

Environmental Management and Pollution Control (Environmental Infringement Notices) Regulations 2006

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Environmental Management and Pollution Control Act 1994*.

21 August 2006

W. J. E. COX

Governor

By His Excellency's Command,

PAULA WRIEDT

Minister for Tourism, Arts and the Environment

1. Short title

These regulations may be cited as the *Environmental Management and Pollution Control (Environmental Infringement Notices) Regulations 2006*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations, unless the contrary intention appears –

Act means the *Environmental Management and Pollution Control Act 1994*.

4.

5. Prescribed offences

(1) For the purposes of section 72 of the Act –

(a) an offence under a provision of an Act or regulations specified in Schedule 2 is a prescribed offence; and

(b) an offence under section 53(2) of the Act constituted by conduct specified in Division 2 of Part 1 of that Schedule is a prescribed offence.

(2) The penalty specified in items 1 or 2 of Division 1 of Part 1 of Schedule 2 in relation to a prescribed offence is the penalty applicable to that offence.

(3) The penalty specified in item 3 of Division 1 of Part 1 of Schedule 2 in relation to a prescribed offence is –

(a) in the case of an environmental infringement notice issued to an individual, the penalty for that offence that is specified in column 2 of the table in that item; and

(b) in the case of an environmental infringement notice issued to a body corporate, the penalty for that offence that is specified in column 3 of the table in that item.

6.

SCHEDULE 1

SCHEDULE 2 - Prescribed offences

Regulation 5

PART 1 - Acts

Division 1 - Offences specified in Acts

1. Environmental Management and Pollution Control Act 1994

Section	Penalty (penalty units)
<u>32(1)</u>	5
<u>32(2)</u>	10
<u>45(1)</u>	2
<u>45(3)</u>	5
<u>74B</u>	5
<u>74P</u>	5
<u>74Q</u>	2
<u>74R</u>	5
<u>92A</u>	1
<u>94(2)</u>	2
<u>95(1)(a)</u>	2

<u>95(1)(b)</u>	2
<u>95(1)(c)</u>	2
<u>95(1)(d)</u>	2

2. Land Use Planning and Approvals Act 1993

Section	Penalty (penalty units)
<u>63(2)(c)</u>	5

3. Plastic Shopping Bags Ban Act 2013

Column 1 Section	Column 2 Penalty – individual (penalty units)	Column 3 Penalty – body corporate (penalty units)
4(1)	2	5
4(2)	5	10
5(3)	2	5

Division 2 - Offences under section 53(2) of the Act constituted by specified conduct

Type of conduct	Penalty (penalty units)
1. Unlawfully causing an environmental nuisance by the emission from –	
(a) residential premises of a pollutant in water, wastewater or any other form of liquid	2
(b) any premises other than residential premises of a pollutant in water, wastewater or any other form of liquid	5
(c) residential premises of a solid, liquid or gaseous pollutant, including offensive odours, into the atmosphere	2
(d) any premises other than residential premises of a solid, liquid or gaseous pollutant, including offensive odours, into the	5

atmosphere	
(e) residential premises of noise which is unreasonable having regard to –	2
(i) its volume, intensity or duration; and	
(ii) the time, place and other circumstances in which it is emitted; and	
(iii) whether it is, or is likely to be, audible in a habitable room of any other residential premises	
(f) premises other than residential premises of noise which is unreasonable having regard to –	5
(i) its volume, intensity or duration; and	
(ii) the time, place and other circumstances in which it is emitted	
(g) residential premises of a pollutant in the form of energy other than noise, including radioactivity and electromagnetic radiation	2
(h) premises other than residential premises of a pollutant in the form of energy other than noise, including radioactivity and electromagnetic radiation	5
(i) residential premises of a pollutant which comprises solid material	2
(j) premises other than residential premises of a pollutant which comprises solid material	5
(k) any vehicle of a pollutant other than noise and including solids, liquids or gases	2
(l) any vehicle, not on a public street, of noise	2

PART 2 - Regulations

1. Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007

Regulation	Penalty (penalty units)
5(1)	10
5(3)	5
5(5)	5

8(1)	5
8(2)	5
9(3)	2
10(1)	5
11(1)	5
11(2)	5

2. Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004

Regulation	Penalty (penalty units)
5(1)	2
6	2
7	2
8(1)	2
9	2
10(1)	2
10(2)	2
11(1)	2
12	2
13(1)	2
14(1)	2
15	2
17(3)	2
17(4)	2
18(2)	2
18(3)	2
18A(1)	2
18A(2)	2
18B(1)	2
20(5)	2

