

Queensland



Environmental Protection Act 1994

ENVIRONMENTAL PROTECTION (INTERIM) REGULATION 1995

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(includes amendments up to SL No. 38 of 1997)**

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Information about this reprint

This regulation is reprinted as at 19 March 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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**ENVIRONMENTAL PROTECTION
(INTERIM) REGULATION 1995**

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ENVIRONMENTAL PROTECTION (INTERIM) REGULATION 1995

[as amended by all amendments that commenced on or before 19 March 1997]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Environmental Protection (Interim) Regulation 1995*.

Commencement

2.(1) Sections 4 and 5 (so far as they relate to schedule 1, items 20, 75(e), 76, 81 and 83 to 85) commence on 1 May 1995.

(2) Sections 7(1)(b), 7(2) and 13 commence on 1 June 1995.

(3) Sections 4 and 5 (so far as they relate to schedule 1, items 1(a), 2 and 3) commence on 1 July 1996.

(4) Sections 4 and 5 (so far as they relate to schedule 1, items 45 and 73) and schedule 8, part B commence on 1 July 1996.

(5) Sections 4 and 5 (so far as they relate to schedule 1, items 38 and 39) commence on 1 January 1998.

(6) The remaining provisions commence on 1 March 1995.

Definitions—dictionary

3. The dictionary in schedule 10 defines particular words used in this regulation.¹

¹ In some subordinate legislation, definitions are contained in a dictionary appearing as the last schedule and forming part of the legislation—*Statutory Instruments Act 1992*, section 14 and *Acts Interpretation Act 1954*, section 14.

PART 2—ENVIRONMENTALLY RELEVANT ACTIVITIES

Environmentally relevant activities—levels 1 and 2

4.(1) An activity mentioned in schedule 1, column 1 is an environmentally relevant activity of the level set out opposite the activity in schedule 1, column 2.

(2) However, an activity lawfully carried out under a local law in a detached house or in a separate building within the curtilage of a detached house by 1 or more of the permanent residents of the house is not an environmentally relevant activity.

(2A) Also, an associated activity of an environmentally relevant activity in schedule 1, item 24, 40 or 61, is not itself an environmentally relevant activity.

(3) *In addition, for the period 8 March 1996 to 30 June 1996, an activity mentioned in schedule 1, column 1 is not an environmentally relevant activity for section 39 of the Act or section 5 of this regulation.*

(4) *Subsection (3) and this subsection expire on 1 July 1996.²*

Approval required to carry out level 2 environmentally relevant activity

5. A person must not carry out a level 2 environmentally relevant activity without an approval.

Maximum penalty—165 penalty units.

New approval required to carry out level 2 environmentally relevant activity if significant change in way activity is carried out

6.(1) This section applies if—

² These provisions have expired and are included in this reprint for informational purposes only. They will be omitted in the next reprint.

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- (a) the holder of an approval (other than an approval to explore for or mine minerals) proposes to carry out works for the construction or alteration of a building or structure, or for the installation or alteration of plant or equipment, for carrying out the environmentally relevant activity concerned; and
- (b) the construction, alteration or installation will result in an increase of 10% or more in the release of contaminant into the environment under the approval.

(2) The person must not carry out the works without an approval to carry out the activity on the basis of the increased quantity of contaminant to be released into the environment.

Maximum penalty—100 penalty units.

PART 3—OZONE DEPLETING SUBSTANCES

Division 1—Controlled articles

Responsibilities of owner or person in possession of controlled article

7.(1) A person who owns, or has possession of, a controlled article must—

- (a) operate and maintain the article as required by the relevant code of practice; and
- (b) engage only a qualified person to install, commission, service or decommission the article.

Maximum penalty—50 penalty units.

(2) Subsection (1)(b) does not apply to—

- (a) equipment using a controlled substance as a solvent for cleaning or degreasing; or
- (b) sterilisation equipment.

Labelling

8.(1) A manufacturer or importer of a controlled article must attach a label to the article.

(2) The label must—

- (a) be attached so that it is visible to a person about to work on the article; and
- (b) specify the controlled substances contained or used in the article; and
- (c) be legible; and
- (d) contrast in colour with the article; and
- (e) be capable of enduring for the life of the article.

Maximum penalty—50 penalty units.

Labelling on charging of motor vehicle airconditioning equipment with refrigerant

9.(1) A person who charges motor vehicle airconditioning equipment with refrigerant must attach a label to the equipment or a prominent place on the vehicle.

(2) The label must state—

- (a) the person's name; and
- (b) the date of the charging; and
- (c) the date of the last replacement of the filter; and
- (d) the refrigerant and lubricant type used.

Maximum penalty—50 penalty units.

Labelling on charging of commercial or industrial airconditioning or refrigeration equipment with refrigerant

10.(1) A person who charges commercial or industrial airconditioning or refrigeration equipment with refrigerant must attach a label to the equipment.

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(2) The label must state—

- (a) the person's name; and
- (b) the date of the charging; and
- (c) the refrigerant and lubricant type used.

Maximum penalty—50 penalty units.

Division 2—Controlled substances

Subdivision 1—Restriction on dealing with controlled substances

Release of controlled substance

11. A person must not release a controlled substance into the environment from any equipment mentioned in schedule 3 or from any storage vessel unless the release is carried out under the relevant code of practice.

Maximum penalty—50 penalty units.

Restriction on sale or buying of controlled substances

12. A person who sells or buys a controlled substance must comply with schedule 2, section 1 or 2.

Maximum penalty—50 penalty units.

Restriction on handling or use of controlled substances

13. A person must not engage in an activity mentioned in schedule 3 involving the handling or use of a controlled substance, unless the person—

- (a) is a qualified person for the activity; or
- (b) engages in the activity under the direct supervision of a qualified person for the activity.

Maximum penalty—50 penalty units.

Duty to reclaim controlled substances

14.(1) This section applies to a person who engages in—

- (a) an activity mentioned in schedule 3 that might result in the release of a controlled substance into the environment; or
- (b) the service or maintenance of domestic airconditioning equipment at premises established for that purpose.

(2) The person must ensure that any controlled substance released is reclaimed and processed as required by the relevant code of practice and schedule 2, sections 3 and 4.

Maximum penalty—50 penalty units.

Disposal of a controlled substance

15.(1) If a person, other than a seller of controlled substances, comes into possession of a controlled substance—

- (a) that is contaminated; or
- (b) the use of which is prohibited under this regulation;

the person must return the substance to a person who sells controlled substances.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply if the controlled substance is a halon.

(3) A seller of controlled substances who comes into possession of a controlled substance mentioned in subsection (1) must ask the chief executive to approve the disposal or destruction of the substance.

Maximum penalty—50 penalty units.

(4) The chief executive must give written notice to the person—

- (a) directing the way the substance is to be disposed of or destroyed; and
- (b) of the day for complying with the notice.

(5) The person must comply with the notice.

Maximum penalty—50 penalty units.

Subdivision 2—Equipment using controlled substances

Procedure for maintenance of equipment

16. A person who operates equipment used in the handling and transfer of a controlled substance to or from bulk storage vessels having a capacity of more than 100 kg must operate and maintain the equipment as required by the relevant code of practice.

Maximum penalty—50 penalty units.

Solvent cleaning or degreasing

17. A person who operates or services equipment that uses a controlled substance as a solvent for cleaning or degreasing must—

- (a) comply with the relevant code of practice; and
- (b) ensure that all controlled substances are reclaimed and processed as required by schedule 2, section 4.

Maximum penalty—50 penalty units.

Dry cleaning equipment

18. A person who operates or services dry cleaning equipment that uses a controlled substance in its operation must comply with the relevant code of practice.

Maximum penalty—50 penalty units.

Sterilisation equipment

19.(1) A person must not install sterilisation equipment that contains or uses a controlled substance.

Maximum penalty—50 penalty units.

(2) A person who operates or services sterilisation equipment that uses a controlled substance in its operation must comply with the relevant code of

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practice.

Maximum penalty—50 penalty units.

Subdivision 3—Products containing controlled substances

Aerosols containing controlled substances

20.(1) A person must not manufacture or sell an aerosol product containing a controlled substance unless the person holds a current exemption granted under the Ozone Protection Act, section 40.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply to the sale of an aerosol product that contains methyl chloroform as the only controlled substance.

Division 3—Refrigeration and airconditioning

Refrigeration and airconditioning

21. A person who manufactures, installs or services any of the following equipment that uses a controlled substance must comply with the relevant code of practice—

- (a) commercial or industrial refrigeration equipment;
- (b) commercial or industrial airconditioning equipment;
- (c) motor vehicle airconditioning equipment;
- (d) domestic refrigeration equipment.

Maximum penalty—50 penalty units.

Installation of refrigeration or airconditioning equipment

22.(1) In this section—

“**install**” equipment does not include relocating the equipment either within the same premises or to other premises under the control of the same

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person.

“refrigeration or airconditioning equipment” means commercial or industrial refrigeration or airconditioning equipment that contains or uses a controlled substance.

(2) A person must not install refrigeration or airconditioning equipment unless—

- (a) the person holds a current exemption from compliance under the Ozone Protection Act, section 40 for the equipment; or
- (b) the equipment is the subject of a current exemption under the Ozone Protection Act.

Maximum penalty—50 penalty units.

Division 4—Foams

Manufacture of plastic foams

23. A person must not use a controlled substance in the manufacture of a plastic foam unless the person holds a current exemption under the Ozone Protection Act, section 40.

Maximum penalty—50 penalty units.

Division 5—Fixed halon flooding systems

Manufacture etc. of fixed halon flooding system

24. A person who manufactures, installs, services, maintains or decommissions a fixed halon flooding system must comply with the relevant code of practice.

Maximum penalty—50 penalty units.

Restriction on installation or refilling of fixed halon flooding system

25. A person must not install or refill a fixed halon flooding system

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without the chief executive's approval.

Maximum penalty—50 penalty units.

