

1995—No. 263

**ENVIRONMENTAL OFFENCES AND PENALTIES ACT 1989—
REGULATION**

(Relating to penalty notices)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Offences and Penalties Act 1989, has been pleased to make the Regulation set forth hereunder.

PAMELA DIANE ALLAN, M.P.,
Minister for the Environment.

Schedule 2 to the Environmental Offences and Penalties Act 1989 is amended:

- (a) by inserting in clause 2 (a) of Part 1 after the word “means” the words “(except as provided by clause 4)”;
- (b) by inserting in clause 2 (g) of Part 1 after the matter “1987” the words “(other than a Water Supply Authority that is also the council of a local government area)”;
- (c) by inserting at the end of Part 1 the following clause:
 - 4. For the purposes of this Schedule, a class 1 officer does not include an employee of a council of a local government area in relation to an offence arising under the Clean Waters Act 1970 or the Clean Waters Regulations 1972 that is referred to in this Schedule if the offence:
 - (a) is alleged to have been committed by a public authority; or
 - (b) concerns an activity or drain that is licensed under the Pollution Control Act 1970.
- (d) by inserting in Part 2 in the matter relating to the Clean Waters Act 1970 before the matter “2” wherever occurring the matter “1,”;

- (e) by inserting in Part 2 under the heading “Officer” in the matter relating to Regulation 22 (2) of the Clean Waters Regulations 1972 before the matter “2” the matter “1”.

EXPLANATORY NOTE

The object of this Regulation is to enable employees of local councils to issue penalty notices under the Environmental Offences and Penalties Act 1989 in respect of certain offences arising under the Clean Waters Act 1970 (and the Clean Waters Regulations 1972) relating to the pollution of waters and the discharge of pollutants from drains. However, council employees will not be able to issue a penalty notice for such an offence if the offence involves a public authority or a licence under the Pollution Control Act 1970.

This Regulation is made under the Environmental Offences and Penalties Act 1989, in particular section 8G (penalty notices) and section 28 (the general regulation making power).
