



New South Wales

Environmental Legislation Amendment Bill 2025

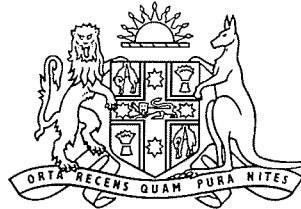
Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Climate Change (Net Zero Future) Act 2023 No 48	3
Schedule 2	Amendment of Contaminated Land Management Act 1997 No 140	4
Schedule 3	Amendment of Land and Environment Court Act 1979 No 204	6
Schedule 4	Amendment of Pesticides Act 1999 No 80	7
Schedule 5	Amendment of Plastic Reduction and Circular Economy Act 2021 No 31	9
Schedule 6	Amendment of Product Lifecycle Responsibility Act 2025 No 22	12
Schedule 7	Amendment of Protection from Harmful Radiation Act 1990 No 13	15
Schedule 8	Amendment of Protection of the Environment Administration Act 1991 No 60	17
Schedule 9	Amendment of Protection of the Environment Operations Act 1997 No 156	19
Schedule 10	Amendment of Protection of the Environment Operations (General) Regulation 2022	32
Schedule 11	Amendment of Stock Medicines Act 1989 No 182	33
Schedule 12	Amendment of Waste Avoidance and Resource Recovery Act 2001 No 58	34

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Environmental Legislation Amendment Bill 2025

No , 2025

A Bill for

An Act to make miscellaneous amendments to legislation administered by the Minister for Climate Change and the Minister for the Environment to strengthen environmental protection; and for related purposes.

EXAMINED

Speaker

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Environmental Legislation Amendment Act 2025</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedules 1 and 9[47]—on the date of assent to this Act,	6
(b) otherwise—on a day or days to be appointed by proclamation.	7

Schedule 1	Amendment of Climate Change (Net Zero Future) Act 2023 No 48	1
		2
[1] Section 21 Annual reports		3
	Omit “1 November” from section 21(1). Insert instead “1 July in”.	4
[2] Section 21(1) and (2)		5
	Omit “financial year” wherever occurring. Insert instead “calendar year”.	6
[3] Section 21(4)		7
	Omit “4 months of”. Insert instead “6 months after”.	8
[4] Schedule 2 Savings, transitional and other provisions		9
	Insert after section 2—	10
Part 3	Provision consequent on enactment of Environmental Legislation Amendment Act 2025	11
		12
3	Commission’s first annual report after commencement of Environmental Legislation Amendment Act 2025	13
		14
	Despite section 21(1), the first annual report prepared by the Commission under that section after the commencement of the <i>Environmental Legislation Amendment Act 2025</i> must relate to the period—	15
		16
		17
	(a) starting on 1 July 2024, and	18
	(b) ending on 31 December 2025.	19

Schedule 2 Amendment of Contaminated Land Management Act 1997 No 140

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

environmental management plan means a plan for the management of contamination of land, through the existing or proposed use of the land, that includes measures for either or both of the following—

- (a) mitigation of the contamination,
- (b) monitoring of the contamination.

[2] Section 4(1), definition of “remediation”, paragraph (a)

Omit the paragraph. Insert instead—

- (a) preparing an environmental management plan, if any, for the land, and

[3] Section 34 Recovery of EPA’s costs

Insert at the end of the section—

- (2) Without limiting subsection (1)(d), the costs incurred by the EPA in connection with a matter associated with or incidental to the matters set out in subsection (1)(a)–(c) include costs incurred in connection with—
 - (a) an order, before the order was prepared and served, and
 - (b) a voluntary management proposal, before the proposal was assessed and approved.

[4] Section 46, heading

Insert “preliminary investigation,” after “give”.

[5] Section 46(2)

Insert “4.1A,” after “Part”.

[6] Section 47, heading

Omit the heading. Insert instead—

47 Statutory site audits

[7] Section 47(c1)

Insert after section 47(c)—

- (c1) a requirement imposed by an instrument issued under the *Protection of the Environment Operations Act 1997*, or regulations under that Act, that a site audit be carried out by a site auditor accredited under this Act,

[8] Section 47(d)

Omit “an Act”. Insert instead “another Act”.

[9] Section 48, heading

Omit “Statutory”. Insert instead “Offences involving statutory”.

[10] Section 53B Site audit reports and site audit statements

Omit section 53B(3)(b). Insert instead—

(b)	if the site audit is a statutory site audit—at the same time, give the following to the EPA and the local authority for the area in which the land is located—	1
(i)	a copy of the site audit statement,	2
(ii)	a copy of any environmental management plan that must be implemented so that the land is suitable for any specified use or range of uses.	3
[11]	Section 58 Record to be maintained by the EPA	4
	Insert after section 58(1)(d)—	5
(d1)	details of environmental management plans given to the EPA under section 53B,	6
[12]	Section 58(2)–(5)	7
	Omit the subsections. Insert instead—	8
(2)	The record must be kept in the way determined by the EPA.	9
(3)	A copy of the record may be made available for public inspection on the EPA’s website.	10
(4)	The <i>Privacy and Personal Information Protection Act 1998</i> , section 57 does not apply to the register.	11
(5)	The regulations may provide for matters relating to records kept under this section, including the payment of fees for inspecting copies of the records.	12
[13]	Schedule 2 Savings and transitional provisions	13
	Insert at the end of the schedule, with appropriate part and clause numbering—	14
Part	Provisions consequent on enactment of Environmental Legislation Amendment Act 2025	15
		16
Definition		17
	In this part—	18
	amendment Act means the <i>Environmental Legislation Amendment Act 2025</i> .	19
Preliminary investigation notices		20
(1)	The amendment of section 46 by the amendment Act, Schedule 2[5] extends to relevant circumstances that existed before the commencement.	21
(2)	In this clause—	22
	commencement means the commencement of the amendment Act, Schedule 9[15].	23
	relevant circumstances has the same meaning as in the <i>Protection of the Environment Operations Act 1997</i> , section 90B(1), as substituted by the amendment Act.	24
Recovery of EPA’s costs		25
	Section 34(2), as inserted by the amendment Act, Schedule 2[3], extends to costs incurred by the EPA before the commencement of the item.	26

Schedule 3	Amendment of Land and Environment Court Act	1
	1979 No 204	2
Section 20 Class 4—environmental planning and protection, development contract		3
and strata renewal plan civil enforcement		4
Insert after section 20(1)(dl)—		5
(dm) proceedings under the <i>Plastic Reduction and Circular Economy Act</i>		6
2021, section 46A,		7
(dn) proceedings under the <i>Product Lifecycle Responsibility Act 2025</i> ,		8
section 45A,		9
(do) proceedings under the <i>Waste Avoidance and Resource Recovery Act</i>		10
2001, section 53,		11

Schedule 4 Amendment of Pesticides Act 1999 No 80

[1] Part 1 Preliminary

Omit “(eg pesticides)” from the note.

