

# Environment Protection (Automotive Trades) Code of Practice 2019

**Disallowable instrument DI2019–267**

made under the

**Environment Protection Act 1997, s 31 (Accrediting codes of practice)**

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Environment Protection (Automotive Trades) Code of Practice 2019*. It has been prepared in order to assist the reader of the disallowable instrument. It does not form part of the instrument.

The explanatory statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### **Background**

Section 31 (1) of the *Environment Protection Act 1997* (the Act) provides that the Minister may accredit a code of practice when some or all of the activities of a particular industry are likely to cause environmental harm.

A person is taken to have complied with the general environmental duty, provided for by section 22 of the Act, in conducting an activity if the person has substantially complied with the code of practice for the activity.

There are a number of environmental risks associated with the automotive industry in relation to impact on air, land and water. Compliance with an accredited code of practice is evidence that an industry has achieved compliance with the general environmental duty under the Act.

This instrument accredits the ACT Automotive Trades Code of Practice (the code). The purpose of the code is to provide industry specific information which will assist ACT automotive operators and their employees to comply with the general environmental duty. It also aims to help improve industry standards and progress towards best management practice.

### **Consultation**

Section 31 (2) of the Act allows the Minister to accredit a code of practice only if satisfied that the code has been prepared in consultation with the relevant industry and the public.

This code was developed in consultation with the ACT Motor Trades Association (MTA), which is the primary industry group for the automotive trades industry, and the Environment Protection Authority, which administers the Act. The code was reviewed and has been approved by the MTA and their members.

By way of public consultation, the draft code was sent to targeted stakeholder groups (for example, mechanics) via e-mail and letters, and was published on the Environment, Planning and Sustainable Development Directorate website. Any submissions received were considered in finalisation of the code.

### **Regulatory Impact Statement**

A Regulatory Impact Statement for this instrument has been prepared in accordance with section 34 (1) of the *Legislation Act 2001*.

### **Human Rights**

This disallowable instrument does not affect any human rights contained in the *Human Rights Act 2004*.