3. Environmental Management and Pollution Control (Waste Management) Regulations 2010

Regulation	Penalty (penalty units)
6(1)	10
6(2)	4
6(3)	4
7(1)	20
7(3)	10
8(1)	10
8(2)	10
9(1)	10
11(1)	10
11(3)	10
11(4)	4

4. Environmental Management and Pollution Control (Controlled Waste Tracking) Regulations 2010

Regulation	Penalty (penalty units)
<u>8(3)</u>	20
<u>12(1)</u>	5
<u>12(2)</u>	5
<u>14(4)</u>	5
<u>15(1)</u>	20
<u>15(2)</u>	8
<u>16(1)</u>	20
<u>16(2)</u>	20
<u>16(3)</u>	8
<u>17(1)</u>	20
<u>17(2)</u>	20
<u>17(3)</u>	8
<u>17(4)</u>	20
<u>17(5)</u>	8
<u>18(1)</u>	20
<u>18(2)</u>	20
<u>18(3)</u>	8

<u>18(4)</u>	8
<u>19</u>	8
<u>21(1)</u>	8
<u>21(2)</u>	8
<u>21(3)</u>	8
<u>21(4)</u>	8
<u>23(5)</u>	15
<u>24(9)</u>	15
<u>28</u>	15
<u>29</u>	20
<u>30</u>	20
<u>31</u>	20

5. Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2010

Regulation	Penalty (Penalty Units)
7(3)	10
8(1)	10
9(1)	10
9(3)	10
10(1)	10
10(3)	10
10(4)	10
10(5)	10
10(6)	10
11(1)	10
11(2)	10
11(4)	10
12(1)	10
12(2)	10

12(4)	10
13(2)	10
13(4)	10
14(2)	10
14(3)	10
14(4)	10
14(5)	10
14(7)	10
15(1)	10
15(4)	10
18(2)	10
19	10
20(2)	10
20(3)	10
20(5)	10
22(3)	10
23(2)	10
24(2)	10
24(3)	10
25(2)	10
25(5)	5
27(5)	10
28	10
30(2)	10
30(4)	10
30(5)	10
30(7)	10
30(8)	10
31(1)	10

31(2)	10
31(3)	10
32(1)	10
32(2)	10
33(1)	5
33(2)	5
33(5)	5
34	5
35(1)	5
35(2)	5
35(3)	5
36(1)	5
36(2)	5
36(3)	5
37	10
39(9)	10
40(3)	10
41(3)	10

SCHEDULE 3

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 30 August 2006.

These regulations are administered in the Department of Tourism, Arts and the Environment.

Table Of Amendments

Citation	Serial Number	Date of commencement
Environmental Management and Pollution Control (Environmental Infringement Notices) Regulations 2006	S.R. 2006, No. 83	30.8.2006
Environmental Management and Pollution Control (Environmental Infringement Notices) Amendment	S.R. 2007, No. 68	15.8.2007

Regulations 2007		
Monetary Penalties Enforcement (Consequential Amendments) Act 2008	No. 6 of 2008	28.4.2008
Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007	No. 72 of 2007	28.4.2008
Environmental Management and Pollution Control (Environmental Infringement Notices) Amendment Regulations 2010	S.R. 2010, No. 13	17.2.2010
Environmental Management and Pollution Control (Environmental Infringement Notices) Amendment Regulations (No. 2) 2010	S.R. 2010, No. 103	3.11.2010
Environmental Management and Pollution Control (Environmental Infringement Notices) Amendment Regulations (No. 3) 2010	S.R. 2010, No. 140	29.12.2010
Environmental Management and Pollution Control (Environmental Infringement Notices) Amendment Regulations 2011	S.R. 2011, No. 81	17.8.2011
Environmental Management and Pollution Control (Environmental Infringement Notices) Amendment (Plastic Shopping Bags) Regulations 2013	S.R. 2013, No. 71	1.11.2013
Environmental Management and Pollution Control (Environmental Infringement Notices) Amendment (Environmental Nuisance) Regulations 2015	S.R. 2015, No. 7	4.3.2015