Insert instead “, that is, pesticides within the meaning of this Act,”.

[2] Part 1, note

Omit “(described in this Act as “pesticides”)”.

[3] Section 5 Definition of “pesticide”

Omit section 5(1), except the note. Insert instead—

- (1) In this Act, *pesticide* means an agricultural chemical product within the meaning of the Agvet Code.

[4] Section 28 Compliance cost notices

Omit section 28(1)(c). Insert instead—

- (c) a matter associated with or incidental to a matter referred to in paragraph (a) or (b).

[5] Section 28(1A)

Insert after section 28(1)—

- (1A) Without limiting subsection (1)(c), the costs incurred by the Environment Protection Authority in connection with a matter associated with or incidental to a matter referred to in subsection (1)(a) or (b) include costs and expenses incurred in connection with the clean-up notice before the notice was given.

[6] Section 53, heading

Omit the heading. Insert instead—

53 Public register

[7] Section 53(1) and (2)

Omit the subsections. Insert instead—

- (1) The Environment Protection Authority must keep a register in accordance with this section.
- (2) The register must be kept in the way determined by the Authority.

[8] Section 53(3)(c)–(h)

Omit “regulations.” from section 53(3)(b)(iii). Insert instead—

- regulations, and
- (c) information about notices issued under Part 3 and
- (d) details of penalty notices issued under section 76, and
- (e) the results of civil proceedings in the Land and Environment Court taken by the Authority under section 108, and
- (f) details or summaries of undertakings given to the Authority under section 110, and
- (g) details of exemptions issued under section 115, and

(h)	details of convictions in prosecutions instituted by the Authority under this Act.	1 2
[9]	Schedule 2 Savings, transitional and other provisions	3
	Insert at the end of the schedule, with appropriate part and clause numbering—	4
Part	Provisions consequent on enactment of Environmental Legislation Amendment Act 2025	5 6
	Public register	7
	The information that may be recorded in the register under section 53 includes information relating to matters that occurred before the commencement of the <i>Environmental Legislation Amendment Act 2025</i> , Schedule 4[6]–[8], including—	8 9 10 11
	(a) penalty notices and other notices issued before the commencement, and	12
	(b) exemptions issued before the commencement, and	13
	(c) proceedings commenced before the commencement, and	14
	(d) convictions for prosecutions instituted before the commencement, and	15
	(e) undertakings given before the commencement.	16
	Recovery of EPA’s costs	17
	Section 28(1A), as inserted by the <i>Environmental Legislation Amendment Act 2025</i> , Schedule 4[5], extends to costs incurred by the Environment Protection Authority before the commencement of the item.	18 19 20

Schedule 5 Amendment of Plastic Reduction and Circular Economy Act 2021 No 31

[1] Section 41 Compliance cost notices

Omit section 41(1)(c). Insert instead—

- (c) a matter associated with or incidental to a matter referred to in paragraph (a) or (b).

[2] Section 41(1A)

Insert after section 41(1)—

- (1A) Without limiting subsection (1)(c), the costs incurred by the EPA in connection with a matter associated with or incidental to a matter referred to in subsection (1)(a) or (b) include costs and expenses incurred in connection with the compliance notice before the notice was given.

[3] Section 46A

Insert after section 46—

46A Remedy or restraint of contraventions of Act or regulations

- (1) The regulator may bring proceedings in the Court for an order to remedy or restrain a contravention of this Act or the regulations.
- (2) Proceedings under subsection (1) may be brought whether or not proceedings have been instituted for an offence under this Act or the regulations.
- (3) If the Court is satisfied a contravention has occurred or that a contravention will, unless restrained by an order of the Court, occur, the Court may make the order the Court thinks fit to remedy or restrain the contravention.
- (4) In this section—
contravention includes a threatened or apprehended contravention.

[4] Section 55A

Insert after section 55—

55A Liability of directors etc for offences by corporation—offences attracting executive liability generally

- (1) For this section, an *executive liability offence* is an offence against any of the following provisions of this Act that is committed by a corporation—
 - (a) section 9(1),
 - (b) section 15(1),
 - (c) section 37,
 - (d) section 48,
 - (e) section 50(1),
 - (f) section 51(1).
- (2) A person commits an offence against this section if—
 - (a) a corporation commits an executive liability offence, and
 - (b) the person is—
 - (i) a director of the corporation, or

- (ii) an individual who is involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and
 - (c) the person—
 - (i) knows or ought reasonably to know that the executive liability offence, or an offence of the same type, would be or is being committed, and
 - (ii) fails to take all reasonable steps to prevent or stop the commission of the offence.
- Maximum penalty—the maximum penalty for the executive liability offence if committed by an individual.
- (3) The prosecution bears the legal burden of proving the elements of the offence against this section.
 - (4) The offence against this section may be prosecuted only by a person who may bring a prosecution for the executive liability offence.
 - (5) This section does not affect the liability of the corporation for the executive liability offence and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.
 - (6) This section does not affect the application of any other law relating to the criminal liability of persons, whether or not directors or other managers of the corporation, who are accessories to the commission of the executive liability offence or are otherwise involved in, or party to, the commission of the executive liability offence.
 - (7) In this section—
 - director** has the same meaning as in the *Corporations Act 2001* of the Commonwealth.
 - reasonable steps**, in relation to the commission of an executive liability offence, includes action of the following kinds that is reasonable in all the circumstances—
 - (a) action towards—
 - (i) assessing the corporation’s compliance with the provision creating the executive liability offence, and
 - (ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,
 - (b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,
 - (c) action towards ensuring that any of the following that are relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances—
 - (i) plant, equipment and other resources,
 - (ii) structures, work systems and other processes,
 - (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.

