

Environment Protection Transitional Regulations

Second Exposure Draft

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Victoria

Environment Protection Transitional Regulations

Second Exposure Draft

1 Objectives

The objectives of these Regulations are—

- (a) to provide for persons appointed as approved testers under the **Environment Protection Act 1970** to be taken to be approved motor vehicle testers under the **Environment Protection Act 2017**; and
- (b) to provide for motor vehicle certificates of compliance issued under the **Environment Protection Act 1970** to be taken to continue to be valid under the **Environment Protection Act 2017**; and
- (c) to save certain clauses in the State environment protection policy (Waters) for a period of 2 years after the commencement of the Environment Protection Regulations 2021; and

- (d) to save certain waste classifications; and
- (e) to provide that equivalent new permissions under the **Environment Protection Act 2017** are taken to be issued or granted by the Authority or a council.

2 Authorising provision

These Regulations are made under section 502 of the **Environment Protection Act 2017**.

3 Commencement

These Regulations come into operation on 1 July 2021.

4 Definitions

In these Regulations—

commencement day is the day section 63 of the **Environment Protection Amendment Act 2018** comes into operation;

new Act has the same meaning as in section 468(1) of the Act;

old Act has the same meaning as in section 468(1) of the Act;

State environment protection policy (Waters) means the State environment protection policy declared by the Governor in Council under section 16(1) of the **Environment Protection Act 1970** published in the Government Gazette No. S499 of 2018 on 23 October 2018;

the Act means the **Environment Protection Act 2017**.

5 Approved testers

A person who is an approved tester under section 55AB of the old Act immediately before the commencement day is taken to be appointed

as an approved motor vehicle tester under Division 7 of Part 5.6 of the Environment Protection Regulations 2021, subject to any conditions to which the appointment under the old Act was subject.

6 Certificates of compliance

A certificate of compliance under section 55AC of the old Act is taken to be a certificate of compliance given under regulation 157(1)(b) of the Environment Protection Regulations 2021.

7 Saving of certain clauses in the State environment protection policy (Waters)

Despite the repeal of the old Act, the following provisions of the State environment protection policy (Waters), as in force immediately before the commencement day, are taken to remain in force as if section 16 of the old Act was not repealed for a period of 2 years after the commencement day, unless sooner revoked—

- (a) clause 28(1) and (2);
- (b) clause 29;
- (c) clause 30;
- (d) clause 34(3) and (4);
- (e) clause 35(1), (5) and (6);
- (f) clause 37;
- (g) Schedule 4.

8 Saving of waste classifications of specific application

- (1) Despite the repeal of the old Act, a classification of specific application issued under regulation 11 of the Environment Protection (Industrial Waste Resource) Regulations 2009¹ that is in force immediately before the commencement day—
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- (a) continues in force during the relevant period;
and
 - (b) is, during the relevant period, taken to be a designation issued under regulation 86 of the Environment Protection Regulations 2021;
and
 - (c) is subject to any conditions to which the classification under the Environment Protection (Industrial Waste Resource) Regulations 2009 was subject.
- (2) In this regulation—
- relevant period*, in relation to a classification, means the period that begins on the commencement day and ends on the earliest of the following—
- (a) if the Authority specified under regulation 11(2) of the Environment Protection (Industrial Waste Resource) Regulations 2009 that the classification is to expire on a particular day, that day;
 - (b) if the Authority revokes the classification, the day of revocation;
 - (c) 30 June 2023.

9 Prescribed equivalent permissions

If a person is taken to hold a new permission because of section 471 of the Act, the new permission is taken to be issued or granted—

- (a) in the case of a permit that is the equivalent of a permit issued under section 53M of the **Environment Protection Act 1970**, by the council that issued the permit under section 53M; or
 - (b) in any other case, by the Authority.
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10 Revocation of these Regulations

These Regulations are **revoked** on 30 June 2023.

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Endnotes

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¹ Reg. 8: S.R. No. 77/2009 as amended by S.R. Nos 25/2015, 136/2016, 152/2016 and 72/2017.