

Environmental Protection Amendment Regulations 2002

The Environmental Protection Amendment Regulations 2002 came into operation on the 1 July 2002. The Regulations amend the Environmental Protection Regulations 1987 as follows:

- Category 64 premises (Class II and III putrescible landfill sites) now have a specified production or design capacity of 20 tonnes or more per year. Previously no production or design capacity was specified. Accordingly, putrescible landfill sites accepting less than 20 tonnes of waste per year do not need to be licensed;
- Category 89 (putrescible landfill site) was added to the list of prescribed premises. This category is described as premises on which waste is accepted for burial with a production or design capacity of between 20 and 5000 tonnes per year; and
- Schedule 6 (Infringement Notice Offences) was amended to include penalties for infringement notice offences under the Environment Protection (Rural Landfill) Regulations 2002.

Environmental Protection (Rural Landfill) Regulations 2002

The Environmental Protection (Rural Landfill) Regulations 2002 (Landfill Regulations) came into operation on the 1 July 2002. The Landfill Regulations apply to Category 89 prescribed premises that are registered under regulation 5B of the Environmental Protection Regulations 1987 (EP Regulations).

However, if such premises are already specified on an environmental licence (i.e. as Category 64 or 89 prescribed premises), then the conditions of the licence will apply rather than the Landfill Regulations. If the site is registered under the EP Regulations, the licence conditions will no longer apply and the site must be operated in accordance with the Landfill Regulations.

Amendments to the Environmental Protection Act 1986

The Environmental Protection Amendment Bill 2002 was introduced into the WA Parliament on 27 June 2002. The Bill is to provide for major amendments to the Environmental Protection Act. The amendments include:

- A new offence of environmental harm that will broaden the scope of offences to cover any form of detriment to the environment;
- A new offence of unauthorised clearing;
- Increased powers to the Department of Environment Water and Catchment Protection to require environmental clean up;
- The introduction of closure notices and performance bonds;
- The removal of statutory limitation periods for bringing a tier one offence (eg pollution offences, breaches of ministerial conditions). These actions will be able to be taken at any time in the future; and
- An expanded liability for directors and officers of companies where that company commits an offence.

Further details of the amendments will be provided in future editions, after such amendments come into operation.

State Administrative Tribunal

The Taskforce convened to examine which tribunals and boards would be suitable for amalgamation into a State Administrative Tribunal (SAT) has released its Report. Full text of the Report is available at:

http://167.30.48.105/content/files/sat_report.pdf

An important recommendation in the Report is to modify the appeals process under Part V (pollution control matters) of the Environmental Protection Act 1986. Currently, Part V appeals are determined by the Minister. The Report recommends these appeals be determined by the SAT.

Bellevue Hazardous Waste Fire Inquiry released

The Legislative Council has released its inquiry into the explosion at the State's main hazardous waste disposal site at Bellevue. The inquiry report contains recommendations relevant to environmental legislation in Western Australia. The full report can be obtained at:

[http://www.parliament.wa.gov.au/parliament/home.nsf/\(FrameNames\)/Committees](http://www.parliament.wa.gov.au/parliament/home.nsf/(FrameNames)/Committees)

Declared Flora under the Agriculture and Related Resources Protection Act 1976

Under sections 35 and 36 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board declared all Acacia species (except *Acacia farnesiana*) not native to Australia as prohibited within the Western Australia and to be controlled by destroying, preventing and eradicating their existence within the State.

Wanted: State Editor for ACT

COMMITMENT:

- Preparation of updates for NELR four times per year
- Provision of case notes/articles if possible

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