[5] Section 65 Public register	1
Insert “, including under section 46A” after “this Act” in section 65(2)(e).	2
[6] Section 65(6A)	3
Insert after section 65(6)—	4
(6A) The <i>Privacy and Personal Information Protection Act 1998</i> , section 57 does not apply to the register.	5 6
[7] Schedule 2 Savings, transitional and other provisions	7
Insert at the end of the schedule, with appropriate part and clause numbering—	8
Part Provisions consequent on enactment of Environmental Legislation Amendment Act 2025	9 10
Recovery of costs	11
The amendments made by the <i>Environmental Legislation Amendment Act 2025</i> , Schedule 5[1] and [2] extend to costs incurred by the EPA before the commencement of the items.	12 13 14
Civil enforcement proceedings	15
Section 46A, as inserted by the <i>Environmental Legislation Amendment Act 2025</i> , Schedule 5[3], extends to a contravention of this Act or the regulations that occurred before the commencement of the item.	16 17 18

**Schedule 6 Amendment of Product Lifecycle Responsibility
Act 2025 No 22**

[1] Section 41A

Insert after section 41—

**41A Liability of directors etc for offences by corporation—offences attracting
executive liability generally**

- (1) For this section, an *executive liability offence* is an offence against any of the following provisions of this Act that is committed by a corporation—
- (a) section 10(1),
 - (b) section 15,
 - (c) section 19(2),
 - (d) section 20(2),
 - (e) section 40(1),
 - (f) section 41.
- (2) A person commits an offence against this section if—
- (a) a corporation commits an executive liability offence, and
 - (b) the person is—
 - (i) a director of the corporation, or
 - (ii) an individual who is involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and
 - (c) the person—
 - (i) knows or ought reasonably to know that the executive liability offence, or an offence of the same type, would be or is being committed, and
 - (ii) fails to take all reasonable steps to prevent or stop the commission of the offence.
- Maximum penalty—the maximum penalty for the executive liability offence if committed by an individual.
- (3) The prosecution bears the legal burden of proving the elements of the offence against this section.
- (4) The offence against this section may be prosecuted only by a person who may bring a prosecution for the executive liability offence.
- (5) This section does not affect the liability of the corporation for the executive liability offence and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.
- (6) This section does not affect the application of any other law relating to the criminal liability of persons, whether or not directors or other managers of the corporation, who are accessories to the commission of the executive liability offence or are otherwise involved in, or party to, the commission of the executive liability offence.
- (7) In this section—
director has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

<i>reasonable steps</i> , in relation to the commission of an executive liability offence, includes action of the following kinds that is reasonable in all the circumstances—	1
(a) action towards—	4
(i) assessing the corporation’s compliance with the provision creating the executive liability offence, and	5
(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	8
(b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	9
(c) action towards ensuring that any of the following that are relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances—	14
(i) plant, equipment and other resources,	17
(ii) structures, work systems and other processes,	18
(d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.	19
[2] Section 45A	22
Insert after section 45—	23
45A Remedy or restraint of contraventions of this Act or regulations	24
(1) The regulator may bring proceedings in the Court for an order to remedy or restrain a contravention of this Act or the regulations.	25
(2) Proceedings under subsection (1) may be brought whether or not proceedings have been instituted for an offence under this Act or the regulations.	27
(3) If the Court is satisfied a contravention has occurred or that a contravention will, unless restrained by an order of the Court, occur, the Court may make the order the Court thinks fit to remedy or restrain the contravention.	29
(4) In this section—	32
<i>contravention</i> includes a threatened or apprehended contravention.	33
[3] Section 54 Public register	34
Insert after section 54(2)(c)—	35
(c1) details of the outcome of proceedings taken under section 45A,	36
[4] Section 54(6A)	37
Insert after section 54(6)—	38
(6A) The <i>Privacy and Personal Information Protection Act 1998</i> , section 57 does not apply to the register.	39
[5] Schedule 1 Savings, transitional and other provisions	41
Insert at the end of the schedule, with appropriate part and section numbering—	42

Part	Provision consequent on enactment of	1
	Environmental Legislation Amendment Act 2025	2
	Civil enforcement proceedings	3
	Section 45A, as inserted by the <i>Environmental Legislation Amendment Act</i>	4
	2025, Schedule 6[2], extends to a contravention of this Act or the regulations	5
	that occurred before the commencement of the item.	6
[6]	Schedule 2 Amendment of other legislation	7
	Omit “section 34A(4)(b4)” from Schedule 2.3[3]. Insert instead “section 34A(3)(b4)”.	8
[7]	Schedule 2.4[4]	9
	Omit the item.	10

Schedule 7 **Amendment of Protection from Harmful Radiation Act 1990 No 13**

[1] **Section 6 Radiation management licences**

Omit “Minister” wherever occurring in section 6(3)–(5).

Insert instead “Authority”.

[2] **Section 13C**

Omit the section. Insert instead—

13C Public register

- (1) The Authority must keep a register in accordance with this section.
- (2) The register must include the following information—
 - (a) for each licence or accreditation issued under this part—
 - (i) the name of the holder of the licence or accreditation, and
 - (ii) the type and number of the licence or accreditation, and
 - (iii) the expiry date of the licence or accreditation, and
 - (iv) the status of the licence or accreditation, and
 - (v) other information prescribed by the regulations,
 - (b) details of penalty notices issued under section 25A,
 - (c) details of convictions in prosecutions instituted by the Authority under section 25,
 - (d) results of civil proceedings in the Land and Environment Court by or against the Authority under section 25B,
 - (e) details of exemptions issued under section 6 or 38A,
 - (f) details or summaries of undertakings given to the Authority under section 24A.
- (3) The register must be kept in the way determined by the Authority.
- (4) The register may be made available for public inspection on the Authority’s website.
- (5) The regulations may provide for matters relating to the register, including the payment of fees for inspecting the register.
- (6) The *Privacy and Personal Information Protection Act 1998*, section 57 does not apply to the register.

[3] **Section 28 Recovery of costs**

Omit section 28(2)(c). Insert instead—

- (c) a matter associated with or incidental to a matter referred to in paragraph (a) or (b).

[4] **Section 28(2B)**

Insert after section 28(2A)—

- (2B) Without limiting subsection (2)(c), the costs incurred by the Authority in connection with a matter associated with or incidental to a matter referred to in subsection (2)(a) or (b) include costs and expenses incurred in connection with the notice or direction before the notice or direction was given.

[5] Section 40 Regulations	1
Insert “and other criteria” after “courses” wherever occurring in section 40(3)(d3).	2
[6] Section 40(3)(l)	3
Omit the paragraph. Insert instead—	4
(l) matters relating to fees and charges under this Act, including the following—	5
(i) the fees payable in relation to licences, permits, authorities, approvals, consents and accreditations, including administration fees and annual fees,	6
(ii) the payment of fees and charges for services provided by the Authority under this Act, including the payment of different fees for the services provided based on the risk level of the activities or materials to which the services relate,	7
(iii) the waiver or refund of all or part of the fees and charges payable or paid under this Act, as the Authority thinks appropriate.	8
[7] Section 40(5)	9
Omit the subsection.	10
[8] Schedule 2 Savings and transitional provisions	11
Insert at the end of the schedule, with appropriate part and clause numbering—	12
 Part Provisions consequent on enactment of Environmental Legislation Amendment Act 2025	13
 Public register	14
The information that may be recorded in the register under section 13C includes information relating to matters that occurred before the commencement of the <i>Environmental Legislation Amendment Act 2025</i> , Schedule 7[2], including—	15
(a) penalty notices and other notices issued before the commencement, and	16
(b) exemptions issued before the commencement, and	17
(c) proceedings commenced before the commencement, and	18
(d) convictions for prosecutions instituted before the commencement, and	19
(e) undertakings given before the commencement.	20
 Recovery of costs	21
The amendments made by the <i>Environmental Legislation Amendment Act 2025</i> , Schedule 7[3] and [4] extend to costs incurred by the Authority before the commencement of the items.	22