Approval to install or refill a fixed halon flooding system

26.(1) An application for approval to install or refill a fixed halon flooding system must be made to the chief executive in the approved form.

(2) The chief executive must consider each application and must either grant or refuse it.

(3) If the chief executive is satisfied the essential use criteria mentioned in schedule 4 are satisfied, the chief executive must grant the application and issue a certificate of approval.

(4) The chief executive may impose conditions on the approval.

(5) If the chief executive imposes conditions on the approval, the chief executive must—

- (a) endorse the conditions on the certificate of approval; and
- (b) give the applicant written notice that the applicant may apply for a review of, or appeal against, the chief executive's decision to impose the conditions within 14 days.

(6) If the application is refused, the chief executive must promptly give written notice to the applicant—

- (a) of the refusal and the reasons for the refusal; and
- (b) that the applicant may apply for a review of, or appeal against, the chief executive's decision to refuse the application within 14 days.

Testing fixed halon flooding systems

27. A person must not test a fixed halon flooding system in a way that might result in the release of a controlled substance into the environment.

Maximum penalty—50 penalty units.

Release and reclaiming of controlled substances

28.(1) This section applies to the owner or occupier of premises on which a fixed halon flooding system is installed.

(2) The person must—

- (a) give written notice to the chief executive, as required by subsection (3), of any release of a controlled substance from the system, and the reason for the release; and
- (b) ensure that, when the system is serviced or decommissioned, a controlled substance that would otherwise be released, is reclaimed.

Maximum penalty—50 penalty units.

(3) The notice must be given within 30 days of the release.

Decommissioning of fixed halon fire extinguishers

29.(1) An owner of premises on which a fixed halon flooding system is installed must ensure the system is decommissioned, and that all the halon it contains is reclaimed—

- (a) before 1 January 1996; or
- (b) when the extinguisher is wholly or partially discharged;

whichever happens first.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply to a person who has a current certificate of approval for the system.

Division 6—Portable halon fire extinguishers

Restriction on sale or refilling of portable halon fire extinguishers

30. A person must not sell a portable halon fire extinguisher to, or refill a portable halon fire extinguisher for, someone else (the “**customer**”) unless the customer gives the person a certificate of approval to buy the portable

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halon fire extinguisher or to have the portable halon fire extinguisher refilled.

Maximum penalty—50 penalty units.

Approval to buy or refill a portable halon fire extinguisher

31.(1) An application for a certificate of approval to buy a portable halon fire extinguisher, or have a portable halon fire extinguisher refilled, must be made to the chief executive in the approved form.

(2) The chief executive must consider each application and must either grant or refuse it.

(3) If the chief executive is satisfied that the essential use criteria mentioned in schedule 4 are satisfied, the chief executive must grant the application and issue a certificate of approval.

(4) The chief executive may impose conditions on the approval.

(5) If the chief executive imposes conditions on the approval, the chief executive must—

- (a) endorse the conditions on the certificate of approval; and
- (b) give the applicant written notice that the applicant may apply for a review of, or appeal against, the chief executive's decision to impose the conditions within 14 days.

(6) If the application is refused, the chief executive must promptly give written notice to the applicant—

- (a) of the refusal and the reasons for the refusal; and
- (b) that the applicant may apply for a review of, or appeal against, the chief executive's decision to refuse the application within 14 days.

Decommissioning of portable halon fire extinguishers

32.(1) A person who is in possession of a portable halon fire extinguisher must ensure that the extinguisher is decommissioned and that all the halon it contains is reclaimed—

- (a) before 1 January 1996; or

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(b) when the extinguisher is wholly or partially discharged;
whichever happens first.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply to a person who has a current certificate of approval for the extinguisher.

Division 7—General

Subdivision 1—Fire extinguishers and refrigerant cylinders

Discharge of halon fire extinguishing devices

33. A person must not discharge a halon fire extinguishing device into the environment other than to extinguish a fire in an emergency.

Maximum penalty—50 penalty units.

Aerosol or non-refillable fire extinguishers

34. A person must not sell an aerosol fire extinguisher or a non-refillable fire extinguisher that uses a controlled substance.

Maximum penalty—50 penalty units.

Non-refillable refrigerant cylinders

35. A person must not—

- (a) manufacture or bring into Queensland a non-refillable cylinder containing a refrigerant that is a controlled substance; or
- (b) commission a non-refillable cylinder using a refrigerant that is a controlled substance.

Maximum penalty—50 penalty units.

Subdivision 2—Cancellation of certificates of approval

Cancellation of certificate of approval

36. The chief executive may cancel a certificate of approval on the following grounds—

- (a) the certificate holder has contravened a condition of the certificate;
- (b) the certificate holder has been convicted of an offence against the Act or this regulation;
- (c) the certificate was issued because of a materially false or misleading representation or declaration (made either orally or in writing);
- (d) the certificate holder has ceased to carry out the activity to which the certificate relates.

Procedure for cancellation

37.(1) If the chief executive considers a ground exists to cancel a certificate of approval (the “**proposed action**”), the chief executive must give the certificate holder written notice that—

- (a) states the proposed action; and
- (b) states the grounds for the proposed action; and
- (c) outlines the facts and circumstances forming the basis for the grounds; and
- (d) invites the holder to show, within a stated time of at least 30 days, why the proposed action should not be taken.

(2) If, after considering all written representations made within the stated time, the chief executive still considers a ground to take the proposed action exists, the chief executive may cancel the certificate.

(3) The chief executive must inform the certificate holder of the decision by written notice.

(4) The notice must be given within 10 days after the chief executive makes a decision.

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(5) If the administering authority decides to cancel the certificate, the notice must state—

- (a) the reasons for the decision; and
- (b) that the certificate holder may apply for a review of, or appeal against, the decision within 14 days.

(6) The decision takes effect on the later of—

- (a) the day when the notice is given to the certificate holder; or
- (b) the day of effect stated in the notice.

(7) However, if the certificate is cancelled because of the conviction of the holder for an offence—

- (a) the cancellation does not take effect until—
 - (i) the end of the time to appeal against the conviction; and
 - (ii) if the appeal is made against the conviction—the appeal is finally decided; and
- (b) the cancellation has no effect if the conviction is quashed on appeal.

Return of cancelled certificate

38.(1) If the chief executive cancels a person's certificate of approval, the chief executive may give the person written notice requiring the person to return the certificate within a stated period of not less than 14 days.

(2) The person must comply with the notice, unless the person has a reasonable excuse not to comply with it.

Maximum penalty—50 penalty units.

Subdivision 3—Codes of practice

Adoption of codes of practice

39. Each of the codes of practice mentioned in schedule 5 is adopted as the relevant code of practice for the activity concerned.

PART 4—ADMINISTRATION

Division 1—Devolutions

Devolution of powers

40.(1) The administration and enforcement of the Act for an environmentally relevant activity mentioned in the following items of schedule 1 are devolved to the local government for the area where the activity is, or is to be, carried out—

- items 4, 11(a), 13(b), 19(a), 21(a), 22 to 26, 28, 38, 39, 43, 46, 50, 51, 57, 60, 63(a), 66 to 68, 71 and 75(a) and (b).

(2) However, the administration and enforcement of the Act for an activity carried out, or to be carried out, at a place in a local government area is not devolved to the local government for the area if—

- (a) the activity includes carrying out another activity at the same place; and
- (b) the administration and enforcement of the Act for the other activity is not devolved to the local government.

(3) Also, subsection (1) does not apply to the following—

- (a) an activity carried out, or to be carried out, by a local government or the State;
- (b) an itinerant activity carried out, or to be carried out, by a person in more than 1 local government area.

Division 2—Integrated environmental management systems

Application of division

41. This division applies if—

- (a) an application is made to carry out an itinerant activity in more than 1 local government area; or

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- (b) a single application is made for an environmental authority for different activities to be carried out by the applicant or activities to be carried out by the applicant at different places.³

Integrated environmental management system

42.(1) The application must be accompanied by a submission detailing how the applicant proposes to manage the environmental impacts of the carrying out of the activities (the “**integrated environmental management system**”).

(2) The submission must address the following matters about the carrying out of the activities—

- (a) the monitoring of releases of contaminants into the environment and an environmental assessment of the releases;
- (b) staff training and awareness of environmental issues;
- (c) the conduct of environmental and energy audits;
- (d) waste prevention, treatment and disposal.

Standard criteria for environmental authority for activities

43. For the definition “standard criteria”, paragraph (j), in the Act, the submission about the integrated environmental management system is a prescribed matter for the environmental authority for the activities.

Division 3—Fees

Fees—general

44.(1) Fees payable under the Act for or in relation to an environmental authority (other than annual licence fees) are fixed by schedule 6.

(2) However, the application fee for an approval stated in schedule 6, item 1 is not payable for an application to explore for or mine minerals

³ See section 61 of the Act (Single applications and environmental authorities).

under a mining claim or prospecting permit granted under the *Mineral Resources Act 1989*.

(3) Also, subsection (1) has effect subject to section 44A.

Waiver of payment of fees

44A.(1) This section applies if an application for an environmental authority is accompanied by an application, under section 49, for payment of a fee to be waived, wholly or partially.

(2) The annual licence fee component of the application fee is not required to accompany the application.

(3) If the administering authority decides to grant the application for an environmental authority but refuses the application for a fee to be waived or waives the payment partially, the applicant must pay the outstanding amount of the fee before the environmental authority is issued.

Refund of fees

45.(1) If an administering authority refuses an application for a licence, the authority must refund to the applicant the annual licence fee component of the application fee paid by the applicant.

(2) The refund must accompany the administering authority's notice of refusal of the application given to the applicant.

Annual licence fees for non-devolved activities

46. The annual licence fee for a non-devolved activity is set out opposite the activity in schedule 1, column 3.

Annual licence fees for devolved activities

47. The annual licence fee for a devolved activity is—

- (a) if the local government to which the fee is payable has made a local law prescribing annual licence fees for all devolved activities—the prescribed fee; or

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- (b) if paragraph (a) does not apply—the fee set out opposite the activity in schedule 1, column 3.

