in force for the time being under that Act.

**NSW noise control manual** means—

- (a) the manual called the ‘Environmental Noise Control Manual’, published by or on behalf of the NSW Authority, as varied and in effect for the time being; and
- (b) if the manual has been replaced by an equivalent publication—that publication, as varied and in effect for the time being.

**PCB** means a polychlorinated biphenyl with the chemical formula  $C_{12}H_{10-n}Cl_n$ , where  $n$  is any whole number in the range from and including 1 to and including 10.

**PCB material** means scheduled or non-scheduled PCB material.

**permitted agvet chemical product** means an agvet chemical product that is the subject of a permit under Part 7 of the Agvet Code.

**premises** includes vacant land, vehicles, vessels and aircraft.

**protocol** means a national environment protection protocol within the meaning of the national scheme laws, and includes a national environment protection protocol in a national environment protection measure made by the National Environment Protection Council and in force from time to time under those laws.

**registered agvet chemical product** means an agvet chemical product that is registered under Part 2 of the Agvet Code.

**scheduled PCB material** means any material that contains PCBs in a measure that is equal to or greater than the threshold concentration and threshold quantity.

**sole occupancy unit** means a part of a building for which a person has an exclusive right of occupation.

**standard** means a national environment protection standard within the meaning of the national scheme laws, and includes a national environment protection standard in a national environment protection measure made by the National Environment Protection Council and in force from time to time under those laws.

**SCHEDULE 1—continued**

***threshold concentration*** means a concentration of PCB material at 50mg per kg.

***threshold quantity*** means 50g of PCB material.

***zone noise standard***, in relation to noise being emitted in a noise zone during a period mentioned in column 3A, 3B, 3C or 3D of table 1 in Schedule 2, means the zone noise standard mentioned in that column opposite that noise zone.”.

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**Endnotes**

**Act amended**

- 1 Republished as in force on 31 May 2000 (Republication No 1).

**Regulations amended**

- 2 Republished as in force on 12 June 2000 (Republication No 1).

**Notification**

- 3 Notified in Gazette 2000 No 38 on 21 September 2000.