Schedule 8	Amendment of Protection of the Environment Administration Act 1991 No 60	1
		2
[1] Section 6 Objectives of the Authority		3
Omit section 6(1)(a). Insert instead—		4
(a) to protect, restore and enhance the quality of the environment in New South Wales, having regard to—		5
(i) the need to maintain ecologically sustainable development, and		6
(ii) Aboriginal cultural values and practices, and		7
		8
[2] Section 6(3)		9
Insert after section 6(2)—		10
(3) In achieving its objectives, the Authority must—		11
(a) work in respectful partnership with Aboriginal peoples, and		12
(b) embed consistent, meaningful and trustworthy engagement with Aboriginal communities.		13
		14
[3] Section 10 State of the environment reports		15
Insert “(a <i>state of the environment report</i>)” after “environment” in section 10(1).		16
[4] Section 10(2)		17
Omit “such”. Insert instead “state of the environment”.		18
[5] Section 10(3)		19
Omit “report on the state of the environment”.		20
Insert instead “state of the environment report”.		21
[6] Section 10(3)(d1)–(d4)		22
Insert after section 10(3)(d)—		23
(d1) the volumes of waste avoided, produced, recycled or reused in New South Wales during the reporting period,		24
		25
(d2) how the volumes of waste compare with target volumes established by any current waste strategy,		26
		27
(d3) a description of the strategies and programs being implemented by the Authority and the degree of success achieved by the strategies and programs,		28
		29
		30
(d4) reporting about matters relating to litter,		31
[7] Section 10(3A)		32
Insert after section 10(3)—		33
(3A) For subsection (3)(d4), the report may, but is not required to, include the brand names of litter.		34
		35
[8] Section 10(4)		36
Omit the subsection. Insert instead—		37
(4) The perspectives and knowledge of Aboriginal peoples must be included in either or both of the following—		38
		39

	(a) each state of the environment report,	1
	(b) a report that accompanies each state of the environment report.	2
[9]	Section 10(5)	3
	Omit “report under subsection (1)”. Insert instead “state of the environment report”.	4
[10]	Section 16 Functions of Board	5
	Omit “The Board is, on an annual basis, to provide the Minister with” from section 16(3).	6
	Insert instead “The Board must, every 2 years, give the Minister”.	7
[11]	Section 16(3)(a) and (b)	8
	Omit section 16(3)(a)–(c). Insert instead—	9
	(a) an assessment of the Authority’s success in achieving its objectives,	10
	(b) recommendations for improving the Authority’s performance,	11
[12]	Section 34A Environment Protection Authority Fund	12
	Insert before section 34A(3)(c)—	13
	(b6) amounts paid as a result of claims made on, or realising, financial assurances under environment protection legislation, and	14 15
	(b7) amounts paid—	16
	(i) under enforceable undertakings under the <i>Protection of the Environment Operations Act 1997</i> for environmental projects if the amounts are not spent on the environmental projects, or	17 18 19
	(ii) in accordance with orders of the Land and Environment Court directing persons to pay amounts to the State in relation to breaches of undertakings given to the Authority under environment protection legislation, and	20 21 22 23

Schedule 9 **Amendment of Protection of the Environment Operations Act 1997 No 156**

[1] Section 7A	3
Insert after section 7—	4
7A Obligations may not be delegated or transferred	5
An obligation imposed under environment protection legislation, including	6
under an environment protection licence, may not be delegated or transferred	7
unless otherwise expressly provided for in the Act under which the obligation	8
is imposed.	9
[2] Section 30, heading	10
Omit “—action by public authorities”.	11
[3] Section 30(1)	12
Omit “public authority when exercising statutory or other functions, if the public	13
authority”.	14
Insert instead “person in carrying out an activity, if the person”.	15
[4] Section 30(2)(a)	16
Omit “public authority”. Insert instead “person”.	17
[5] Section 30(2)(a)	18
Omit “public authorities” wherever occurring. Insert instead “persons”.	19
[6] Section 30(2)(b)	20
Omit “function”. Insert instead “activity”.	21
[7] Section 30(2)(b)	22
Omit “functions” wherever occurring. Insert instead “activities”.	23
[8] Section 66, heading	24
Omit “, certification”.	25
[9] Section 66(3), heading	26
Omit “Certification”. Insert instead “Requirement to supply other information”.	27
[10] Section 66(3)	28
Omit “a statement that is certified by the holder, by another person approved by that	29
authority or by a person prescribed by the regulations, as correct and that states all or”.	30
Insert instead “information about”.	31
[11] Section 66(4), heading	32
Omit “certificates”. Insert instead “information”.	33
[12] Section 66(4)	34
Omit “gives a certificate”. Insert instead “supplies information”.	35

[13] Section 66(4)	1
Omit “statements certified”. Insert instead “information”.	2
[14] Section 88 Contributions by licensee of waste facility	3
Omit “occupiers.” from section 88(5)(d). Insert instead—	4
occupiers, and	5
(e) provide for the waiver of interest payable on unpaid contributions or unpaid portions of contributions, including the waiver by the EPA, at the EPA’s discretion, of amounts of interest of not more than the prescribed amount.	6 7 8 9
[15] Section 90B Issue of preliminary investigation notices	10
Omit section 90B(1). Insert instead—	11
(1) This section applies if the relevant authority reasonably suspects any of the following circumstances (<i>relevant circumstances</i>) may exist, or have existed, at or from premises—	12 13 14
(a) circumstances that may pose a potential risk of harm to human health or the environment from—	15 16
(i) a substance, or	17
(ii) the deposit of waste or substances suspected of being waste,	18
(b) a pollution incident.	19
[16] Section 90B(2)	20
Omit “EPA” wherever occurring. Insert instead “relevant authority”.	21
[17] Section 90B(5)	22
Insert after section 90B(4)—	23
(5) In this section—	24
<i>relevant authority</i> means—	25
(a) in relation to premises on which an underground petroleum storage system is located—	26 27
(i) the EPA, or	28
(ii) if the local council for the area in which the premises are located is the appropriate regulatory authority for the underground petroleum storage system—the local council, or	29 30 31
(b) in relation to other premises—the appropriate regulatory authority.	32
<i>underground petroleum storage system</i> has the meaning prescribed by the regulations.	33 34
[18] Section 90C Preliminary investigation notice may be given orally	35
Insert “or a local council” after “EPA” in section 90C(1).	36
[19] Section 90C(2)	37
Insert “or local council” after “EPA”.	38
[20] Section 90D Content of preliminary investigation notices	39
Insert “or local council” after “EPA” wherever occurring in section 90D(1) and (2)(b).	40