Annual licence fees for single licences, Act—s 61

48.(1) If an administering authority issues 1 licence for 2 or more environmentally relevant activities, the annual licence fee is the higher or highest of the fees for the activities under the licence.

(2) To remove any doubt, it is declared that subsection (1) applies to devolved and non-devolved activities.

Waiver of application and annual licence fees

49.(1) A person may apply to the administering authority for it to waive, wholly or partially, payment by the person of the licence application fee or annual licence fee for an activity.

(2) The administering authority may waive payment of the fee only if it is satisfied—

- (a) payment of the fee would cause the person financial hardship; or
- (b) the person holds a concurrent authority for the activity; or
- (c) the risk of material or serious environmental harm from the activity is significantly smaller than the risk associated with most other activities of its type; or
- (d) the risk of environmental harm or environmental nuisance from the activity is insignificant.

(3) In deciding whether to waive payment under subsection (2)(b), the administering authority must consider the extent to which, compared to the *Environmental Protection Act 1994*—

- (a) the activity's effects on environmental values were considered in deciding whether to issue the concurrent authority; and
- (b) the activity is controlled under the Act under which the concurrent authority was issued.

(4) In deciding whether to waive payment under subsection (2)(c) or (d),

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the administering authority must consider the following—

- (a) the matters it must consider if it were deciding whether to grant an application for the licence;⁴
- (b) any relevant industry code of practice;
- (c) any relevant cleaner production techniques;
- (d) any relevant waste minimisation practices;
- (e) whether the activity is, or will be, carried out under an environmental management program;
- (f) any contingency plans to manage abnormal or emergency situations that may arise in carrying out the activity.

(5) Also, the administering authority may waive payment of a fee only if it is satisfied the activity is being, or will be, carried out in a way that complies with the licence.

(6) If the administering authority waives payment of an amount of a fee paid by the person, it must repay the amount to the person.

(7) In this section—

“concurrent authority”, for an activity, means an authority (however described) issued under another Act to carry out the activity after a consideration of the activity’s effects on 1 or more environmental values.

Fees for environmental management programs

50.(1) The fee for an administering authority’s consideration of a draft environmental management program is the amount that—

- (a) the authority considers to be reasonable; and
- (b) is not more than the reasonable cost of considering the program to decide whether or not to approve it.

(2) The holder of an approval of an environmental management program must pay to the administering authority a fee for its assessment of the

⁴ See section 44 of the Act (Criteria for deciding application).

holder's annual returns and monitoring compliance with the program.

(3) The fee is the amount that—

- (a) the authority considers to be reasonable; and
- (b) is not more than the reasonable cost of the assessment and monitoring.

Division 4—Registers

Register of licences

51. An administering authority must record the industry code for the activity carried out under each licence in its register of licences.⁵

Register of approvals

52. An administering authority must record the industry code for the activity carried out under each approval in its register of approvals.⁶

Register of environmental reports

53. An administering authority must record the following details in its register of environmental reports for each environmental evaluation conducted or commissioned by it—

- (a) recipient's name;
- (b) type of the evaluation;
- (c) date of issue of the notice requiring the evaluation;
- (d) if it is an evaluation of an activity the recipient has carried out, is carrying out or is proposing to carry out—
 - (i) type of activity; and

⁵ Under sections 45 and 47 of the Act, licences are inserted in the register.

⁶ Under section 45 of the Act, approvals are inserted in the register.

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- (ii) if the activity is an environmentally relevant activity—the environmental authority number for the activity; and
 - (iii) industry code for the activity; and
 - (iv) address or description of the place where the activity has been carried out, is being carried out or is proposed to be carried out;
- (e) if it is an evaluation of an event—its nature and where it happened;
 - (f) name of auditor or investigator;
 - (g) date of submission of the report;
 - (h) authority's decision on the report;
 - (i) action taken by authority after deciding whether or not to accept the report.

Register of monitoring program results

54. An administering authority must record the following details in its register of results of monitoring programs for each program carried out under the Act—

- (a) name of person carrying out the activity to which the program relates;
- (b) type of the activity;
- (c) if the activity is an environmentally relevant activity—the environmental authority number for the activity;
- (d) requirement for the program;
- (e) monitoring requirements of the program;
- (f) name of person carrying out the program;
- (g) the period covered by the program;
- (h) action taken by the authority because of results of the program.

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Register of environmental management programs

55. An administering authority must record the following details in its register of environmental management programs for each program—

- (a) name of person or public authority submitting or required to submit program;
- (b) type of activity the recipient has carried out, is carrying out or is proposing to carry out for which the program is required or submitted;
- (c) if the activity is an environmentally relevant activity—the environmental authority number for the activity;
- (d) industry code for the activity;
- (e) address or description of the place where the activity has been carried out, is being carried out or is proposed to be carried out;
- (f) requirement for the program;
- (g) aim of the program;
- (h) matters to be addressed by the program;
- (i) the period over which the program is to be carried out;
- (j) date of submission of the program;
- (k) compliance or noncompliance with the program.

Register of environmental protection orders

56. An administering authority must record the following details in its register of environmental protection orders for each order issued by it—

- (a) recipient's name;
- (b) type of activity to which the order relates;
- (c) if the activity is an environmentally relevant activity—the environmental authority number for the activity;
- (d) industry code for the activity;
- (e) address or description of the place where the activity has been carried out, is being carried out or is proposed to be carried out;

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- (f) ground for issuing the order;⁷
- (g) compliance or noncompliance with order.

Register of authorised persons

57. An administering authority must record details of any limitations stated in an authorised person's instrument of appointment in its register of authorised persons.

Division 5—General

Approved training courses

58. The chief executive may, by gazette notice, approve a course provided by a stated entity (an “**approved training course**”) for training people to—

- (a) install, commission, service or decommission a controlled article;
or
- (b) engage in an activity involving the handling or use of a controlled substance.

Review of decisions and appeal

59. Chapter 6, part 3 of the Act applies to the following decisions—

- (a) a decision of the chief executive to—
 - (i) refuse an application for a certificate of approval;
 - (ii) impose conditions on a certificate of approval;
 - (iii) cancel a certificate of approval;

⁷ Section 109 of the Act states when an environmental protection order may be issued.

- (b) a decision of the administering authority to refuse to waive the payment of a licence application fee or annual licence fee.⁸

Authorised persons—Act, s 128(1)(c)

59A. Employees of a local government who are appointed as authorised persons by the local government’s chief executive officer are an approved class of persons for section 128 of the Act.

Expiry of regulation

60. This regulation expires on 1 March 1998.

PART 5—TRANSITIONAL PROVISIONS

Division 1—Transitional provisions about activities

Definition for div

61. In this division—

“amending regulation” means the *Environmental Protection (Interim) Amendment Regulation (No. 4) 1996*.

Transitional provision for activities under mining authorities—Act, s 239

62.(1) If, under an existing or new mining authority, the holder of the authority is authorised to explore for or mine minerals or petroleum, the authority is taken to be an approval to carry out the activity.⁹

⁸ Chapter 6, part 3 of the Act deals with review of, and appeals against, decisions.

⁹ Exploring for or mining minerals is a level 2 environmentally relevant activity under schedule 1, item 9.

(2) Subsection (1) is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

(3) This section expires on the second applicable day.¹⁰

Transitional provisions about sch 1, item 1(a)

63.(1) A licence issued to a person before 1 July 1996 to carry out the activity in schedule 1, item 1(a) is taken to be an approval to carry out the activity effective from 1 July 1996 or, if a later day is stated in the notice under section 45 of the Act as the day the licence takes effect, the later day.

(2) The approval is effective for the period the person continues to carry out the activity under it.

Transitional provisions about sch 1, items 1(d) and (e)

64. A licence held by a person immediately before the commencement of this section to carry out the activity in schedule 1, item 1(d) is taken to be a licence to carry out the activity in schedule 1, item 1(e).

Transitional provision about sch 1, item 3

65.(1) This section applies to a person who—

- (a) at 30 June 1996 was carrying out the activity of farming pigs; and
- (b) on 1 July 1996 the activity becomes an environmentally relevant activity under schedule 1, item 3(a).

(2) The person is taken to have an approval to carry out the activity.

Transitional provisions about sch 1, item 22

65A. A licence held by a person immediately before the commencement of this section, to carry out the activity in schedule 1, item 22 is taken to be a licence to carry out the activity in schedule 1, item 22(c).

¹⁰ Section 224 of the Act defines “second applicable day”.

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Transitional provisions about sch 1, items 24 and 27(a)

65B.(1) A licence held by a person immediately before the commencement of this section, to carry out the activity in schedule 1, item 24 or 27(a) is taken to be a licence to carry out the activity in schedule 1, item 24(b).

(2) A licence held by a person immediately before the commencement, to carry out the activity in schedule 1, item 27(b) is taken to be a licence to carry out the activity in schedule 1, item 24(d).

Transitional provisions about sch 1, item 29

65C. A licence held by a person immediately before the commencement of this section, to carry out the activity in schedule 1, item 29(a) is taken to be a licence to carry out the activity in schedule 1, item 29(a)(iii).

Transitional provisions about sch 1, item 40

65D.(1) A licence held by a person immediately before the commencement of this section, to carry out the activity in schedule 1, item 40(a) is taken to be a licence to carry out the activity in schedule 1, item 40(a)(ii).

(2) A licence held by a person immediately before the commencement, to carry out the activity in schedule 1, item 40(b) is taken to be a licence to carry out the activity in schedule 1, item 40(a)(vi).

(3) A licence held by a person immediately before the commencement, to carry out the activity in schedule 1, item 40(c) is taken to be a licence to carry out the activity in schedule 1, item 40(a)(vii).

Transitional provisions about sch 1, item 55

65E. A licence held by a person immediately before the commencement of this section, to carry out the activity in schedule 1, item 55 is taken to be a licence to carry out the activity in schedule 1, item 55(b).

