

Airports (Environment Protection) Amendment Regulations 1998 (No. 3) 1998 No. 349

EXPLANATORY STATEMENT

STATUTORY RULES 1998 No. 349

Issued by the Authority of the Minister for Transport and Regional Services

Airports Act 1996

Airports (Environment Protection) Amendment Regulations 1998 (No. 3)

Section 252 of the Airports Act 1996 (the Act) provides that the Governor General may make regulations prescribing matters that are required or permitted by the Act to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 132 of the Act provides that regulations may inter alia, make standards and impose requirements that are to be complied with in relation to the prevention and minimisation of environmental pollution (including air, water or soil pollution) generated at airport sites.

The purpose of the Amendments to the Airports (Environment Protection) Regulations (the Regulations) is to legalise fire-training activities on Commonwealth leased airports that were made illegal through the introduction of the Regulations and specifically the standard for the emission of smoke. The Amendments seek to do this by providing a blanket exemption from the smoke standard for fire training activities on the proviso that an agreement is reached between the provider of fire training services and the Secretary of the Department of Transport and Regional Services (Item 3, Amendments 2, 4, 7, 21).

The Amendments also provide for the introduction of new standards for hydrocarbon soil and water contamination the purpose of this will allow for the Airport Environment Officer to order contaminated site assessment and remediation on the basis of these standards. Presently the Regulations do not provide for standards that allow the Airport Environment Officer to undertake this action (item 3, Amendments 24, 25, 26, 27, 28, 29).

Finally, the Amendments provide for a cost recovery mechanism for applications for an Authorisation (item 3, Amendment 8), correct typographical errors in references that link the definition of pollution and the relevant schedules in the Regulations (item 3, Amendment 20). Various other smaller typographical and minor machinery changes are also made (Item 3, Amendments 3, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23).

Further details of the amendments to the Regulations appear in the Attachment.

The Amendment to the Regulations commence upon notification in the Gazette.

ATTACHMENT

Item 1 - Name of regulations

Item 1 provides for the name of the regulations.

Item 2 - Commencement

Item 2 provides that the regulations will commence on gazettal.

Item 3 - Amendment of Airports (Environment Protection) Regulations

Amendment 1 - Regulation 1.01

Amendment 1 substitutes a new regulation 1.01 that makes a minor change to the way in which Airports (Environment Protection) Regulations are cited.

Amendment 2 - Regulation 1.05

Amendment 2 inserts a new regulation that provides for a definition of rescue and fire training service.

Amendment 3 - Regulation 1.08

Amendment 3 corrects a reference to the American Society for Testing and Materials.

Amendment 4 - Regulation 4.02

Amendment 4 makes a minor amendment to allow for a second part to be added to regulation 4.02.

Amendment 5 - Paragraph 4.02 (a)

Amendment 5 makes a minor typographical graphical amendment to paragraph 4.02 (a).

Amendment 6 - Paragraph 4.02 (a)

Amendment 6 makes a minor technical amendment to paragraph 4.02 (a) deleting the term salt water and substituting it with marine water.

Amendment 7 - Regulation 4.02

Amendment 7 inserts a new regulation that allows for rescue and fire training activities to be exempt from the dark smoke emission standard in item 1 of table 1 in clause 1.02 of Schedule 1 on the proviso that an agreement is reached between the provider of rescue and fire training services and the Secretary of the Department.

An outline of what is required to be in an agreement between the Secretary and the provider of rescue and fire training services is also included as part of this proposed amendment.

Amendment 8 - After subregulation 5.08 (2)

Amendment 8 inserts a new regulation after 5.08 (2) providing for cost recovery of an application for an Authorisation.

Amendment 9 - Subregulation 6.02 (1)

Amendment 9 substitutes subregulation 6.02 (1) and inserts a new requirement for noise levels to be monitored by an airport-lessee company.

Amendment 10 - Regulation 6.03

Amendment 10 deletes and replaces regulation 6.03 and inserts a provision that an annual report must be provided for each financial year.

Amendment 11 - Regulation 6.03

Amendment 11 inserts a new regulation 6.03 (2) that requires an airport-lessee company to submit an annual report within a specified time period.

Amendment 12 - Subregulation 6.04

Amendment 12 makes a minor technical amendment to paragraph 6.04(1) that improves consistency with former regulations as well as introduces a timeframe for reporting to the regulatory authority.

Amendment 13 - Subregulation 6.04

Amendment 13 makes a minor technical amendment to paragraph 6.04(2) introducing a timeframe for reporting to the regulatory authority.

Amendment 14 - Subregulation 6.08

Amendment 14 inserts a new regulation 6.08 (1A) allowing the regulatory authority to rely upon testing carried out in accordance with the regulations by a third party.

Amendment 15 - Subregulation 6.09

Amendment 15 makes a minor technical amendment to paragraph 6.09(1).

Amendment 16 - Paragraph 6.19

Amendment 16 makes a minor technical amendment to paragraph 6.19 (a).

Amendment 17 - Paragraph 9.01

Amendment 17 repeals paragraph 9.01 (1) (e).

Amendment 18 - Paragraph 9.01

Amendment 18 makes a minor technical amendment to paragraph 9.01 (1) (k).

Amendment 19 - Paragraph 9.01

Amendment 19 repeals paragraph 9.01 (1) (1).

Amendment 20 - Schedule 1, clause 1.02

Amendment 20 makes a minor technical amendment to clause 1.02, linking the definition of air pollution to the appropriate schedule in the Regulations.

Amendment 21 - Schedule 1, clause 1.02, table 1, item 1, column 3

Amendment 21 repeals the reference to the Civil Aviation Safety Authority in Schedule 1, clause 1.02, table 1, item 1, column 3.

Amendment 22 - Schedule 1, clause 1.02, table 1, item 4, column 5

Amendment 22 makes a minor technical amendment to Schedule 1, clause 1.02, table 1, item 4, column 5 that updates a reference to a prescribed testing method.

Amendment 23 - Schedule 1, clause 1.02, table 1, item 10, column 6

Amendment 23 makes a minor technical amendment to Schedule 1, clause 1.02, table 1, item 10, column 5 that updates a reference to a prescribed testing method.

Amendment 24 - Schedule 2, clause 1.03, table, after item 21

Amendment 24 inserts a new clause in Schedule 2, clause 1.03, table, after item 21 to provide standards for hydrocarbon pollution of fresh water.

Amendment 25 - Schedule 3, clause 1.01, table 1, after item 22

Amendment 25 inserts a new clause in Schedule 3, clause 1.01, table 1, after item 22 to provide standards for determining hydrocarbon and benzene, ethylbenzene, toluene and xylene pollution in soil on general airport areas.

Amendment 26 - Schedule 3, clause 1.02, table 2, column 2, before item 17

Amendment 26 deletes and replaces the heading in Schedule 3, clause 1.02, table 2, and column 2, before item 17 to indicate a range of hydrocarbon compounds.

Amendment 27 - Schedule 3, clause 1.02, table 2, item 17, column 3

Amendment 27 deletes and replaces the pollutant level for benzene in Schedule 3, clause 1.02, table 2, item 17, and column 3.

Amendment 28 - Schedule 3, clause 1.02, table 2, item 18, column 3

Amendment 28 deletes and replaces the pollutant level for toluene in Schedule 3, clause 1.02, table 2, item 18, and column 3.

Amendment 29 - Schedule 3, clause 1.02, table 2, after item 18

Amendment 29 inserts a new clause in Schedule 3, clause 1.02, table 2, after item 18 to provide standards for determining hydrocarbon, ethylbenzene and xylene pollution in soil in areas of environmental significance.