



Australian Capital Territory

Environment Protection Amendment Regulation 2009 (No 1)

Subordinate Law SL2009-29

The Australian Capital Territory Executive makes the following regulation under the *Environment Protection Act 1997*.

Dated 17 June 2009.

SIMON CORBELL
Minister

KATY GALLAGHER
Minister



Australian Capital Territory

Environment Protection Amendment Regulation 2009 (No 1)

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made under the

Environment Protection Act 1997

1 Name of regulation

This regulation is the *Environment Protection Amendment Regulation 2009 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This regulation amends the *Environment Protection Regulation 2005*.

J2009-156

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4 New section 29A

in division 3.3, insert

29A Noise measurement manual

- (1) The Minister may approve a manual (the *noise measurement manual*) for the measurement of noise for this regulation.

Note Power given under an Act or statutory instrument to make a statutory instrument (including a manual) includes power to amend or repeal the instrument (see Legislation Act, s 46 (1)).

- (2) Without limiting subsection (1), the noise measurement manual may make provision in relation to the following:
- (a) the procedures for measuring noise;
 - (b) the instruments to be used to measure noise;
 - (c) modifying factors used to correct noise measurements.
- (3) The noise measurement manual is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Note 2 An amendment or repeal of the manual is also a disallowable instrument (see Legislation Act, s 46 (2)).

5 Section 31 (b)

omit

noise control manual

substitute

noise measurement manual

6 Section 31 (b), note 2

substitute

Note 2 *Noise measurement manual*—see s 29A.

7 Section 67 (2) (g)

omit

8 New part 12

insert

**Part 12 Transitional—Environment
Protection Amendment
Regulation 2009 (No 1)**

100 Noise control manual

- (1) Before the approval day, a reference in this regulation (other than section 29A (Noise measurement manual)) to the noise measurement manual is taken to be a reference to the noise control manual.
- (2) The Legislation Act, section 47 (5) does not apply to the noise control manual so far as it is applied under this section.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

Note 3 The noise control manual may be inspected by a person at any reasonable time (see s 101).

(3) In this section:

approval day means the day the noise measurement manual commences.

noise control manual means the *Environmental Noise Control Manual* (1994), published by the NSW Environment Protection Authority, under the *Protection of the Environment Administration Act 1991* (NSW), as in force immediately before the Noise Guide for Local Government, published by the Department of Environment and Conservation (NSW), took effect.

Note NSW Acts and regulations are accessible at www.legislation.nsw.gov.au.

101 Inspection of noise control manual—Act, s 19 (1) (r)

The noise control manual is prescribed.

102 Expiry—pt 12

This part expires on 1 January 2010.

9 Schedule 2, table 2.3, item 10*substitute*

10	<p>noise emitted in the course of mobile selling from a vehicle—</p> <p>(a) using a loudspeaker, loud hailer, chime, horn, siren, bell or whistle; and</p> <p>(b) for the purpose of informing people that articles are on sale from the vehicle</p>	<p>the noise is emitted—</p> <p>(a) only while the vehicle is moving; and</p> <p>(b) between 8 am and 8 pm; and</p> <p>(c) for 30 seconds or less in a 3-minute period; and</p> <p>(d) no more than once in any 1-hour period in the same road between the closest crossroads in either direction</p>
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10 Dictionary, definition of *noise control manual* and note*substitute****noise measurement manual***—see section 29A.

Endnotes

1 Notification

Notified under the Legislation Act on 22 June 2009.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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