Transitional provisions about changes in environmentally relevant activities—general

65F.(1) This section applies if, because of the amending regulation, the activity a person is carrying out is no longer the environmentally relevant activity for which the person's environmental authority was issued.

(2) As soon as practicable after the commencement of this section, the administering authority must give written notice to the person—

- (a) stating that, under the amending regulation—
 - (i) the activity the person is carrying out is no longer the environmentally relevant activity for which the person's environmental authority was issued; and
 - (ii) the authority held by the person to carry out the activity is taken to be an environmental authority for the environmentally relevant activity stated in the notice; and
- (b) explaining the procedures for amending the person's environmental authority, and any applicable refund of fees, because of the amending regulation.

(3) If, because of the amending regulation, an annual licence fee paid by the person is no longer required or is reduced, the administering authority must refund to the person the amount that is reasonable in the circumstances.

(4) In deciding the amount of the refund, the administering authority must have regard to—

- (a) the amount of the fee paid; and
- (b) the amount of the fee (if any) payable after the commencement of the amending regulation; and
- (c) the period elapsed since—
 - (i) the issue of the environmental authority; or
 - (ii) the last anniversary day for the authority under section 68 of the Act; and
- (d) the period before—
 - (i) the environmental authority ends; or

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- (ii) the next anniversary day for the authority under section 68 of the Act.

(5) A decision about the amount of the refund is a decision to which chapter 6, part 3 of the Act applies.

Division 2—Transitional assessment criteria for air

Definitions

66. In this division—

“air pollution dispersion model” means a model that—

- (a) is developed under the computer program ‘AUSPLUME’ or a similar program approved by the chief executive; and
- (b) mathematically models the impact of releases of contaminants into the environment.

“approved laboratory method” for calculating odour units means method number 6 under ‘Determination of odour concentrations by dynamic olfactometry’ published by the department.¹¹

“design standard” means any of the following standards used to assess predicted air quality using an air pollution dispersion model—

- (a) a national air quality standard;
- (b) a standard calculated by dividing the relevant exposure standard by 30;
- (c) a design standard for odour that is not exceeded for more than 0.5% of hours in any year outside the boundary of the area where the activity concerned is or is to be carried out.

“design standard for odour” means—

- (a) for a release of a contaminant into the environment from a chimney of a height calculated using an air pollution dispersion

¹¹ The publication is available for purchase or inspection at the department’s head office and regional offices.

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model—0.5 odour units expressed as a 3 minute average odour level; or

- (b) for another release of a contaminant into the environment—2.5 odour units expressed as a 3 minute average odour level.

“exposure standard” means the time weighted average standard stated in Exposure Standards for Atmospheric Contaminants in the Occupational Environment adopted by the National Occupational Health and Safety Commission, October 1991.

“national air quality standard” means—

- (a) for fluoride—a goal stated in ‘National Goals for Fluoride in Ambient Air and Forage, March 1990’ published by ANZECC;¹² or
- (b) for carbon monoxide, lead, nitrogen dioxide, ozone or photochemical oxidants, sulphur dioxide or particles—a goal adopted in session by NHMRC.

“NHMRC” means the National Health and Medical Research Council.

“odour units” means odour units calculated under the approved laboratory method.

Standard criteria for air

67. For the definition “standard criteria”, paragraph (j), in the Act, the following matters are prescribed matters for an environmental authority for an environmentally relevant activity involving the release of a contaminant into air—

- (a) ‘National guidelines for the control of emissions of air pollutants from new stationary sources’, adopted by ANZECC and NHMRC, 1985;¹³

¹² The document may be inspected at the department’s head office.

¹³ The guidelines were published by the Australian Government Publishing Service and are available for inspection at the department’s head office.

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- (b) a national air quality standard;
- (c) a design standard.

Division 3—Transitional assessment criteria for water

Standard criteria for water

69.(1) For the definition “standard criteria”, paragraph (j) in the Act, the Australian Water Quality Guidelines for Fresh and Marine Waters published by ANZECC is a prescribed matter for an environmental authority for an environmentally relevant activity involving the release of a contaminant into waters.

(2) For subsection (1), the collection, storage, preservation and analysis of samples for measuring a parameter under the guidelines must be carried out under the Water Quality Sampling Manual, 2nd edition, February 1995.¹⁴

Division 5—General

Prohibition of use of certain leaded fuel oil

75.(1) A person must not use a combustible material that is or contains fuel oil having a lead content exceeding 0.02% by weight without the approval of the chief executive.

(2) An applicant for an approval must give the chief executive enough information to decide the application, including, for example, an assessment of the environmental impact of the proposed use of the combustible material.

(3) The chief executive may impose conditions on an approval.

¹⁴ The manual is available for purchase or inspection at the department’s head office and regional offices.

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(4) Chapter 6, part 3 of the Act applies to a decision of the chief executive to refuse an application or to impose conditions on an approval.¹⁵

¹⁵ Chapter 6, part 3 of the Act deals with review of, and appeals against, decisions.

SCHEDULE 1

LEVELS 1 AND 2 ENVIRONMENTALLY RELEVANT ACTIVITIES AND LICENCE FEES

sections 4, 46 and 47

Environmentally relevant activity	Level	Annual licence fee \$
Agricultural activities		
1. Aquaculture—propagating or rearing marine, estuarine or freshwater organisms (other than molluscs) in ponds or enclosures in waters—		
(a) if the total area of the ponds or enclosures is 5 ha or more and no wastes are released to waters	2	—
(b) if the total area of the ponds or enclosures is less than 5 ha and wastes are released to waters	1	500.00
(c) if the total area of the ponds or enclosures is 5 ha or more but less than 10 ha and wastes are released to waters	1	1 000.00
(d) if the total area of the ponds or enclosures is 10 ha or more but less than 20 ha and wastes are released to waters	1	2 000.00
(e) if the total area of the ponds or enclosures is 20 ha or more and wastes are released to waters	1	3 300.00
2. Cattle feedlot—holding cattle in cattle feedlots having a capacity of 50 head or more	1	500.00
3. Piggery—farming pigs in a confined area or roofed structures of—		

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SCHEDULE 1 (continued)

(a) less than 500 sows	2	—
(b) 500 sows or more	1	500.00

4. Poultry farming—farming poultry, including egg and fertile egg production, the rearing of hatchlings, starter pullets, layers and poultry for meat in facilities having a total holding capacity of—

(a) more than 1 000 birds but less than 200 000 birds	2*	—
(b) 200 000 birds or more	1*	400.00

Chemical, coal and petroleum products activities

5. Alcohol distillation—commercially distilling alcohol in works having a design production capacity of more than 2 500 l per year	1	5 540.00
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6. Chemical manufacturing, processing or mixing—manufacturing or processing an inorganic chemical, organic chemical or chemical product, or mixing inorganic chemicals, organic chemicals or chemical products, in a plant or works having a design production capacity of—

(a) 200 t or more but less than 20 000 t per year	1	4 420.00
(b) 20 000 t or more but less than 100 000 t per year	1	5 200.00
(c) 100 000 or more tonnes per year	1	5 820.00

7. Chemical storage—storing chemicals (other than petroleum products), including crude oil, ozone depleting substances, gases or dangerous goods under the Australian Code for the Transport of Dangerous Goods by Road and Rail in containers having a design storage volume of—

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SCHEDULE 1 (continued)

(a) more than 10 m ³ but less than 1 000 m ³ . . .	2	—
(b) 1 000 m ³ or more	1	1 740.00
8. Coke production—producing, quenching, cutting, crushing or grading coke	1	4 260.00
9. Gas production—commercially producing gas by any method, including the reforming of hydrocarbon gas	1	4 420.00
10. Paint manufacture—manufacturing paint in works having a design capacity of more than 10 000 l per year	1	2 520.00
11. Petroleum product storage—storing petroleum products in tanks or containers having a combined total storage capacity of—		
(a) 10 000 l or more but less than 500 000 l . . .	2*	—
(b) 500 000 l or more	1	1740.00
12. Petroleum refining or processing—refining or processing of crude oil, shale oil or gas in works having a design production capacity of 500 000 l per year or more	1	20 540.00
Community infrastructure and services		
13. Crematorium—cremating human, pet or animal remains at—		
(a) a State owned facility	1	1 500.00
(b) another facility	1*	400.00
14. Sewage treatment—operating—		
(a) a standard sewage treatment works having a peak design capacity of not more than 100 equivalent persons	1	500.00
(b) a standard sewage treatment works having a		

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SCHEDULE 1 (continued)

peak design capacity of 100 equivalent persons or more but less than 1 500 equivalent persons	1	1 500.00
(c) a standard sewage treatment works having a peak design capacity of 1 500 equivalent persons or more but less than 4 000 equivalent persons	1	1 980.00
(d) a standard sewage treatment works having a peak design capacity of 4 000 equivalent persons or more but less than 10 000 equivalent persons	1	3 960.00
(e) a standard sewage treatment works having a peak design capacity of 10 000 equivalent persons or more but less than 50 000 equivalent persons	1	7 920.00
(f) a standard sewage treatment works having a peak design capacity of 50 000 persons or more per day but less than 100 000 equivalent persons	1	10 140.00
(g) a standard sewage treatment works having a peak design capacity of 100 000 equivalent persons or more	1	15 210.00
(h) a special sewage treatment works	1	500.00

Electricity, fuel burning and water supply activities

15. Municipal water treatment plant—treating water for domestic use (other than treatment that only involves disinfection) 1 1 580.00

16. Fuel burning—any process involving the use of fuel burning equipment (including, for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel per hour 1 3 000.00

SCHEDULE 1 (continued)

17. Power station—generating power by consuming fuel at a rated capacity of 10 MW electrical or more—

(a) if the fuel used is natural gas	1	4 420.00
(b) for any other fuel	1	14 940.00

