



TRIPPLICATE C

Administering Department:

2001B00260

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Environment Protection and Biodiversity Conservation Amendment Regulations 2001 (No. /)¹

Statutory Rules 2001 No. /²

179

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Environment Protection and Biodiversity Conservation Act 1999*.

Dated 28 JUN 2001 2001

WILLIAM DEANE
Governor-General

By His Excellency's Command

ROBERT HILL
Minister for the Environment and Heritage

1 Name of Regulations

These Regulations are the *Environment Protection and Biodiversity Conservation Amendment Regulations 2001* (No. *1*).

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Environment Protection and Biodiversity Conservation Regulations 2000*

Schedule 1 amends the *Environment Protection and Biodiversity Conservation Regulations 2000*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 3.05

substitute

3.05 Application of Division 3.3

This Division applies to each manner of assessment specified in an agreement described in subsection 47 (1) of the Act.

3.06 Manner of assessment

The bilateral agreement may make a declaration in accordance with subsection 47 (1) of the Act only if the specified manner of assessment meets the criteria mentioned in Schedule 1.

[2] Subregulation 5.03 (3), note 1

omit

86

insert

89

[3] Subregulation 12.24 (1)

after

image

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or record a sound

[4] Subregulation 12.24 (2)

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or the sound is recorded

[5] Subregulation 12.24 (3)

after

images

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or recording of sounds

[6] Subregulation 12.24 (5)

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[7] **Paragraph 12.24 (5) (a)**

after

image

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or sound recording

[8] **Paragraph 12.24 (5) (b)**

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or record the sound

[9] **Paragraph 17.02 (2) (e)**

omit

(a) or (b)

insert

(b) or (c)

[10] **Schedule 1, heading**

substitute

**Schedule 1 Classes of actions not
 needing assessment**

(regulation 3.06)

[11] **Schedule 1, item 3.01**

substitute

3.01 This item applies if the specified manner of assessment provides for the decision-maker to choose between assessment approaches corresponding to assessment

approaches mentioned in paragraph 3.02 (b) of the Regulations.

3.01A The decision-maker, in selecting an assessment approach for an action, has information that he or she considers to be sufficient to make the decision.

[12] Schedule 1, subparagraph 4.04 (b) (ii)

omit

action.

insert

action; and

[13] Schedule 1, after paragraph 4.04 (b)

insert

- (c) the terms of reference are published; and
- (d) the people appointed to conduct the inquiry are independent and have sufficient power to investigate the action adequately; and
- (e) hearings held as part of the inquiry are conducted in public except so far as the people appointed to conduct the inquiry believe that it is in the public interest that all or part of the hearings be held in private.

[14] Schedule 1, after item 5.01

insert

5.01A For an assessment approach corresponding to assessment by public environment report under Division 5 of Part 8 of the Act or environmental impact statement under Division 6 of Part 8 of the Act, the assessment documentation made available to the public adequately addresses the guidelines for the assessment.

[15] Schedule 1, after item 6.03

insert

6.04 An assessment report is prepared by a State or Territory or an agency of a State or Territory.

[16] Schedule 1, after paragraph 7.04 (a)

insert

- (aa) the name of the action; and
- (ab) the name of the person intending to take the action; and
- (ac) the name of the designated proponent (if this is not the person intending to take the action); and

[17] Dictionary, after definition of *affected area*

insert

agency — see Act, section 528.


[18] Dictionary, after definition of *de-restricting sign*

insert

designated proponent — see Act, section 528.

Notes

1. These Regulations amend Statutory Rules 2000 No. 181.

2. Notified in the *Commonwealth of Australia Gazette* on  2001.

5 July