



Queensland

Environmental Protection Legislation Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 116

made under the

Environmental Protection Act 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	3
Part 2	Amendment of Environmental Protection Regulation 2008	
2	Regulation amended	3
3	Insertion of new s 16A	3
	16A Reference to in a year for particular environmental authorities	3
4	Replacement of s 78 (Prescribed standard for particular offences relating to air contamination)	4
	78 Prescribed standard for particular offences relating to air contamination	4
5	Amendment of s 88 (Minister may name occupier in report to council)	4
6	Amendment of s 97 (Information not to be used as evidence) . .	4
7	Amendment of s 103 (Clean-up and cost recovery notices)	5
	103 Issuing particular notices and orders	5
8	Amendment of s 106 (Particular acts, omissions or activities by State or local government entity)	5
9	Insertion of new ch 9, pt 11	5
	Part 11 Transitional provisions for Environmental Protection Legislation Amendment Regulation (No. 1) 2016	
	179 Application of s16A to existing environmental authorities	6
	180 Existing environmental authorities for timber treatment	

Contents

	activities	6
	181 Existing applications for particular prescribed ERAs .	7
10	Replacement of sch 2, s 46 (Chemically treating timber)	7
	46 Chemically treating timber	8
Part 3	Amendment of Environmental Protection (Air) Policy 2008	
11	Policy amended	9
12	Amendment of sch 1 (Air quality objectives)	9

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection Legislation Amendment Regulation (No. 1) 2016*.

Part 2 Amendment of Environmental Protection Regulation 2008

2 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

3 Insertion of new s 16A

Chapter 3, part 1, division 1—
insert—

16A Reference to in a year for particular environmental authorities

- (1) This section applies for a prescribed ERA or a resource activity being carried out under an environmental authority.
- (2) A reference in schedule 2 or schedule 2A to the authority being carried out in a year is a reference to the activity being carried out in the following period—
 - (a) for the first year of the environmental authority—the period of 1 year starting on the day the authority takes effect; or
 - (b) otherwise—the period of 1 year starting on an anniversary day for the authority.

[s 4]

4 Replacement of s 78 (Prescribed standard for particular offences relating to air contamination)

Section 78—

omit, insert—

78 Prescribed standard for particular offences relating to air contamination

For section 440ZL of the Act, an Australian and New Zealand standard as in force from time to time under each of the following designations (regardless of the edition or year of publication of the standard) is a prescribed standard—

- (a) AS/NZS 4012 (Domestic solid fuel burning appliances—Method for determination of power output and efficiency);
- (b) AS/NZS 4013 (Domestic solid fuel burning appliances—Method for determination of flue gas emission).

5 Amendment of s 88 (Minister may name occupier in report to council)

Section 88(1)(b), after ‘section 480’—

insert—

, 480A

6 Amendment of s 97 (Information not to be used as evidence)

Section 97, after ‘section 480’—

insert—

, 480A

7 Amendment of s 103 (Clean-up and cost recovery notices)

(1) Section 103, heading—

omit, insert—

103 Issuing particular notices and orders

(2) Section 103, after ‘chapter 7, parts’—

insert—

5, division 2,

(3) Section 103, after ‘to which part’—

insert—

5, division 2,

8 Amendment of s 106 (Particular acts, omissions or activities by State or local government entity)

Section 106, heading—

omit, insert—

106 Other particular acts, omissions or activities

9 Insertion of new ch 9, pt 11

Chapter 9—

insert—

Part 11

**Transitional provisions
for Environmental
Protection Legislation
Amendment Regulation
(No. 1) 2016**

[s 9]

179 Application of s16A to existing environmental authorities

Section 16A, as amended by the *Environmental Protection Legislation Amendment Regulation (No.1) 2016*, applies in relation to an environmental authority whether the authority was issued before or after the commencement.

180 Existing environmental authorities for timber treatment activities

- (1) This section applies to a person who, immediately before the commencement, held an environmental authority (a *former environmental authority*) to carry out a timber treatment activity under the unamended regulation.
- (2) The person is, from the next anniversary day for the former environmental authority, taken to be the holder of an environmental authority under the amended regulation to carry out the timber treatment activity within the threshold for the activity mentioned in schedule 2, section 46 that relates to the level to which the person carries out the activity.
- (3) If, after the commencement, the level to which the person carries out the timber treatment activity is not within a threshold for the activity mentioned in schedule 2, section 46, the former environmental authority lapses on its next anniversary day.
- (4) In this section—

amended regulation means this regulation as in force after the commencement.

timber treatment activity means using chemicals to treat timber for preservation on a commercial basis.

unamended regulation means this regulation as

in force immediately before the commencement.

181 Existing applications for particular prescribed ERAs

- (1) This section applies to an application for an environmental authority to carry out a timber treatment activity made, but not decided, before the commencement.
- (2) On the commencement—
 - (a) the application is taken to be an application for an environmental authority to carry out the timber treatment activity within the threshold for the activity mentioned in schedule 2, section 46 that relates to the level to which the person intends to carry out the activity; and
 - (b) the application fee paid for the application is taken to have been paid under this regulation.
- (3) If, after the commencement, the level to which the person intends to carry out the timber treatment activity is not within a threshold for the activity mentioned in schedule 2, section 46, the application lapses and the application fee paid for the application must be refunded.
- (4) In this section—

timber treatment activity means using chemicals to treat timber for preservation on a commercial basis.

10 Replacement of sch 2, s 46 (Chemically treating timber)

- (1) Schedule 2, section 46—

omit, insert—

[s 10]

46 Chemically treating timber

- (1) Chemically treating timber for preservation on a commercial basis (the *relevant activity*) consists of the following—
 - (a) using chemicals listed in AS1604.1, appendix B, other than copper chromium arsenic or creosote, to treat a total of 1500m³ or more of timber in a year;
 - (b) using copper chromium arsenic, creosote or a chemical not listed in AS1604.1, appendix B to treat timber.
- (2) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 using chemicals listed in AS1604.1, appendix B, other than copper chromium arsenic or creosote, to treat 1500m ³ or more of timber in a year for preservation on a commercial basis	32	C
2 using copper chromium arsenic, creosote or a chemical not listed in AS1604.1, appendix B, to treat timber for preservation on a commercial basis	42	C

- (3) In this section—

AS1604.1 means ‘AS 1604.1:2012—Specification for preservative treatment—Sawn and round timber’.

ENDNOTES

- 1 Made by the Governor in Council on 7 July 2016.
- 2 Notified on the Queensland legislation website on 8 July 2016.
- 3 The administering agency is the Department of Environment and Heritage Protection.

© State of Queensland 2016