

Australian Capital Territory

# Environment Protection (Consultation on Application for Environmental Authorisation) Declaration 2014

Disallowable instrument DI2014–221

made under the

**Environment Protection Act 1997, section 48 (Consultation on application for environmental authorisation)**

## EXPLANATORY STATEMENT

---

The *Environment Protection Act 1997* (the Act) establishes a scheme for application and grant of environmental authorisations for activities that may harm the environment.

Section 48 of the Act requires that for an application for authorisation to carry out a prescribed activity, the Environment Protection Authority (the EPA) is to give notice of the application and to accept submissions from the public about the application.

Subsection 48(6) empowers the Minister to declare that Section 48 does not apply to a prescribed activity. This power allows flexibility for the EPA to respond expeditiously to reduce the risk of immediate environmental harm and consequential risk to the community.

The instrument notifies the Minister's declaration under section 48(6) of the Act that section 48 does not apply to the prescribed activity in item 9, of table 1.2 in schedule 1.2 of the Act, carried out by Irwin & Harthshorn Pty Ltd.

The prescribed activity is the transportation from one place in the ACT to another place in the ACT, for fee or reward, of 200kgs or more of regulated waste, other than waste consisting only of stabilised asbestos waste in bonded matrix.

In light of the recent knowledge of Canberra properties impacted by 'Mr Fluffy' insulation, the Minister recognises the need for a quick and responsive tool to facilitate the transportation of such materials to licensed facilities as soon as possible.

The Minister's declaration will provide the ability of the EPA to grant a licence to Irwin & Harthshorn Pty Ltd as soon as possible for the transportation of such materials to licensed facilities, without compromising the environmental safeguards.

The declaration will not remove the obligation of the EPA to assess environmental authorisation applications, nor will the exemption diminish the obligations on the authorisation holders to comply with all licence conditions including but not limited to environmental protection within their authorisation.

The instrument includes an expiry provision which states that the instrument expires on 25 July 2014. This is designed to narrow the scope of the instrument to allow the transportation to take place immediately while still requiring Irwin & Harthshorn Pty Ltd to undergo full consultation over the longer term.

Irwin & Harthshorn Pty Ltd is a company authorised to transport loose asbestos in New South Wales.