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THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY

WATER POLLUTION REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by Authority of the Minister For Finance and Urban Services

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## WATER POLLUTION REGULATIONS (AMENDMENT)

The Water Pollution Regulations (the Principal Regulations), made under section 47 of the Water Pollution Act 1984, provide for the classification of waters in the Australian Capital Territory and prohibit certain types of discharge into the specified classes of waters. It also prescribes the methods of analysis of water and waste samples to determine the concentration of restricted substances.

The Water Pollution Act 1984 was amended by the Water Pollution (Amendment) Act 1989 ("the Amendment Act") which has not commenced operation. The Amendment Act provided a new definition of "waste" along with new related terms and their definitions. In addition, the Amendment Act collated provisions relating to the appointment and powers of analysts and introduced a Water Pollution Manual which specifies the methods to be employed in the analysis of water and waste. The sampling and analysis of water and waste is currently required to be undertaken in accordance with the Act and the Principal Regulations.

As a consequence, the Water Pollution Regulations (Amendment) amends the Principal Regulations to omit references to the analysis methods which are now to be dealt with in the Manual. Other amendments update references to scientific and technical matters to accord with current terminology and substitute certain terms with those introduced in the Amendment Act.

The Water Pollution Regulations (Amendment) does not have any financial implications.

Details of the Water Pollution Regulations (Amendment) are included in the Attachment.

**WATER POLLUTION REGULATIONS (AMENDMENT)**

**Regulation 1** states that references to "Principal Regulations" in the Water Pollution Regulations (Amendment) ("the Amendment Regulations") are to be read as the Water Pollution Regulations.

**Regulation 2** provides that the Amendment Regulations commence on the date on which the Water Pollution (Amendment) Act 1989 commences.

**Regulation 3** provides for new terms and amends certain definitions in subregulation 2(1) of the Principal Regulations. Subregulation 2(1) provides for the definition of terms used in the Principal Regulations. The amendments are made to accord with current terminology and to include those terms introduced in the Amendment Act.

**Regulation 4** amends regulation 8 of the Principal Regulations. Regulation 8 relates to the type of waste which may not be discharged into Class P waters (as defined in regulation 3 of the Principal Regulations) and is amended by substituting the new terms provided in regulation 3 of the Amendment Regulations.

**Regulation 5** similarly amends regulation 9 of the Principal Regulations to replace words with the new terms provided in regulation 3 of the Amendment Regulations. Regulation 9 is further amended to accord with current drafting practice. This regulation relates to the type of waste which may not be discharged into Class C waters (as defined by regulation 4 of the Principal Regulations).

**Regulation 6** amends regulation 10 of the Principal Regulations. This regulation deals with the discharge of waste into Class R waters which are defined in regulation 5 of the Principal Regulations. Regulation 10 is amended to accord with current drafting style and as a consequence of the new terms provided in regulation 3 of the Amendment Regulations which were originally introduced in the Amendment Act.

**Regulation 7** amends regulation 11 of the Principal Regulations. This regulation provides that the discharge of certain waste into Class O waters is prohibited. It is amended as a consequence of the new terms provided in regulation 3 of the Amendment Regulations.

Regulation 8 repeals regulation 13 of the Principal Regulations which provides for the methods of analysis of water or waste samples. This regulation is removed as a consequence to amendments brought in by the Amendment Act which provided for the introduction of a Water Pollution Manual. The methods to be used by analysts in analysing samples of water or waste will now be specified in the Manual.

Regulation 9 amends the heading of Part IV of the Principal Regulations by replacing "MISCELLANEOUS" with "FORMULAE". As regulation 13 of the Principal Regulations has been repealed in regulation 8 of the Amendment Regulations, Part IV now consists only of prescribed formulae.

Regulation 10 amends subregulation 16(1) of the Principal Regulations. This subregulation prescribes a formula used in determining the contents of a waste sample. It is amended by changing the term "concentration of faecal coliforms" to "faecal coliform count" so as to be consistent with those provisions in which the formula is used.

Regulation 11 amends Column 1 of Schedule 1 to the Principal Regulations which lists restricted substances in relation to Class P and Class U waters, which are defined in regulations 3 and 7 of the Principal Regulations respectively, as follows:

Paragraphs 11(a) and (b) consequentially amend Column 1 as a result of the deletion of the term "filtrable residue" and the insertion of the new term "total dissolved solids" by regulation 3 of the Amendment Regulations.

Paragraph 11(c) amends Column 1 by redefining the restricted substance "Methylene blue active substances" to "Methylene blue active substances (anionic surfactants as)" to accord with current terminology.

Regulation 12 repeals Schedule 3 to the Principal Regulations as a consequence of the provisions in the Amendment Act which introduced a Water Pollution Manual. Schedule 3 related to the methods of analysis for the purposes of the repealed subregulations 13(4) and 13(5).

Regulation 13 provides a transitional provision for regulation 13, Schedule 3 and the definition of "Standard Methods" in regulation 2, of or to, the Principal Regulations. These have been removed by regulations 8, 12 and 3 of the Amendment Regulations respectively. It is provided that they are to continue to apply in relation to proceedings for offences against the Act which have been commenced but not completed before the Amendment Regulations take effect.