[21] Section 90E Preliminary investigation notices may be given to directors and related bodies corporate	1
Insert “or a local council” after “EPA” in section 90E(1)(a).	2
[22] Section 90E(2) and (3)	3
Insert “or local council” after “EPA” wherever occurring.	4
[23] Section 90F, heading	5
Insert “or local council” after “EPA”.	6
[24] Section 90F	7
Insert “or local council” after “EPA” wherever occurring.	8
[25] Section 90G Preliminary investigation compliance notices	9
Insert “or a local council” after “If the EPA” wherever occurring in section 90G(1) and (2).	10
[26] Section 90G(1) and (2)	11
Insert “or local council” after “, the EPA” wherever occurring.	12
[27] Section 90G(1) and (2)	13
Insert “or local council” after “by the EPA” wherever occurring.	14
[28] Section 90G(1)(c)	15
Omit the paragraph. Insert instead—	16
(c) a matter associated with or incidental to a matter referred to in paragraph (a) or (b).	17
[29] Section 90G(1A)	18
Insert after section 90G(1)—	19
(1A) Without limiting subsection (1)(c), the costs and expenses incurred by the EPA or a local council in connection with a matter associated with or incidental to a matter referred to in subsection (1)(a) or (b) include costs and expenses incurred in connection with the matter before the preliminary investigation notice was given.	20
[30] Section 90G(2)	21
Insert “or local council” after “or the EPA”.	22
[31] Section 91AA	23
Insert after section 91A—	24
91AA Ancillary directions	25
(1) This section applies if the appropriate regulatory authority—	26
(a) has given a clean-up notice to a person, and	27
(b) reasonably believes access to premises or a substance on premises needs to be restricted—	28
(i) to allow clean-up action to be taken under the clean-up notice, or	29
(ii) because there is a risk to human health from the substance the subject of the pollution incident for which clean-up action must be taken.	30

(2)	The appropriate regulatory authority may give a direction (an <i>ancillary direction</i>)—	1
		2
(a)	prohibiting, regulating or controlling entry or exit to the premises, or	3
(b)	providing for matters to secure, or restrict or prevent access to, the substance, or	4
		5
(c)	prohibiting, regulating or controlling an activity in connection with the substance.	6
		7
(3)	The appropriate regulatory authority may give an ancillary direction by—	8
(a)	publishing notice of the direction on a NSW Government website, or	9
(b)	for an emergency—displaying a copy of the direction in a prominent place in or adjacent to the premises to which the direction applies.	10
		11
(4)	An ancillary direction takes effect when notice of the direction is published or a copy of the direction is displayed under subsection (3).	12
		13
(5)	If an ancillary direction is given under subsection (3)(b), notice of the ancillary direction must be published on a NSW Government website as soon as practicable after the ancillary direction is given.	14
		15
		16
[32]	Section 93 Clean-up directions may be given orally	17
	Omit “72 hours” in section 93(3). Insert instead “3 business days”.	18
[33]	Section 94M Recall cost notices	19
	Insert “published on the EPA’s website” after “ <i>notice</i> ” in section 94M(1).	20
[34]	Section 94M(1)(c)	21
	Omit the paragraph. Insert instead—	22
	(c) a matter associated with or incidental to a matter referred to in paragraph (a) or (b).	23
		24
[35]	Section 94M(1A)	25
	Insert after section 94M(1)—	26
	(1A) Without limiting subsection (1)(c), the costs and expenses incurred by the EPA in connection with a matter associated with or incidental to a matter referred to in subsection (1)(a) or (b) include costs and expenses incurred in connection with the matter before the recall cost notice was given.	27
		28
		29
		30
[36]	Section 104 Compliance cost notices	31
	Omit section 104(1)(c). Insert instead—	32
	(c) a matter associated with or incidental to a matter referred to in paragraph (a) or (b).	33
		34
[37]	Section 104(3)(c)	35
	Omit the paragraph. Insert instead—	36
	(c) a matter associated with or incidental to a matter referred to in paragraph (a) or (b).	37
		38
[38]	Section 104(5)	39
	Insert after section 104(4)—	40

(5)	Without limiting subsection (1)(c) or (3)(c), the costs and expenses incurred by the appropriate regulatory authority in connection with a matter associated with or incidental to a matter referred to in subsection (1)(a) or (b) or (3)(a) or (b) include costs and expenses incurred in connection with an associated matter before the clean-up notice or prevention notice was given.	1 2 3 4 5
[39]	Section 108A Single notice for multiple pollution incidents	6
	Omit “notice under subsection (1)” from section 108A(3).	7
	Insert instead “single notice under this chapter”.	8
[40]	Section 108B	9
	Insert after section 108A—	10
108B	Registration of certain notices in relation to land	11
(1)	If any of the following notices have been given by a regulatory authority or public authority to a person, the regulatory authority or public authority may apply to the Registrar-General for registration of the notice in relation to the land to which the notice relates—	12 13 14 15
(a)	a clean-up notice,	16
(b)	a prevention notice.	17
(2)	An application under this section must define the land to which the application relates.	18 19
(3)	The Registrar-General must, on application under this section and lodgement of a copy of the notice to which the application relates, register the notice in relation to the land in the way the Registrar-General thinks fit.	20 21 22
(4)	If the notice relates to land under the <i>Real Property Act 1900</i> , the notice must be registered under that Act.	23 24
(5)	A regulatory authority or public authority may apply to the Registrar-General to vary or remove the registration of a notice the regulatory authority or public authority applied to register under this section.	25 26 27
(6)	The Registrar-General may, on application under subsection (5), vary or remove the registration of a notice as the Registrar-General thinks fit.	28 29
[41]	Section 144AAB Re-use and recycling of asbestos waste prohibited	30
	Insert “that is received from off-site” after “form”.	31
[42]	Section 144AAB(2) and (3)	32
	Insert at the end of section 144AAB—	33
(2)	The regulations may, for subsection (1), regulate the carrying out of an activity that causes or permits asbestos waste to be re-used or recycled.	34 35
(3)	It is a defence in proceedings for an offence under subsection (1) if the person establishes—	36 37
(a)	the re-use or recycling of the asbestos waste resulted from an activity regulated by a regulation made under subsection (2), and	38 39
(b)	the requirements of the regulation were not contravened.	40
[43]	Section 144AB Repeat waste offenders	41
	Insert before section 144AB(1)(aaa)—	42

