

Australian Capital Territory
Environment Protection Act 1997
Instrument under Subsection 48 (2)
Explanatory Statement

Subsection 48(1) of the Environment Protection Act (the Act) requires that the Environment Management Authority (EMA) notify in the ACT Government Gazette and in a daily newspaper, brief details of applications received under the Act for environmental authorisations. These advertisements must invite public submissions concerning the applications.

Under subsections 48(2) and (3), this requirement does not apply to an application relating to an activity listed by the Minister in a disallowable instrument. This is intended to allow applications of a more routine nature to be considered without calling for public submissions. Similarly, it allows for applications to be exempted from a public submission process where time-frames make this impracticable.

This instrument provides that the public notification and submission process under subsection 48(1) does not apply to specified activities relating to

- a) the lighting of fires,
- b) trade in certain ozone-depleting substances used in fire extinguishers and refrigeration equipment; and
- c) the commercial use of agricultural and veterinary chemicals

Because an authorisation for a fire, such as a hazard reduction burn, must be made very close to the proposed time of lighting the fire, calling for public submissions is impractical.

Issuing an authorisation for dealing with ozone-depleting substances or using agricultural and veterinary chemicals is a routine decision because the authorisation is granted primarily on the basis of standard, nationally agreed criteria. In these circumstances there is no public benefit in calling for submissions, but note that the granting of the authorisation must still be publicly notified and is an appealable decision.

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