

TRIPPLICATE COPY



Statutory Rules 1997 No. 1

Administering Department: please include this copy in documents sent to Federal Executive Council Secretariat in connection with making of this legislation. Ex. Co. Secretariat: please complete this copy by insertion of signatures and date of making, and send to: Legislative Services Section, Office of Legislative Drafting, Attorney-General's Department.

112

Airports (Environment Protection) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Airports Act 1996*.

Dated 1 1997.

14 May

WILLIAM DEANE
Governor-General

By His Excellency's Command,

1 JOHN SHARP

Minister for Transport and Regional Development

1. Amendment

1.1 The Airports (Environment Protection) Regulations are amended as set out in these Regulations.

[Note: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2. Regulation 1.06 (References to Australian Standards (“AS”))

2.1 Omit “as in force at the commencement of these Regulations.”, substitute “as in force or existing from time to time.”.

3. Regulations 1.08 (Testing standards)

3.1 Omit the regulation, substitute:

Testing

“1.08. A test required by these Regulations must be carried out:

- (a) by a laboratory accredited by NATA to carry out that type of test; and
- (b) using a method approved by NATA for that type of test, or (if there is no such method) a method approved, for that type of test, by:
 - (i) USEPA; or
 - (ii) the American Public Health Association; or
 - (iii) the American Society for Testing Methods.”.

4. Regulation 4.01 (General duty to avoid polluting)

4.1 Subregulation 4.01 (3):

Omit “an offence,”, substitute “a contravention of these Regulations,”.

5. Regulation 4.05 (Duty to give notice of cultural, etc., discovery)

5.1 Subregulation 4.05 (1):

Add at the end:

“Penalty: 50 penalty units.”.

6. Regulation 5.18 (Failure to comply with condition of authorisation)

6.1 Add at the end:

“(3) For subsection 132 (2) of the Act, the maximum number of penalty units for a contravention of subregulation (2) is 50 penalty units.”.

[Note: The note to subregulation 5.18 is taken to be omitted and the following note substituted:

“[Note: See also Part 15 of the Act, which provides for the grant of injunctions for certain contraventions of the Act.]”.

7. Regulation 5.19 (Authorisation may be transferred)

7.1 Add at the end:

“(4) Before the end of 2 days after the end of the period within which the airport environment officer may indicate an objection, the airport environment officer must give a copy of the notice under paragraph (1) (a) and the acknowledgment under paragraph (1) (b) to the airport-lessee company for the airport.”.

8. Regulation 6.02 (Airport-lessee company to monitor pollution levels)

8.1 Paragraph 6.02 (3) (b):

Omit the paragraph, substitute:

“(b) any information or report received under subregulation 6.01 (4), paragraph 6.05 (1) (b) or subregulation 6.08 (4); and”.

[Note: Note 2 to subregulation 6.02 (3) is taken to be omitted and the following note substituted:

“2. Paragraph 4.05 (2) (c) requires a report of a cultural discovery to be entered in the environment site register.”]

9. Regulation 6.06 (Inaccurate or incomplete information to be corrected)

9.1 Subregulation 6.06 (1):

Omit the subregulation, substitute:

“**6.06. (1)** This regulation applies to a person:

- (a) that gives information, in a report or otherwise, under a provision of this Division and becomes aware that the information is inaccurate or incomplete; or
- (b) that is the operator of an airport undertaking, is aware that information has been given on its behalf under regulation 6.01 or 6.05, and becomes aware that the information is inaccurate or incomplete.”

10. Regulation 6.11 (Conduct of examination)

10.1 Paragraph 6.11 (3) (b):

Omit “item 4.4”, substitute “items 5.1, 5.2, 5.3, 5.4, 5.5 and 5.6”.

11. Regulation 6.14 (Occupier may prepare remedial plan)

11.1 Subregulation 6.14 (3):

Omit “must:”, substitute “must, before the end of 30 days after receipt of the plan:”.

12. Regulation 6.18 (Power to order remedial work)

12.1 Subregulation 6.18 (4):

Omit “paragraphs (1) (b), (c) and (d)”, substitute “paragraphs 2 (b), (c) and (d)”.

12.2 Subregulation 6.18 (7):

Add at the end:

“; or (d) the pollution occurred, or is occurring, because of something done before these Regulations commenced.”.

12.3 Subregulation 6.18 (8):

Omit “Penalty: 50 penalty units.”, substitute

“Penalty for contravention of this subregulation: 50 penalty units.”.

12.4 Subregulation 6.18 (9):
Omit the subregulation.

13. Regulation 7.05 (Compliance with order)

13.1 Add at the end:

“(2) For subsection 132 (2) of the Act, the maximum number of penalty units for a contravention of subregulation (1) is 250 penalty units.”.

[Note: The note to subregulation 7.05 is taken to be omitted and the following note substituted:

“[Note: See also Part 15 of the Act, which provides for the grant of injunctions for certain contraventions of the Act.]”].

14. Regulation 7.06 (Compliance with condition of authorisation)

14.1 Add at the end:

“(5) For subsection 132 (2) of the Act, the maximum number of penalty units for a contravention of subregulation (2) is 250 penalty units.”.

[Note: The note to subregulation 7.06 is taken to be omitted and the following note substituted:

“[Note: See also Part 15 of the Act, which provides for the grant of injunctions for certain contraventions of the Act.]”].

15. Part 7, Division 2 (Intentional and reckless offences)

15.1 Omit the Division.

16. Regulation 8.02 (Purpose of this Division)

16.1 After “an offence against”, insert “Part 6 of the Act or”.

17. Regulation 8.03 (Infringement notices)

17.1 Paragraph 8.03 (2) (i):

Omit the paragraph, substitute:

- “(i) a statement that, if the infringement notice penalty is paid in time:
 - (i) the person’s liability in respect of the offence is discharged; and
 - (ii) further proceedings cannot be taken against the person for the offence; and
 - (iii) the person is not taken to have been convicted of the offence.”.

18. Regulation 9.01 (Decisions reviewable by Secretary)

18.1 Paragraph 9.01 (1) (d):

Omit “make a written report;”, substitute “give a copy of information;”.

19. Regulation 10.04 (Giving notices, directions, etc.)

19.1 Subparagraph 10.04 (1) (a) (ii):

Omit “pre-paid post”, substitute “pre-paid certified post”.

19.2 Paragraph 10.04 (1) (b):

Omit “pre-paid post”, substitute “pre-paid certified post”.

19.3 Subregulation 10.04 (2):

Omit the subregulation, substitute:

“(2) A written notice or application to be given, under these Regulations:

- (a) to the Secretary—may be given by:
 - (i) delivering it to the head office of the Department at any time when that office is open for business; or
 - (ii) sending it by pre-paid certified post to the head office of the Department; or

- (b) to an airport environment officer—may be given by:
- (i) delivering it to the office of that officer at the airport at any time when his or her office is open for business; or
 - (ii) sending it by pre-paid certified post to the last known address of that officer's office.

“(3) In this regulation, a reference to certified post is a reference to a mail delivery service that provides written acknowledgment of the receipt and delivery of an article.”.

20. Schedule 2, clause 1.01 (Interpretation)

20.1 Definition of “waters”:

Omit “regulation 4.02.”, substitute “regulation 2.02.”.

21. Schedule 2, clause 1.02 (Indicators of adverse chemical effect)

21.1 Subclause 1.02 (1):

Omit “subregulation 4.02 (1),”, substitute “subregulation 2.02 (1),”.

NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on
- 2. Statutory Rules 1997 No. 13.

K

1997. 21 May/