(aaaa)	section 48(2), if the offence relates to an activity set out in Schedule 1, clauses 39–42,	1 2
[44]	Section 146D Littering reports	3
	Omit the section.	4
[45]	Section 147 Meaning of material harm to the environment	5
	Omit “\$10,000” from section 147(1)(a)(ii). Insert instead “\$50,000”.	6
[46]	Section 148 Pollution incidents causing or threatening material harm to be notified	7
	Insert after section 148(6)—	8
	(7) The regulations may prescribe pollution incidents, or classes of pollution incidents, to which this part does not apply.	9 10
[47]	Section 148(8), definition of “relevant authority”	11
	Omit paragraph (d).	12
[48]	Section 169A Liability of directors etc for offences by corporation—offences attracting executive liability generally	13 14
	Insert after section 169A(1)(c)—	15
	(c1) section 90B(4),	16
[49]	Section 169A(1)(d1)	17
	Insert after section 169A(1)(d)—	18
	(d1) section 94L,	19
[50]	Section 213 Application of Chapter and extension of Chapter to other environment protection legislation	20 21
	Insert after section 213(2)—	22
	(2A) Section 216A extends to proceedings in connection with environment protection legislation.	23 24
[51]	Section 216A Multiple contraventions	25
	Insert “either of” after “arise out of” in section 216A(1).	26
[52]	Section 216A(4)	27
	Insert after section 216A(3)—	28
	(4) If a court finds that 2 or more contraventions of environment protection legislation may not be charged as a single offence and the period during which proceedings may be commenced under section 216 has ended—	29 30 31
	(a) the person who instituted the proceedings may apply to the court for additional time during which separate charges for the contraventions may be filed, despite the period having ended, and	32 33 34
	(b) the court may make an order allowing the additional time for the filing of the separate charges if the court considers it just and reasonable in the circumstances.	35 36 37
[53]	Section 241 Matters to be considered in imposing penalty	38
	Insert after section 241(1)(e)—	39

	(e1) the impact of the offence on Aboriginal cultural values and practices, including impacts on lands, skies, waters, plant and animal species and seas, having regard to the spiritual and cultural significance of the impact of the offence,	1 2 3 4
	(e2) environmental justice principles,	5
[54]	Section 241(3)	6
	Insert after section 241(2)—	7
	(3) In this section—	8
	<i>environmental justice principles</i> means principles intended to prevent or minimise, or have the effect of preventing or minimising, the disproportionate impact of environmental harm on vulnerable or disadvantaged communities or persons.	9 10 11 12
[55]	Section 267B Compliance costs	13
	Omit section 267B(1)(c). Insert instead—	14
	(c) a matter associated with or incidental to a matter referred to in paragraph (a) or (b).	15 16
[56]	Section 267B(1A)	17
	Insert after section 267B(1)—	18
	(1A) Without limiting subsection (1)(c), the costs and expenses incurred by the appropriate regulatory authority in connection with a matter associated with or incidental to a matter referred to in subsection (1)(a) or (b) include costs and expenses incurred in connection with an associated matter before the compliance cost notice was given.	19 20 21 22 23
[57]	Section 276 Issue of noise abatement directions	24
	Omit “7 days”. Insert instead “10 days”.	25
[58]	Section 277 Contravention of noise abatement directions	26
	Omit “28 days” wherever occurring in section 277(1)(b) and (2)(b).	27
	Insert instead “40 days”.	28
[59]	Section 286A Offence regarding resource recovery orders	29
	Omit “the supply by the person, or persons in the specified class, of” from section 286A(1).	30
[60]	Section 295ZB Definition	31
	Omit “incident.” from the definition of <i>relevant person</i> , paragraph (b).	32
	Insert instead—	33
	incident, or	34
	(c) the owner of the premises at or from which the EPA reasonably suspects the pollution incident occurred or is occurring, or	35 36
	(d) a person who contributed to the pollution incident.	37
[61]	Section 296C Person must not do things prohibited by NSW IChEMS register	38
	Omit “\$500,000” from section 296C(1), penalty, paragraph (a)(i).	39
	Insert instead “\$1,000,000”.	40

[62] Section 296C(1), penalty, paragraph (a)(ii)	1
Omit “\$60,000”. Insert instead “\$120,000”.	2
[63] Section 296C(1), penalty, paragraph (b)(i)	3
Omit “\$2,000,000”. Insert instead “\$4,000,000”.	4
[64] Section 296C(1), penalty, paragraph (b)(ii)	5
Omit “\$120,000”. Insert instead “\$240,000”.	6
[65] Section 296D Licence conditions	7
Omit “register.” from section 296D(1)(b). Insert instead—	8
register,	9
(c) requiring an activity involving an industrial chemical to comply with or	10
have regard to the IChEMS Minimum Standards agreed by	11
Commonwealth, State and Territory environmental regulators and in	12
force from time to time.	13
[66] Section 296E Failure to comply with phase-out conditions	14
Omit “\$500,000” from section 296E(1), penalty, paragraph (a)(i).	15
Insert instead “\$1,000,000”.	16
[67] Section 296E(1), penalty, paragraph (a)(ii)	17
Omit “\$60,000”. Insert instead “\$120,000”.	18
[68] Section 296E(1), penalty, paragraph (b)(i)	19
Omit “\$2,000,000”. Insert instead “\$4,000,000”.	20
[69] Section 296E(1), penalty, paragraph (b)(ii)	21
Omit “\$120,000”. Insert instead “\$240,000”.	22
[70] Section 308 Public register	23
Insert “and section 309” after “section” in section 308(1).	24
[71] Section 308(2)(f)	25
Omit “each certificate”. Insert instead “information”.	26
[72] Section 308(3)	27
Omit the subsection.	28
[73] Section 309	29
Omit the section. Insert instead—	30
309 Form and inspection of public register	31
(1) A public register required to be kept by a regulatory authority under section	32
308 must be kept and made available in the way determined by the regulatory	33
authority.	34
(2) A regulatory authority’s public register may be made available for public	35
inspection on the regulatory authority’s website.	36

	(3)	The regulations may provide for matters relating to the public registers, including the payment of fees for inspecting a register.	1 2
	(4)	The <i>Privacy and Personal Information Protection Act 1998</i> , section 57 does not apply to the public registers.	3 4
[74]	Section 319		5
		Omit the section. Insert instead—	6
	319	Disclosure of information	7
		A person must not disclose information obtained in connection with the administration or execution of this Act or the regulations, unless the disclosure is made—	8 9 10
	(a)	with the consent of the person from whom the information was obtained, or	11 12
	(b)	in connection with the administration or execution of this Act or the regulations, or	13 14
	(c)	by a member of staff of the EPA or another regulatory authority and the disclosure is reasonably related to the prevention or amelioration of harm to—	15 16 17
		(i) the public, or	18
		(ii) a person or property, or	19
		(iii) the environment, or	20
	(d)	to another government sector agency, or an agency of the Commonwealth, another State or a Territory prescribed by the regulations, or	21 22 23
	(e)	for the purposes of legal proceedings arising out of this Act or the regulations or a report of the proceedings, or	24 25
	(f)	in accordance with a requirement imposed under the <i>Ombudsman Act 1974</i> , or	26 27
	(g)	with the prior permission of the Minister, or	28
	(h)	with another lawful excuse.	29
		Maximum penalty—200 penalty units.	30
[75]	Section 320B		31
		Insert after section 320A—	32
	320B	Offence to harass EPA officers	33
	(1)	A person must not harass, including by means of a telecommunications service, another person on the basis the person is or was an EPA officer.	34 35
		Example of harassment by means of a telecommunications service—	36
		harassment by phone call, text message or email, social media or other internet service	37
		Maximum penalty—	38
	(a)	for a corporation—\$2,000,000 and, for a continuing offence, a further \$240,000 for each day the offence continues, or	39 40
	(b)	for an individual—\$500,000 and, for a continuing offence, a further \$120,000 for each day the offence continues.	41 42
	(2)	In this section—	43
		<i>EPA officer</i> means—	44