Extractive activities and mining

18. Dredging material—dredging material from the bed of any waters (other than dredging by a port authority of material for which a royalty or similar charge is not payable) using plant or equipment having a design capacity of—

(a) not more than 5 000 t per year	1	700.00
(b) 5 000 t or more, but less than 100 000 t, per year	1	3 960.00
(c) 100 000 t or more per year	1	4 880.00

19. Extraction of rock or other material—extracting rock (other than rock mined in block or slab form for building purposes), sand (other than foundry sand), clay (other than clay used for its ceramic properties, kaolin or bentonite), gravel, loam or other material (other than under a mining authority) from pits or quarries using plant or equipment having a design capacity of—

(a) not more than 5 000 t per year	2*	—
(b) 5 000 t or more, but less than 100 000 t, per year	1	3 960.00
(c) 100 000 t or more per year	1	4 880.00

20. Mineral exploration or mining—exploring for or mining minerals under a mining authority . . .

2 —

21. Screening etc. materials—screening, washing, crushing, grinding, milling, sizing or separating

SCHEDULE 1 (continued)

material extracted from the earth (other than under a mining authority) or by dredging using plant or equipment having a design capacity of—

(a) more than 50 t but less than 5 000 t per year	2*	—
(b) 5 000 t or more, but less than 100 000 t, per year	1	3 960.00
(c) 100 000 t or more per year	1	4 880.00

Fabricated metal product activities

22. Abrasive blasting—commercially cleaning equipment or structures using a stream of abrasives—

(a) if the activity is carried out at a permanent location	1*	400.00
(b) if the activity is an itinerant activity	1*	650.00
(c) if the activity is carried out at a permanent location and includes an itinerant activity . . .	1*	650.00

23. Boiler making or engineering—commercial boiler making, electrical machine manufacturing or construction or assembly of vehicles, agricultural equipment or heavy machinery

	1*	500.00
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24. Metal surface coating—commercial spray painting (other than spray painting motor vehicles), powder coating, enamelling, electroplating, anodising or galvanising in works having an annual throughput of metal products of—

(a) less than 2 000 t	1*	450.00
(b) 2 000 t or more but less than 10 000 t	1*	600.00
(c) 10 000 t or more but less than 30 000 t	1*	1 200.00
(d) 30 000 t or more	1	2 800.00

25. Metal forming—pressing, forging, extending,

SCHEDULE 1 (continued)

extruding or rolling metal, forming metal into plate, wire or rods or fabricating sheet metal	1*	400.00
26. Metal recovery—commercially operating a scrap metal yard or dismantling automotive or mechanical equipment, including debonding brake or clutch components	1*	500.00
28. Motor vehicle workshop—commercially servicing, repairing or maintaining motor vehicles or motor vehicle equipment, including engine tuning, engine reconditioning, radiator repairs, spray painting and panel beating	1*	500.00
Food processing		
29. Beverage production—commercially producing—		
(a) any non-alcoholic beverage in works having a production output of—		
(i) 200 000 l or more, but less than 2 000 000 l, per year	1	715.00
(ii) 2 000 000 l or more, but less than 14 500 000 l, per year	1	1 430.00
(iii) 14 500 000 l or more per year	1	2 860.00
(b) any beer or other alcoholic beverage in works having a design production capacity of more than 400 000 l per year	1	4 740.00
30. Edible oil processing—commercial vegetable oil or oilseed processing in works having a design production capacity of 1 000 t or more per year .	1	3 740.00
31. Flour milling—commercial processing of grain crops by crushing, grinding, milling, separating or sizing in works having a design production capacity of 1 000 t or more per year .	1	750.00

SCHEDULE 1 (continued)

<p>32. Meat processing—slaughtering animals for commercially producing meat or meat products for human consumption, or processing or packaging of meat or meat products for human consumption, in works (other than a retail butcher shop) having a design production capacity of 1 000 t or more per year—</p> <p>(a) if an integral part of the activity involves the operation of a rendering plant with a design production capacity of more than 10 t per year</p> <p>(b) if paragraph (a) does not apply</p>	<p>1</p> <p>1</p>	<p>6 020.00</p> <p>5 220.00</p>
<p>33. Milk processing—separating, evaporating or processing milk (other than on a farm) or manufacturing evaporated or condensed milk, cheese, butter, ice cream or other dairy product in works having a design production capacity of 200 t or more per year</p>	<p>1</p>	<p>4 100.00</p>
<p>34. Seafood processing—commercially processing seafood, including removing the scales, gills, intestines or shells, filleting, chilling, freezing or packaging seafood in works having a design production capacity of more than 100 t per year</p>	<p>1</p>	<p>2 840.00</p>
<p>35. Smoking, drying or curing works—smoking, drying or curing meat, fish or other edible products by applying heat, smoke or other dehydration method in works (other than a retail butcher shop or chicken outlet) having a design production capacity of 200 t or more per year . . .</p>	<p>1</p>	<p>3 500.00</p>
<p>36. Sugar milling or refining—crushing sugar</p>		

SCHEDULE 1 (continued)

cane or manufacturing sugar or sugar cane products from sugar cane (other than on a farm) .	1	10 160.00
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37. Bottling or canning—bottling or canning food (other than a type of activity mentioned in items 29 to 36) in works having a design production capacity of 200 t or more per year	1	4 440.00
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Land development and construction activities

38. <i>Land development—clearing (other than for agricultural purposes) or reclaiming land having an area of more than 20 000 m²</i>	2*	—
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39. *Construction of premises or engineering structures—constructing or demolishing—*

(a) <i>residential premises (other than a class 1 or 2 building, containing not more than 2 dwelling units, or a class 10 building, under the Standard Building Law) or commercial or industrial premises</i>	2*	—
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(b) <i>bridges, roads or other engineering structures (other than roads, bridges or other engineering structures on rural properties used for primary production or road maintenance or repairs)</i>	2*	—
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Metal products activities

40. Metal foundry—commercially producing metal castings and associated activities—

(a) using ferrous metals in works having an average annual metal tonnage output of—		
(i) less than 20 t	2	—
(ii) 20 t or more but less than 100 t	1	300.00

²⁰ The italicised provisions of this schedule had not commenced on or before the reprint date.

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SCHEDULE 1 (continued)

(iii) 100 t or more but less than 300 t	1	500.00
(iv) 300 t or more but less than 1 000 t	1	1 350.00
(v) 1 000 t or more but less than 5 000 t	1	2 600.00
(vi) 5 000 t or more but less than 10 000 t	1	3 600.00
(vii) 10 000 t or more	1	5 400.00
(b) using non-ferrous metals in works having an average annual metal tonnage output of—		
(i) less than 20 t	2	—
(ii) 20 t or more but less than 100 t	1	300.00
(iii) 100 t or more but less than 200 t	1	500.00
(iv) 200 t or more but less than 1 000 t	1	1 200.00
(v) 1 000 t or more but less than 5 000 t	1	1 800.00
(vi) 5 000 t or more	1	2 400.00
 41. Metal works—commercially smelting or processing ores or ore concentrates to produce metal in works having a design production capacity of—		
(a) more than 10 t but less than 100 t per year	1	9 860.00
(b) 100 t or more per year but less than 10 000 t per year	1	12 380.00
(c) 10 000 t or more per year	1	16 340.00
 42. Mineral processing—commercially processing, classification, mixing or concentration of mineral ores to produce mineral concentrates in works having a design production capacity of—		
(a) more than 1 000 t but less than 100 000 t per year	1	3 140.00
(b) more than 100 000 t per year	1	16 340.00
 Miscellaneous activities		
43. Animal housing—commercially operating a boarding kennel or dog pound	1*	550.00

SCHEDULE 1 (continued)

44. Battery manufacture—manufacturing batteries of any kind	1	1 880.00
45. Crushing, milling or grinding—processing products (other than agricultural products and materials mentioned in item 21), including, for example, uncured rubber and chemicals, by crushing, grinding, milling or separating into different sizes in works having a design production capacity of 5 000 t or more per year	1	400.00
46. Pet, stock or aquaculture food manufacture—commercially manufacturing or processing pet, stock or aquaculture food (other than an abattoir, slaughter house, rendering works or animal glue or gelatine works)	1*	500.00
47. Plaster manufacture—manufacturing or processing plaster in works having a design production capacity of 200 t or more per year	1	3 000.00
48. Pulp or paper manufacture—manufacturing pulp or paper in works having a design production capacity of more than 100 t per year	1	6 180.00
49. Rendering operation—commercially processing or extracting substances, including, for example, fat, tallow, derivatives of fat or tallow or proteinaceous matter, from animal wastes or by-products (other than an operation using wastes solely derived from an activity mentioned in item 32(a) or 46) in works having a design production capacity of more than 10 tonnes per year	1	6 020.00
50. Plastic manufacture—commercially		

SCHEDULE 1 (continued)

manufacturing plastic, blown plastic foam or fibre reinforced plastic products in works having a design production capacity of more than 1 tonne per year	1*	450.00
51. Printing—commercially printing documents (other than photocopying), including stationery, magazines, newspapers and advertising material .	1*	300.00
52. Tannery—commercially operating a tannery or works for curing animal skins or hides, or commercially finishing leather	1	4 740.00
53. Textile operations—commercial carpet manufacturing, wool scouring or carbonising, cotton milling, or textile bleaching, dyeing or finishing	1	4 740.00
54. Tobacco processing—processing tobacco (other than drying tobacco on a tobacco farm) or manufacturing products from tobacco or a tobacco derivative	1	3 340.00
55. Tyre manufacturing or retreading—		
(a) tyre manufacturing	1	1 800.00
(b) tyre retreading	1	500.00
Non-metallic mineral product manufacture		
56. Asbestos products manufacture—manufacturing an asbestos product	1	800.00
57. Asphalt manufacture—manufacturing asphalt	1*	600.00
58. Cement manufacture—manufacturing cement	1	7 620.00
59. Clay or ceramic products manufacture—		

