

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

Environment Protection Amendment Bill 2001

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(Minister for Urban Services)

Environment Protection Amendment Bill 2001

A Bill for

An Act to amend the *Environment Protection Act 1997*

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

2001 033B

Section 1

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1 Name of Act

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

2 Commencement

- (1) This Act, other than sections 9 and 10, commences on the day it is notified in the Gazette.
- (2) Sections 9 and 10 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

1 Protection

2 **7 Section 11 (2)**

3 *omit*

4 Management

5 *substitute*

6 Protection

7 **8 Notification of environmental protection agreements**
8 **New section 41 (5) and (6)**

9 *insert*

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

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

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

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

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

19 **9 Notification of grant**
20 **New section 50 (7) and (8)**

21 *insert*

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

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

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

Section 10

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

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

4 **10 Contents of environmental improvement plan**
5 **Section 68 (1)**

6 *omit*

7 shall

8 *substitute*

9 must, having regard to relevant best practice,

10 **11 Annual returns—auditors**
11 **Section 76B**

12 *omit*

13 20

14 *substitute*

15 60

16 **12 Interpretation**
17 **Section 91A, heading**

18 *substitute*

19 **91A Definitions for div 5**

20 **13 New section 91A (2) (b) (iv)**

21 *insert*

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

25 **14 Section 92**

26 *omit*

15 Inspection of premises—routine inspections

New section 99 (e)

insert

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

16 Section 101

substitute

101 Routine inspections—serious and urgent circumstances

(1) An authorised officer who enters premises under section 96 may exercise any of the powers mentioned in section 100 (2) if satisfied on reasonable grounds it is necessary to do so because of urgent and serious circumstances.

(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.

17 Section 136

omit

18 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.

Section 19

1 **19 Activities requiring an environmental authorisation**
2 **Schedule 1, clause 1, new definition of *clinical waste***

3 *insert*

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

5 **20 Schedule 1, new clause 2 (ca)**

6 *insert*

7 (ca) the commercial sterilisation of clinical waste.

8 **21 Schedule 1, clauses 2 and 3**

9 *renumber items when Act next republished under the Legislation Act*
10 *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.

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