

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

**Environment Protection Amendment Regulation 2007 (No 3)
SL2007-39**

EXPLANATORY STATEMENT

**Circulated with the authority of
Mr Jon Stanhope MLA
Minister for the Environment, Water and Climate Change**

Overview

The purpose of the Regulation is to update Schedule 1, section 1.1A which defines regulated waste and Schedule 1, table 1.2, item 11 and remove Schedule 1, table 1.2, item 10.

Clauses

Clause 1 – Name of regulation

This clause provides that the name of the regulation is the *Environment Protection Amendment Regulation 2007 (No 3)*.

Clause 2 – Commencement

The regulation commences on the day after its notification day.

Clause 3 – Legislation amended

This clause provides that this regulation amends the *Environment Protection Act 1997*.

Clause 4 – Schedule 1, section 1.1A (1)

This clause defines regulated waste.

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) group B waste;
- (d) group C waste;
- (e) industrial waste.

The effect of this amendment is that group B and group C waste are included in the definition of regulated waste, whilst solid waste is removed. The addition of Group B and C waste will capture grease trap waste and liquid from human waste storage facilities or waste treatment devices including pump-out of septic waste as no liquid waste treatment facility exists in the ACT. Solid waste was removed from the definition as the ACT has a landfill cell designed to collect solid waste, which is authorised under the Act.

Clause 5 – Schedule 1, table 1.2, item 10

This clause omits item 10.

Under Section 42(1) if a person conducts an activity listed in Schedule 1 as a class A activity, a person commits an offence unless that person holds an environmental authorisation in relation to the activity. Schedule 1, table 1.2, item 10 states that ‘the provision of regulated waste for transportation from 1 place in the ACT to another place in the ACT’ is a class A activity. The actual transportation of the waste is also a class A activity under item 11. The effect of this amendment is that the provision of regulated waste for transport will no longer require an environmental authorisation but the transport of regulated waste will still require such an authorisation.

Clause 6 – Schedule 1, table 1.2, item 11

This clause defines item 11 as ‘the transportation, from 1 place in the ACT to another place in the ACT, for fee or reward of –

- (a) 200kg or more of regulated waste, other than waste consisting only of stabilised asbestos waste in bonded matrix; or
- (b) 2 tonne or more of used, rejected or unwanted tyres (including shredded tyres and tyre pieces).