SCHEDULE 1 (continued)

manufacturing clay or ceramic products, including bricks, tiles, pipes, pottery goods and refractories, in works having a design production capacity of more than 200 t per year	1	4 740.00
60. Concrete batching—commercially producing concrete or producing concrete products by mixing cement, sand, rock, aggregate or other similar materials in works (including mobile works) having a design production capacity of more than 100 t per year	1*	650.00
61. Glass or glass fibre manufacture—manufacturing glass or glass fibre in works having a design capacity of more than 200 t per year	1	4 740.00
62. Mineral wool or ceramic fibre manufacture—manufacturing mineral wool or ceramic fibre ...	1	2 680.00
Recreational and sporting activities		
63. Motor racing—		
(a) conducting a motor race other than an international motor race	2*	—
(b) conducting an international motor race	2	—
Sawmilling, woodchipping and wood product manufacturing		
64. Chemical treatment of timber—commercially treating timber for preservation using chemicals, including, for example, copper, chromium, arsenic, borax and creosote	1	2 860.00
65. Sawmilling or woodchipping—sawing, cutting, chipping, compressing, milling or machining timber, or drying timber in a kiln, in a		

SCHEDULE 1 (continued)

mill or works having a design production capacity of more than 100 t per year	1	800.00
66. Wood product manufacturing—commercially manufacturing or fabricating wood products (other than as mentioned in items 64 and 65), including cabinet-making activities in works having a design production capacity of more than 1 t per year	1*	550.00
Transport and maritime services		
67. Boat building or repair facility—operating a commercial facility for boat building or repairs . .	1*	650.00
68. Helicopter landing facility—operating a facility for arrival and departure of helicopters (other than a facility forming part of an aerodrome used for general aviation)	2*	—
69. Port—operating a port (other than an airport) under the <i>Transport Infrastructure Act 1994</i> . . .	2	—
70. Railway yard or depot—operating any facility where trade waste is released into a sewer or waters, including, for example, the following— (a) rolling stock washing facility; (b) rolling stock depot; (c) rolling stock maintenance depot; (d) marshalling yard	1	5 040.00
71. Seaplane mooring or marina—operating a facility for mooring seaplanes or a commercial marina, including any land-based buildings or works used in association with the mooring or marina	1*	550.00

SCHEDULE 1 (continued)

72. Stockpiling, loading or unloading goods in bulk—commercially loading, unloading or stockpiling materials or goods using a crane, conveyor, pump or other similar way at a rate of more than 100 t per day associated with an activity mentioned in items 69 or 70 1 3 000.00

Waste disposal

73. Compost manufacture—commercially storing, processing, drying or composting organic material or wastes, including, for example, animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers in works having a design production capacity of 200 t or more per year 1 400.00

74. General waste disposal facility—operating a facility for disposing of general waste designed to receive waste at the rate of—

(a) more than 1 t but not more than 2 000 t per year 1 500.00

(b) 2 000 t or more, but less than 5 000 t, per year 1 750.00

(c) 5 000 t or more, but less than 10 000 t, per year 1 1 000.00

(d) 10 000 t or more, but less than 20 000 t, per year 1 1 500.00

(e) 20 000 t or more, but less than 50 000 t, per year 1 2 000.00

(f) 50 000 t or more, but less than 75 000 t, per year 1 2 500.00

(g) 75 000 t or more, but less than 100 000 t, per year 1 5 000.00

(h) 100 000 t or more, but less than 200 000 t, per year 1 7 500.00

SCHEDULE 1 (continued)

(i) 200 000 t or more per year	1	10 000.00
75. Incineration facility—operating a facility for incinerating—		
(a) vegetation in a pitburner	2*	—
(b) clean paper or cardboard	2*	—
(c) general waste (other than waste mentioned in paragraphs (a) and (b)) designed to incinerate waste at the rate of—		
(i) not more than 5 000 tonnes per year . . .	1	2 280.00
(ii) 5 000 tonnes or more per year	1	5 000.00
(d) biomedical or quarantine waste	1	4 750.00
(e) regulated waste (other than waste mentioned in paragraph (d))	1	6 000.00
76. Regulated waste disposal facility—operating a facility for disposing of regulated waste	1	5 220.00
Waste recycling and reprocessing		
77. Battery reprocessing—reprocessing of any kind of batteries	1	1 880.00
78. Chemical or oil recycling—commercially reprocessing used chemicals, oils or solvents to produce saleable products	1	3 820.00
79. Drum reconditioning—commercially reconditioning metal or plastic drums	1	2 860.00
80. Waste tyres—commercially reprocessing tyres (other than retreading tyres)	1	1 670.00
81. Regulated waste recycling or reprocessing—recycling or reprocessing regulated waste (other than waste mentioned in items 77 to 80) to produce saleable products	1	2 280.00

SCHEDULE 1 (continued)

Waste transport

82. Waste transfer station—operating a waste transfer station designed to receive waste at the rate of 20 000 t or more of waste per year 1 900.00

83. Waste transport—transporting regulated waste for fee or reward or in quantities of more than 250 kg in a load—

(a) for 1 to 5 licensed vehicles	1	900.00
(b) for 6 to 15 licensed vehicles	1	1 800.00
(c) for 16 to 30 licensed vehicles	1	2 500.00
(d) for 31 or more licensed vehicles	1	4 000.00

Regulated waste treatment and storage

84. Regulated waste storage—receiving and storing—

(a) more than 500 tyres in whole or equivalent parts	1	1 400.00
(b) other regulated waste	1	2 000.00

85. Regulated waste treatment—receiving and treating regulated waste (other than by incineration) to render it less or non-hazardous 1 4 750.00

* Indicates administration and enforcement of the Act for the activity is devolved to local government—see s 40 (Devolution of powers).

SCHEDULE 2

CONDITIONS APPLYING TO PARTICULAR ACTIVITIES INVOLVING CONTROLLED SUBSTANCES

sections 12, 14 and 17

Sale of controlled substances

1.(1) A seller of controlled substances must—

- (a) ensure that a person employed or engaged by the seller to transfer the substance between vessels—
 - (i) is trained in the procedures contained in the relevant code of practice for the handling and storage of the substance; and
 - (ii) transfers the substance as required by the relevant code of practice in a way that prevents or minimises release of the substance into the environment; and
- (b) if asked by a buyer of controlled substances, provide a suitable container clearly labelled with—
 - (i) the word ‘reclaimed’; and
 - (ii) the designation number of the substance and its colour code as specified in Australian Standard AS 1942–1987, ‘Refrigerant Gas Cylinder Identification’ or, if no designation number is specified in Australian Standard AS 1942–1987, the common name mentioned in schedule 1; and
 - (iii) the name and address of the seller; and
 - (iv) a statement that the container must be used only for the storage and return of the substance specified; and
- (c) not sell a controlled substance in a container that cannot be recharged or refilled.

SCHEDULE 2 (continued)

(2) A seller of controlled substances must accept a controlled substance returned to the seller in a suitable container, if the contents comply with details specified on the label of the container.

(3) Subsections (1)(b) and (2) do not apply if the controlled substance is a halon.

Buying controlled substances

2. A buyer of controlled substances must not return to a seller a container marked as required by section 1(1)(b) if it contains a substance other than the substance specified on the container, unless the container is clearly marked to show—

- (a) it contains a mixture of substances; or
- (b) the contents are contaminated, or suspected of being contaminated, with a substance other than refrigerant oil, moisture, acid or non-condensable gases.

Handling or use of controlled substances

3. A person engaging in an activity mentioned in schedule 3 must—

- (a) reclaim into an appropriate container only the controlled substance specified on the container's label; and
- (b) use a container that—
 - (i) complies with the labelling requirements of section 1(1)(b); and
 - (ii) is suitable to store the reclaimed controlled substance; and
- (c) ensure that a label complying with the requirements of section 8 of this regulation is attached, when the controlled article is installed, commissioned or serviced.

SCHEDULE 2 (continued)

Reclaiming of controlled substances

4. A person reclaiming a controlled substance or accepting the return of a controlled substance must—

- (a) return the substance to a person who sells controlled substances;
or
- (b) re-use, re-process, recycle or securely store the substance; or
- (c) resell the substance; or
- (d) if the person is a seller of controlled substances—destroy the substance in the way directed by the chief executive.

SCHEDULE 3

ACTIVITIES INVOLVING HANDLING OR USE OF CONTROLLED SUBSTANCES

sections 13, 14 and 29, schedule 2

1. Manufacturing, installing, operating, servicing, maintaining or decommissioning dry cleaning equipment.
2. Manufacturing, installing, servicing, maintaining or decommissioning motor vehicle airconditioning equipment.
3. Manufacturing, installing, servicing, maintaining or decommissioning commercial or industrial refrigeration or airconditioning equipment.
4. Manufacturing, servicing or maintaining domestic refrigerators.
5. Manufacturing, installing, servicing, maintaining or decommissioning halon fire extinguishing devices.

SCHEDULE 4

ESSENTIAL USE CRITERIA FOR INSTALLATION, BUYING OR REFILLING OF HALON FIRE EXTINGUISHING DEVICES

sections 26 and 31

1. There is no acceptable alternative type of fire protection.
2. The availability of the device is essential—
 - (a) to protect persons in a situation where human occupancy is essential and timely evacuation is not possible; or
 - (b) to continue the operation of equipment necessary to protect human life; or
 - (c) to protect a facility essential to the community from the substantial loss of property or function that could be caused by a fire in the facility.