	(a) a person appointed by the EPA as an authorised officer under section 187, or	1 2
	(b) a person, including a local council employee, who administers, or exercises functions under or in connection with, any of the following—	3 4
	(i) environment protection legislation,	5
	(ii) the following Acts—	6
	(A) the <i>Biodiversity Conservation Act 2016</i> ,	7
	(B) the <i>Forestry Act 2012</i> ,	8
	(C) the <i>Local Land Services Act 2013</i> ,	9
	(D) another Act prescribed by the regulations.	10
[76]	Schedule 1 Scheduled activities	11
	Omit “the slaughter” wherever occurring in clause 23.	12
	Insert instead “the slaughtering or processing”.	13
[77]	Schedule 1, clause 42(3A)	14
	Insert after clause 42(3)—	15
	(3A) For subclause (3)(b), in calculating the volume or other amount of waste stored on land or other premises, waste stored in the following must be included in the volume or other amount—	16 17 18
	(a) buildings on the land or other premises,	19
	(b) fixtures on the land or other premises,	20
	(c) other spaces or areas above or below the land or other premises.	21
	Example— Several storage units containing waste tyres are located on premises. For subclause (3)(b), the number of waste tyres on the premises is the aggregate of the number of waste tyres contained in all the storage units on the premises.	22 23 24
[78]	Schedule 1, clause 49(1), definition of “hazardous waste”	25
	Insert “batteries, lithium-ion batteries” after “lead-acid” in paragraph (d).	26
[79]	Schedule 2 Regulation-making powers	27
	Insert “or excessive noise” after “impurities” in clause 4(4).	28
[80]	Schedule 2, clause 4(4)	29
	Insert “or noise control equipment” after “devices”.	30
[81]	Schedule 2, clause 5(3A)	31
	Insert after clause 5(3)—	32
	(3A) The assessment and classification of waste and the provision and recording of information about waste.	33 34
[82]	Schedule 2, clause 5(7) and (8)	35
	Insert after clause 5(6)—	36
	(7) Excluding certain substances from the definition of <i>waste</i> in Schedule 6, including—	37 38
	(a) excluding a substance from the definition in specified circumstances, and	39 40

	(b) excluding a substance from the definition subject to conditions or for a specified period.	1 2
	(8) A regulation under subclause (7) may refer to or incorporate, with or without modification—	3 4
	(a) a document, prepared or published by the EPA, about technical matters relating to substances, as in force at a particular time, or	5 6
	(b) a document, prepared or published by an external body, about technical matters relating to substances, as in force at a particular time or from time to time.	7 8 9
[83]	Schedule 2, clause 9C	10
	Insert after clause 9B—	11
	9C Register of rejected waste loads	12
	A register to collect and share information about rejected loads of contaminated or misclassified waste, including the following—	13 14
	(a) the registration details of the vehicle carrying the waste,	15
	(b) the driver of the vehicle carrying the waste,	16
	(c) the source of the waste,	17
	(d) the final place the waste was transported to for disposal.	18
[84]	Schedule 2, clause 14A	19
	Insert after clause 14—	20
	14A Qualifications, certification, competency and training	21
	The qualifications and certification, competency and training requirements for individuals or corporations carrying on activities—	22 23
	(a) relating to waste, or	24
	(b) referred to in Schedule 1, whether or not the activities meet a criterion or threshold in the schedule, or	25 26
	(c) that may pose a risk of harm to the environment or human health.	27
[85]	Schedule 5 Savings, transitional and other provisions	28
	Insert at the end of the schedule, with appropriate part and clause numbering—	29
Part	Provisions consequent on enactment of Environmental Legislation Amendment Act 2025	30 31
	Definition	32
	In this part—	33
	<i>amendment Act</i> means the <i>Environmental Legislation Amendment Act 2025</i> .	34
	Preliminary investigation notices	35
	(1) The amendments made by the amendment Act, Schedule 9 to Part 4.1A extend to relevant circumstances that existed before the commencement.	36 37
	(2) In this clause—	38
	<i>commencement</i> means the commencement of the amendment Act, Schedule 9[15].	39 40

<i>relevant circumstances</i> has the same meaning as in section 90B(1), as substituted by the amendment Act.	1 2
Recovery of costs	3
The amendments made by the amendment Act, Schedule 9[28], [29], [34]–[38], [55] and [56] extend to costs incurred by the EPA or a local council before the commencement of the items.	4 5 6
Ancillary directions	7
Section 91AA, as inserted by the amendment Act, Schedule 9[31], extends to a clean-up notice given to a person before the commencement of the item.	8 9
Oral clean-up notices	10
Section 93(3), as amended by the amendment Act, Schedule 9[32], extends to a pollution incident that occurred before the commencement of the item.	11 12
Registration of certain notices	13
Section 108B, as inserted by the amendment Act, Schedule 9[40], extends to clean-up notices and prevention notices in force immediately before the commencement of the item.	14 15 16
Exceptions	17
The following provisions apply only to offences committed on or after the commencement of the relevant item—	18 19
(a) section 144AAB(3), as inserted by the amendment Act, Schedule 9[42],	20
(b) the <i>Protection of the Environment Operations (General) Regulation 2022</i> , section 133A, as inserted by the amendment Act, Schedule 10[3].	21 22
Repeat waste offenders	23
Section 144AB(1)(aaaa), as inserted by the amendment Act, Schedule 9[43], extends to offences committed before the commencement of the item.	24 25
Application of Chapter 8	26
Section 213(2A), as inserted by the amendment Act, Schedule 9[50], applies only in relation to proceedings commenced after the commencement of the item.	27 28 29
Multiple contraventions	30
Section 216A, as amended by the amendment Act, Schedule 9[51] and [52], extends to proceedings commenced but not finally determined before the commencement of the items.	31 32 33
Matters to be considered in imposing penalties	34
Section 241(1)(e1) and (e2) and (3), as inserted by the amendment Act, Schedule 9[53] and [54], extend to proceedings commenced but not finally determined before the commencement of the items.	35 36 37
Noise abatement directions	38
Section 276, as amended by the amendment Act, Schedule 9[57], extends to offensive noise emitted from premises in the 10 days immediately before the commencement of the item.	39 40 41

Contravention of noise abatement directions

The amendment of section 277 by the amendment Act, Schedule 9[58] does not apply to a noise abatement direction issued before the commencement of the item.

