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OF

## WESTERN AUSTRALIA

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### ENVIRONMENTAL PROTECTION ACT 1986

### ENVIRONMENTAL PROTECTION AMENDMENT REGULATIONS 1988

MADE by His Excellency the Governor in Executive Council on the recommendation of the Environmental Protection Authority.

#### Citation

1. These regulations may be cited as the *Environmental Protection Amendment Regulations 1988*.

#### Commencement

2. These regulations shall come into operation on 1 August 1988.

#### Principal regulations

3. In these regulations the *Environmental Protection Regulations 1987\** are referred to as the principal regulations.

[\*Published in the Gazette of 20 February 1987 at pp. 444-449.]

#### Regulation 10 inserted

4. After regulation 9 of the principal regulations the following regulation is inserted—

##### Control of certain pressure packs

- “ 10. (1) No person shall—
- (a) bring, or attempt to bring, into the State;
  - (b) make, assemble, alter or adapt; or
  - (c) sell,

any pressure pack or cause or permit the doing of any of those things.

Penalty: \$200.

(2) Subregulation (1) does not apply to any pressure pack—

- (a) of a class or description described in Schedule 4 unless subregulation (3) applies to it; or
- (b) that is exempted under subregulation (4).

(3) If the Chief Executive Officer is satisfied that there is a reasonably practicable alternative means of achieving the purpose for which any pressure pack, or class or description of pressure pack, described in Schedule 4 is designed to be used, he may, subject to subregulation (7), by notice published in the *Government Gazette* declare that pressure pack, or class or description of pressure pack, to be no longer exempt from the operation of subregulation (1).

(4) The Chief Executive Officer may, by notice published in the *Gazette*, declare that subregulation (1), or any part thereof, does not apply to any pressure pack or class or description of pressure pack in respect of which he is satisfied that—

- (a) there is no reasonably practicable alternative means of achieving the purpose for which that pressure pack or class or description of pressure pack is designed to be used; or
- (b) the manufacturer has taken steps to ensure that that pressure pack or class or description of pressure pack will, after 31 December 1989, be modified so as not to contain a controlled substance.

(5) The Chief Executive Officer may, subject to subregulation (7), by notice published in the *Gazette*, amend or revoke a notice published under subregulation (4).

(6) A declaration under subregulation (4) shall cease to have effect on such day as the Chief Executive Officer may specify in the notice referred to in subregulation (4) but in no case shall—

- (a) an exemption that applies to subregulation (1) (c) have effect after 31 March 1990; or
- (b) any other exemption have effect after 31 December 1989.

(7) The Chief Executive Officer shall, before exercising any power conferred on him by subregulation (3) or (5), publish in the *Gazette* not less than 14 days' notice of his intention to exercise that power so as to enable persons likely to be aggrieved thereby to make representations in writing to him.

(8) In this regulation—

“controlled substance” means any substance having the chemical formula  $CFCl_3$ ,  $CF_2Cl_2$ ,  $C_2F_3Cl_3$ ,  $C_2F_4Cl_2$ , or  $C_2F_5Cl$ ;

“pressure pack” means a container—

- (a) that is designed to be hand held;
- (b) whose contents include a controlled substance that provides, either solely or in mixture with any other substance, the pressure required to expel any contents from the container into the atmosphere; and
- (c) that is designed to be discarded after the contents of the container have been expelled or substantially expelled;

“sell” includes, without limiting its primary meaning—

- (a) barter and exchange;
- (b) agreeing to sell;
- (c) attempting to sell;
- (d) offering, displaying or exposing for sale; and
- (e) with a view to sale—
  - (i) supplying;
  - (ii) transporting; or
  - (iii) holding. ”.

#### Schedule 4 added

5. After Schedule 3 to the principal regulations, the following Schedule is added—

“Schedule 4[reg. 10]

*Pressure Packs to which regulation 10 does not apply*

Pressure packs that are—

- (a) designed to be used solely for a medical, veterinary, defence, industrial safety, or public safety purpose;
- (b) required to be used to comply with a written law;
- (c) designed to be used to supply a calibration gas;
- (d) exclusively associated with warning, measuring or scientific equipment. ”.

By His Excellency's Command,  
G. PEARCE,  
Clerk of the Council.