SCHEDULE 5**CODES OF PRACTICE ADOPTED UNDER THE
REGULATION**

section 39

1. Australian Refrigeration and Air Conditioning Code of Practice for the Reduction of Emissions of Controlled Ozone Depleting Refrigerants in Commercial and Industrial Refrigeration and Air Conditioning Applications (HB40—1992), prepared by the Association of Fluorocarbon Consumers and Manufacturers (AFCAM) and endorsed by ANZECC.
2. Domestic Refrigeration Code of Good Practice for the Reduction of Emissions of Chlorofluorocarbons (CFC's) R12 in Domestic Refrigeration Applications, prepared by AFCAM and endorsed by ANZECC on 4 May 1990.
3. Code of Practice for the Minimisation of Chlorofluorocarbon (CFC) Emissions from Dry Cleaning Plants using CFC113 Solvent, prepared by the Dry Cleaning Institute of Australia Ltd, dated December 1989 and first printed in May 1990.
4. Code of Practice for the Control of Chlorofluorocarbons from Motor Vehicle Air Conditioners, prepared by the Motor Trades Association of Australia and endorsed by ANZECC on 7 January 1991.
5. Code of Practice for the Minimisation of Chlorofluorocarbon (CFC) Emissions from Degreasing/Cleaning Plants using CFC113 Solvents, prepared by AFCAM and endorsed by ANZECC on 4 May 1990.
6. Code of Practice, Methyl Chloroform (1, 1, 1-Trichloroethane), prepared by AFCAM and endorsed by ANZECC on 20 May 1992.
7. Code of Practice for Manufacture and Use of Ethylene Oxide/CFC-12 Mixtures for Sterilisation Processes, prepared by AFCAM on 15 October 1993.

SCHEDULE 5 (continued)

8. Halon and Fire Protection Codes of Practice prepared by the Fire Protection Industry Association of Australia and endorsed by ANZECC on 25 October 1990 and issued on 1 November 1990.

SCHEDULE 6

FEES—GENERAL

section 44

- | | | |
|----|---|--|
| 1. | Application for approval (s 41 of the Act)— | |
| | (a) for a devolved activity— | |
| | if made before 1 July 1996 | NIL |
| | if made on or after 1 July 1996 | \$200.00 |
| | (b) for a non-devolved activity | \$200.00 |
| 2. | Application for licence (other than a replacement licence) (s 41 of the Act)— | |
| | (a) for a devolved activity— | |
| | if made before 1 July 1996 | NIL |
| | if made on or after 1 July 1996 | \$200.00 plus
an amount
equal to the
annual licence
fee for the
activity |
| | (b) for a non-devolved activity | \$200.00 plus
an amount
equal to the
annual licence
fee for the
activity |
| 3. | Application for single environmental authority to carry out multiple activities (ss 41 and 61 of the Act) | \$200.00 plus
an amount
equal to the
higher or
highest annual
licence fee for
the activities |

*Environmental Protection (Interim) Regulation
1995*

SCHEDULE 6 (continued)

4.	Application for amendment of licence (s 49 of the Act)	\$150.00
5.	Application for transfer of licence (s 55 of the Act)	\$50.00
6.	Late payment fee (s 68(3)(b)(i) of the Act) . .	\$50.00

SCHEDULE 8

REGULATED WASTES

schedule 10, definition “regulated waste”

PART A

Abattoir effluent

Acids and acid solutions

Adhesives (other than solid inert polymeric materials)

Alkalis and alkaline solutions

Antimony

Arsenic

Asbestos (all chemical forms)

Azides

Barium

Batteries

Beryllium

Biocides

Boiler blowdown sludge

Boron

Cadmium

Caustic solutions

Chlorates

Chromium

Contaminated soils

SCHEDULE 8 (continued)

Copper compounds
Cytotoxic wastes
Detergents
Distillation residues
Dyes
Electroplating effluent and residues
Filter backwash waters
Filter cake sludges and residues
Fish processing waste
Food processing waste
Grease interceptor trap effluent and residues
Halogen compounds (other than solid inert polymeric materials)
Heat treatment salts
Heterocyclic organic compounds containing oxygen, nitrogen or sulphur
Hydrocarbons (oxygen, nitrogen or sulphur)
Industrial plant wash down waters
Inks
Inorganic cyanides and cyanide complexes
Inorganic sulphur compounds
Isocyanate compounds (other than solid inert polymeric materials)
Laboratory chemicals
Lead
Lime neutralised sludges
Lime sludges
Mercaptans
Mercury and anything containing mercury

SCHEDULE 8 (continued)

Metal finishing effluent and residues
Methacrylate compounds (other than solid inert polymeric materials)
Nickel
Oil interceptor sludges
Oil water emulsions and mixtures
Oils
Organic solvents
Oxidising agents
Ozone depleting substances
Paint sludges and residues
Perchlorates
Pesticides
Petroleum tank sludges
Pharmaceutical substances
Phenolic compounds (other than solid inert polymeric materials)
Phosphorus
Pickling liquors
Polychlorinated biphenyls and related substances and anything containing
polychlorinated biphenyls or related substances
Polymeric lattices
Poultry processing wastes
Reactive chemicals
Reducing agents
Resins (other than solid inert polymeric materials)
Saline effluent and residues
Selenium

SCHEDULE 8 (continued)

Silver compounds

Solvent recovery residues

Surfactants

Tallow

Tannery effluent and residues

Tars and tarry residues

Tellurium

Textile effluent and residues

Thallium

Timber preservative effluent and residues

Treatment tank sludges and residues (other than sewage and septic tank sludges and residues)

Tyres

Vanadium

Vegetable oils

Vehicle wash down waters

Wool scouring effluent and residues

Zinc compounds

SCHEDULE 8 (continued)

PART B

Bacterial sludge (septic tank and sewage)

Fly ash

Infectious substances

Materials or equipment contaminated with infectious substances

Nightsoil

SCHEDULE 9

OZONE DEPLETING SUBSTANCES

schedule 10, definition “ozone depleting substance”

Substance	Common name	Chemical formula
CHLOROFLUOROCARBONS		
Trichlorofluoromethane	CFC 11	CCl ₃ F
Dichlorodifluoromethane	CFC 12	CCl ₂ F ₂
Monochlorotrifluoromethane	CFC 13	CClF ₃
Pentachlorofluoroethane	CFC 111	C ₂ Cl ₅ F
Tetrachlorodifluoroethane	CFC 112	C ₂ Cl ₄ F ₂
Trichlorotrifluoroethane	CFC 113	C ₂ Cl ₃ F ₃
Dichlorotetrafluoroethane	CFC 114	C ₂ Cl ₂ F ₄
Monochloropentafluoroethane	CFC 115	C ₂ ClF ₅
Heptachlorofluoropropane	CFC 211	C ₃ Cl ₇ F
Hexachlorodifluoropropane	CFC 212	C ₃ Cl ₆ F ₂
Pentachlorotrifluoropropane	CFC 213	C ₃ Cl ₅ F ₃
Tetrachlorotetrafluoropropane	CFC 214	C ₃ Cl ₄ F ₄
Trichloropentafluoropropane	CFC 215	C ₃ Cl ₃ F ₅
Dichlorohexafluoropropane	CFC 216	C ₃ Cl ₂ F ₆
Chloroheptafluoropropane	CFC 217	C ₃ ClF ₇

SCHEDULE 9 (continued)

HALONS

Bromochlorodifluoromethane	Halon 1211	CBrClF ₂
Bromotrifluoromethane	Halon 1301	CBrF ₃
Dibromotetrafluoroethane	Halon 2402	C ₂ Br ₂ F ₄

OTHER SUBSTANCES

Carbon tetrachloride		CCl ₄
1, 1, 1 – Trichloroethane	Methyl Chloroform	C ₂ H ₃ Cl ₃

SCHEDULE 10

DICTIONARY

section 3

“aerosol product” means a container that holds a substance packed under pressure either—

- (a) as the propellant for the expulsion of the contents of the container; or
- (b) as the contents to be expelled.

“AFCAM” means the Association of Fluorocarbon Consumers and Manufacturers.

“ANZECC” means the Australian and New Zealand Environment and Conservation Council.

“approved training course” see section 58.

“associated activity”, of an environmentally relevant activity, means an activity that is—

- (a) carried out at the same site as the environmentally relevant activity; and
- (b) an essential part of carrying out the environmentally relevant activity.

“buy” includes—

- (a) acquire by exchange; and
- (b) accept under an agreement; and
- (c) agree, offer or attempt to buy.

“certificate of approval” means a certificate of approval issued under section 26 (Approval to install or refill a fixed halon flooding system) or 31 (Approval to buy or refill a portable halon fire extinguisher).

SCHEDULE 10 (continued)

“code of practice” means a code of work practices adopted under section 39.

“commercial”, for an activity mentioned in schedule 1,²¹ means carried out for a fee or reward.

“commercial or industrial airconditioning equipment” means airconditioning equipment that—

- (a) has a cooling or heating capacity more than 18 kW; or
- (b) has a cooling or heating capacity less than 18 kW and is used other than for domestic purposes.

“commercial or industrial refrigeration equipment” means refrigeration equipment that—

- (a) is designed to operate with a charge of 1 kg or more of a controlled substance; or
- (b) is designed to operate with a charge of less than 1 kg of a controlled substance and is used other than for domestic purposes.

“commission” a controlled article means to bring the article into operation in a way that involves the handling and use of a controlled substance.

“continuing licence” means a licence continued in force under section 226 of the Act.²²

“controlled article” means an article, or the part of an article, that contains or uses a controlled substance as a working fluid in the operation or structure of the article, but does not include foam manufacturing equipment.

“controlled substance” means an ozone depleting substance (whether existing alone or mixed with another substance), and includes the refrigerants R500 and R502, but does not include a substance

²¹ Schedule 1 (Levels 1 and 2 environmentally relevant activities and licence fees)

²² Section 226 of the Act continues in force licences issued under the repealed *Clean Air Act 1963* and *Clean Waters Act 1971*.

SCHEDULE 10 (continued)

containing less than 1% of an ozone depleting substance.

“decommission” a controlled article means to dismantle the article before its relocation, disposal or use for another purpose.

“devolved activity” means an environmentally relevant activity the administration and enforcement of which is devolved to local government.²³

“domestic airconditioning equipment” means airconditioning equipment other than commercial or industrial airconditioning equipment.