Risk analysis

Section 295ZB, as amended by the amendment Act, Schedule 9[60], extends to a risk analysis undertaken on or after the commencement of the item, whether the pollution incident occurred before or after the commencement.

Waste storage

The amendments made to Schedule 1, clause 42 and the *Protection of the Environment Operations (General) Regulation 2022*, section 133 by the amendment Act apply only to waste storage on and from the commencement of the amendments.

[86] Schedule 6 Dictionary

Omit the definition of *land pollution* or *pollution of land*. Insert in alphabetical order—

land pollution—

- (a) means placing in or on, or otherwise introducing into or onto, land, whether through an act or omission, matter, whether solid, liquid or gaseous, that—
 - (i) causes or is likely to cause—
 - (A) degradation of the land, resulting in actual or potential harm to the health or safety of human beings, animals or other terrestrial life or ecosystems that is not trivial, or
 - (B) actual or potential loss or property damage that is not trivial, or
 - (ii) is of a prescribed nature, description or class, or
 - (iii) does not comply with a standard prescribed about the matter, and
- (b) includes matter placed in or on, or otherwise introduced into or onto, a building, chattel or fixture on, below or above land, but

Example of matter placed in a chattel on land— matter placed in a shipping container on the land
- (c) does not include placing in or on, or otherwise introducing into or onto, land, or a building, chattel or fixture on, below or above land, a substance excluded from this definition by the regulations.

pollution of land has the same meaning as *land pollution*.

Schedule 10 Amendment of Protection of the Environment Operations (General) Regulation 2022

[1] Section 133 Land pollution—the Act, Dictionary

Omit “or pollution of land, paragraph (b)” from section 133(1).

Insert instead “, paragraph (a)(ii)”.

[2] Section 133(2)(c)

Omit “Chapter 4.”. Insert instead—

Chapter 4, or

- (d) as part of category 2 remediation work carried out in accordance with the requirements in *State Environmental Planning Policy (Resilience and Hazards) 2021* that apply to category 2 remediation work.

[3] Section 133A

Insert after section 133—

133A Asbestos waste

- (1) For the Act, section 144AAB(2), an activity that causes or permits asbestos waste to be re-used or recycled may be carried out if the activity is carried out—
 - (a) in accordance with an approved voluntary management proposal, management order or ongoing maintenance order under the *Contaminated Land Management Act 1997*, or
 - (b) in accordance with a public positive covenant or restriction imposed under the *Contaminated Land Management Act 1997*, or
 - (c) as part of category 1 remediation work carried out under *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4, or
 - (d) as part of category 2 remediation work carried out in accordance with the requirements in *State Environmental Planning Policy (Resilience and Hazards) 2021* that apply to category 2 remediation work.

Schedule 11	Amendment of Stock Medicines Act 1989 No 182	1
Section 3A	Definition of “stock medicine”	2
	Omit section 3A(3).	3

Schedule 12 Amendment of Waste Avoidance and Resource Recovery Act 2001 No 58

[1] Section 35 Reports by Scheme Coordinator

Omit “Minister” from section 35(1). Insert instead “EPA, for approval,”.

[2] Section 35(2)

Omit the subsection. Insert instead—

- (2) The Scheme Coordinator must, as soon as practicable after the report is approved by the EPA, publish the report on the Scheme Coordinator’s website.

[3] Section 53

Omit the section. Insert instead—

53 Remedy or restraint of contraventions of Act or regulations

- (1) The EPA may bring proceedings in the Land and Environment Court for an order to remedy or restrain a contravention of this Act or the regulations.
- (2) Proceedings under subsection (1) may be brought whether or not proceedings have been instituted for an offence under this Act or the regulations.
- (3) If the Court is satisfied a contravention has occurred or that a contravention will, unless restrained by an order of the Court, occur, the Court may make the order the Court thinks fit to remedy or restrain the contravention.
- (4) In this section—
contravention includes a threatened or apprehended contravention.

[4] Section 54A

Insert after section 54—

54A Liability of directors etc for offences by corporation—offences attracting executive liability generally

- (1) For this section, an *executive liability offence* is an offence against any of the following provisions of this Act that is committed by a corporation—
 - (a) section 38(1),
 - (b) section 44(2),
 - (c) section 54.
- (2) A person commits an offence against this section if—
 - (a) a corporation commits an executive liability offence, and
 - (b) the person is—
 - (i) a director of the corporation, or
 - (ii) an individual who is involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and
 - (c) the person—
 - (i) knows or ought reasonably to know that the executive liability offence, or an offence of the same type, would be or is being committed, and

(ii)	fails to take all reasonable steps to prevent or stop the commission of the offence.	1
	Maximum penalty—the maximum penalty for the executive liability offence if committed by an individual.	2
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	3
		4
(4)	The offence against this section may be prosecuted only by a person who may bring a prosecution for the executive liability offence.	5
		6
(5)	This section does not affect the liability of the corporation for the executive liability offence and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	7
		8
(6)	This section does not affect the application of any other law relating to the criminal liability of persons, whether or not directors or other managers of the corporation, who are accessories to the commission of the executive liability offence or are otherwise involved in, or party to, the commission of the executive liability offence.	9
		10
		11
(7)	In this section—	12
	director has the same meaning as in the <i>Corporations Act 2001</i> of the Commonwealth.	13
		14
	reasonable steps , in relation to the commission of an executive liability offence, includes action of the following kinds that is reasonable in all the circumstances—	15
		16
(a)	action towards—	17
(i)	assessing the corporation’s compliance with the provision creating the executive liability offence, and	18
		19
(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	20
		21
(b)	action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	22
		23
(c)	action towards ensuring that any of the following that are relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances—	24
		25
(i)	plant, equipment and other resources,	26
		27
(ii)	structures, work systems and other processes,	28
		29
(d)	action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.	30
		31
		32
		33
		34
		35
		36
		37
		38
		39
		40
[5] Schedule 4 Savings, transitional and other provisions		41
Insert at the end of the schedule, with appropriate part and clause numbering—		42

Part	Provision consequent on enactment of	1
	Environmental Legislation Amendment Act 2025	2
Civil enforcement proceedings		3
	Section 53, as inserted by the <i>Environmental Legislation Amendment Act</i>	4
	<i>2025</i> , Schedule 12[3], extends to a contravention of this Act or the regulations	5
	that occurred before the commencement of the item.	6