“domestic refrigeration equipment” means refrigeration equipment other than commercial or industrial refrigeration equipment.

“fixed halon flooding system” means a fire extinguisher that uses a halon in its operation (other than a portable fire extinguisher).

“general waste” means waste other than regulated waste.

“general waste disposal facility” means a facility for disposing of general waste other than by incinerating it.

“halon” means an ozone depleting substance mentioned under the heading ‘HALONS’ in schedule 9.

“industry code” for an activity means the industry code assigned to the activity under Australian and New Zealand Standard Industrial Classification, 1993.²⁴

“install” a controlled article means install the article in a way that involves the handling and use of a controlled substance.

“integrated environmental management system” see section 42.

“licensed vehicle”, for a licence to transport regulated waste, means a vehicle authorised to be used under the licence.

“mining authority” means—

- (a) a prospecting permit, mining claim, exploration permit, mineral

²³ See section 40 (Devolution of powers).

²⁴ The document is published by the Australian Bureau of Statistics.

SCHEDULE 10 (continued)

development licence or mining lease granted under the *Mineral Resources Act 1989*; or

- (b) a prospecting petroleum permit, authority to prospect or petroleum lease granted under the *Petroleum Act 1923*; or
- (c) a licence, permit, pipeline licence, primary licence, secondary licence or special prospecting authority granted under the *Petroleum (Submerged Lands) Act 1982*.

“motor race” means a race involving vehicles propelled by a motor, or practice or a time trial for a race involving vehicles propelled by a motor, conducted on a racing track or circuit.

“motor vehicle” means—

- (a) for part 3 and the definition “motor vehicle airconditioning equipment”—a vehicle to which airconditioning equipment can be fitted; or
- (b) for other provisions—
 - (i) a hovercraft; or
 - (ii) a vehicle, that is propelled by a motor that forms part of the vehicle and moves on wheels, other than a train or tram.

“motor vehicle airconditioning equipment” means airconditioning equipment that—

- (a) is fitted to a motor vehicle; and
- (b) relies on the vehicle’s motive power to drive the equipment’s compressor.

“non-devolved activity” means an environmentally relevant activity the administration and enforcement of which is not devolved to local government.

“non-domestic waste” means industrial or commercial waste.

“ozone depleting substance” means a substance mentioned in schedule 9.

“Ozone Protection Act” means the *Ozone Protection Act 1989* (Cwlth).

SCHEDULE 10 (continued)

“portable halon fire extinguisher” means a portable fire extinguisher that uses a halon in its operation.

“qualified person”, for an activity, means a person who has successfully completed an approved training course for the activity.

“reclaim”, for a controlled substance, means to collect and contain the substance.

“regulated waste” means non-domestic waste mentioned in schedule 8, and includes—

- (a) for an element—any chemical compound containing the element; and
- (b) anything that has contained a regulated waste; and
- (c) regulated waste that has been treated or immobilised.

“regulated waste disposal facility” means a facility for disposing of regulated waste other than by incinerating it.

“relevant code of practice”, for a particular activity, means a code of practice that—

- (a) provides the way in which the activity is to be carried out; and
- (b) is adopted under this regulation for the activity.

“replacement licence” means a licence issued to replace a continuing licence.

“sell” includes—

- (a) exchange or supply; and
- (b) agree, offer or attempt to sell.

“service” of a controlled article means any repair, maintenance or adjustment of the article involving the handling or use of a controlled substance.

“sewage treatment works” includes pump stations and other ancillary works.

“special sewage treatment works” means sewage treatment works that do

SCHEDULE 10 (continued)

not release solid or liquid contaminants to ground water or outside the boundary of the works regardless of its peak design capacity.

“standard sewage treatment works” means sewage treatment works other than special sewage treatment works.

“sterilisation equipment” means equipment used for gas sterilisation of medical equipment.

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 19 March 1997. Future amendments of the Environmental Protection (Interim) Regulation 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R [x]	=	Reprint No. [x]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only]

Reprint No.	Amendments included	Reprint date
1	none	3 July 1995
2	to SL No. 175 of 1996	27 September 1996

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1, 2

6 List of legislation

Environmental Protection (Interim) Regulation 1995 SL No. 46

notfd gaz 27 February 1995 pp 841–2

ss 4–5 (so far as they relate to sch 1 items 20, 75(e), 76, 81, 83–85) commenced 1 May 1995 (see s 2(1))

ss 4–5 (so far as they relate to sch 1 items 1(a), 2–3) commenced 1 July 1996 (see s 2(3) as amd 1996 SL No. 32 and 1996 SL No. 38)

ss 4–5 (so far as they relate to sch 1 items 45, 73), sch 8 pt B commenced 1 July 1996 (see s 2(4))

ss 4–5 (so far as they relate to sch 1 items 38–39) commence 1 January 1998 (see s 2(5))

ss 7(1)(b), (2), 13 commenced 1 June 1995 (see s 2(2))

remaining provisions commenced 1 March 1995 (see s 2(6))

Note—This regulation exp 1 March 1998 (see s 60)

as amended by—

Environmental Protection (Interim) Amendment Regulation (No. 1) 1996 SL No. 32

notfd gaz 16 February 1996 pp 735–6

ss 1–2 commenced on date of notification

s 6 commenced 1 March 1996 (see s 2)

remaining provisions commenced on date of notification

Environmental Protection (Interim) Amendment Regulation (No. 2) 1996 SL No. 38

notfd gaz 1 March 1996 pp 998–9

commenced on date of notification

Environmental Protection (Interim) Amendment Regulation (No. 3) 1996 SL No. 43

notfd gaz 8 March 1996 p 1094–5

commenced on date of notification

Environmental Protection (Interim) Amendment Regulation (No. 4) 1996 SL No. 175

notfd gaz 28 June 1996 pp 1164–70

commenced on date of notification

Environmental Protection (Interim) Amendment Regulation (No. 1) 1997 SL No. 38

notfd gaz 28 February 1997 pp 827–8

commenced on date of notification

7 List of annotations

Commencement

s 2 amd 1996 SL No. 32 s 4; 1996 SL No. 38 s 3; 1997 SL No. 38 s 3

Environmentally relevant activities—levels 1 and 2

- s 4 amd 1996 SL No. 43 s 3; 1996 SL No. 175 s 3
s 4(3)–(4) exp 1 July 1996 (see s 4(4))

Devolution of powers

- s 40 amd 1996 SL No. 32 s 5

Fees—general

- s 44 amd 1996 SL No. 175 s 4

Waiver of payment of fees

- s 44A ins 1996 SL No. 175 s 5

Waiver of application and annual licence fees

- s 49 sub 1996 SL No. 32 s 6

Authorised persons—Act, s 128(1)(c)

- s 59A ins 1997 SL No. 38 s 4

PART 5—TRANSITIONAL PROVISIONS**Division 1—Transitional provisions about activities****Definition for div**

- s 61 prev s 61 exp 1 March 1996 (see s 61(2))
pres s 61 ins 1996 SL No. 175 s 6

Transitional provision for activities under mining authorities—Act, s 239

- s 62 exp 1 March 1997 (see s 62(3))
AIA s 20A applies (see s 62(2))

Transitional provisions about sch 1, item 1(a)

- s 63 prev s 63 exp 1 June 1995 (see s 63(4))
AIA s 20A applies (see s 63(4))
pres s 63 ins 1996 SL No. 175 s 7

Transitional provisions about sch 1, items 1(d) and (e)

- s 64 prev s 64 exp 1 March 1996 (see s 64(7))
pres s 64 ins 1996 SL No. 175 s 7

Suspension of operation of section 4 and schedule 1

- s 64A ins 1996 SL No. 38 s 4
om 1996 SL No. 43 s 4

Transitional provisions about sch 1, item 3

- s 65 prev s 65 exp 1 June 1995 (see s 65(4))
s 20A AIA applies (see s 65(3))
pres s 65 ins 1996 SL No. 175 s 7

Transitional provisions about sch 1, item 22

- s 65A ins 1996 SL No. 175 s 7

Transitional provisions about sch 1, items 24 and 27(a)

- s 65B ins 1996 SL No. 175 s 7

Transitional provisions about sch 1, item 29

- s 65C ins 1996 SL No. 175 s 7

Transitional provisions about sch 1, item 40

s 65D ins 1996 SL No. 175 s 7

Transitional provisions about sch 1, item 55

s 65E ins 1996 SL No. 175 s 7

Transitional provisions about changes in environmentally relevant activities—general

s 65F ins 1996 SL No. 175 s 7

Definitions

s 66 def “national air quality standard” amd 1996 SL No. 32 s 7

Expiry of division

s 68 amd 1996 SL No. 32 s 8
om 1997 SL No. 38 s 5

Expiry of division

s 70 amd 1996 SL No. 32 s 9
om 1997 SL No. 38 s 6

Division 4—Transitional assessment criteria for noise

div 4 (ss 71–73) exp 1 March 1996 (see s 73)

Fees for continuing licences

s 74 exp 1 March 1996 (see s 76(1))

Expiry of division

s 76 sub 1996 SL No. 32 s 10
om 1997 SL No. 38 s 7

SCHEDULE 1—LEVELS 1 AND 2 ENVIRONMENTALLY RELEVANT ACTIVITIES AND LICENCE FEES

amd 1996 SL No. 32 s 11; 1996 SL No. 175 s 8

SCHEDULE 6—FEES—GENERAL

amd 1996 SL No. 38 s 5

SCHEDULE 7—MAXIMUM NOISE LEVELS

om R2 (see RA s 37)

SCHEDULE 9—OZONE DEPLETING SUBSTANCES

sub 1996 SL No. 32 s 12

SCHEDULE 10—DICTIONARY

def “associated activity” ins 1996 SL No. 175 s 9
def “commercial” ins 1996 SL No. 32 s 13
def “motor race” ins 1996 SL No. 32 s 13
def “motor vehicle” sub 1996 SL No. 32 s 13