

WESTERN SYDNEY
UNIVERSITY



Environmental Management System:
Legal Register

**Environment and Risk Management
Capital Works and Facilities**

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1. Introduction

1.1. Purpose and objective

The overarching purpose of the Western Sydney University Environmental Management System (EMS) is to document the policies, procedures and initiatives for environmental due diligence and compliance. This includes identifying and managing key environmental risks, and identifying and complying with relevant environmental legislation, guidelines, and agreements.

This Legal Register outlines the compliance requirements defined through Environmental legislation and associated regulations. These compliance requirements are referenced in the associated documents, in particular, the:

- Environmental Policy
- Environmental Management System Manual
- Environmental Management Plan
- Operational Control Procedures

1.2. Structure

The structure of this register follows that outlined in the Environmental Management System Manual, identifying the key legislative requirements in terms of the government agencies administering these instruments. These include:

- NSW Environment Protection Authority (EPA)
 - Other Regulations administered by the EPA
- Office of Environment & Heritage
- NSW Department of Planning and Infrastructure
- NSW Rural Fire Service
- NSW Department of Primary Industry
- Other NSW government agencies
- Commonwealth Department of the Environment
- Other Commonwealth government agencies

1.3 Content and review

The content provided here reproduces the tabulated material in the first version of the Western Sydney University's Legal Register. This material is generally sourced directed from web sites describing the legislation, and reproduced for clarity.

Recent amendments in legislation are included, based upon information provided on the websites of the agencies administering these instruments.

1.4 Responsibility

The legislation listed in this register has implication on all areas of the University. Responsibility for any compliance should be allocated to the appropriate Western Sydney University unit once a specific requirement is notified by the relevant regulatory authority.

2. Legislation administered by the NSW Environment Protection Authority (EPA)

Compliance requirements for the Western Sydney University's Environmental Management System include those relating to the following legislative instruments administered by the NSW Environment Protection Authority (EPA):

- Contaminated Land Management Act 1997
- Dangerous Goods Act 1975
- Environmentally Hazardous Chemicals Act 1985
- National Environment Protection Council (New South Wales) Act 1995
- Ozone Protection Act 1989
- Pesticides Act 1999
- Protection of the Environment Operations Act 1997 (POEO Act)
 - Protection of the Environment Operations (General) Regulation 2009
 - Protection of the Environment Operations (Control of Burning) Regulation 2000
 - Protection of the Environment Operations (Noise Control) Regulation 2000
 - Protection of the Environment Operations (Clean Air) Regulation 2002
 - Protection of the Environment Operations (Waste) Regulation 2005 No.96
- Protection of the Environment Operations Amendment Bill 2005
- Protection of the Environment Administration Act 1991
- Radiation Control Act 1990
- Recreation Vehicles Act 1983
- Road and Rail Transport (Dangerous Goods) Act 1997
- Waste Avoidance and Resource Recovery Act 2001

Further information on legislation administered by the NSW Environment Protection Authority (EPA) can be found at:

<http://www.epa.nsw.gov.au/legislation/legislation.htm>

Recent updates in compliance requirements can be found at:

<http://www.epa.nsw.gov.au/legislation/whatsnewlaw.htm>

2.1. Contaminated Land Management Act 1997

This Act enables the EPA to respond to contamination that is causing a significant risk of harm to human health or the environment, and sets out criteria for determining whether such a risk exists. Objects of this Act

The general object of this Act is to establish a process for investigating and (where appropriate) remediating land areas where contamination presents a significant risk of harm to human health or some other aspect of the environment.

Refer to section 2.2 for the applicable regulation made under this act

Relevance to Western Sydney University

The University exposed to possible investigation and remediation orders for its existing land holdings and also for proposed land acquisitions

s12 (1) where Western Sydney University has control of the land the EPA may undertake an investigation or remediation order under this act Western Sydney University will be subject to the order on the basis that Western Sydney University has control of the land.

2.2 Dangerous Goods Act 1975

Act relates to the storage, conveyance, possession and licensing of dangerous goods.

Relevance to Western Sydney University

The University likely possess a Dangerous Goods register and should audit for compliance with the act and regulation. (see ADG Code for the Transport of Dangerous Goods by Road and Rail (ADG Code) using a classification based on the United Nations' Recommendations for the Transport of Dangerous Goods).

2.3. Environmentally Hazardous Chemicals Act 1985

The Act sets up the Hazardous Chemicals Advisory Committee. Its functions include advising the EPA in relation to the assessment and control of chemicals that are environmentally hazardous. The EPA may assess chemicals under the Act.

The EPA may declare substances to be chemical wastes for the purposes of the Act. Examples of substances that have been so declared include dioxin contaminated waste materials and PCB (polychlorinated biphenyl) wastes.

Relevance to Western Sydney University

The University has chemicals on site for use in teaching, horticulture, research, cleaning, etc, which may be the subject of a chemical control order (s10(1)) from the EPA including the manner in which the chemicals are stored, used and disposed.

2.4 National Environment Protection Council (New South Wales) Act 1995

This Act provides for the establishment of a National Environment Protection Council (NEPC) that has power to make national environment protection measures. The New South Wales government will implement national environment protection measures (NEPMs) in New South Wales in a variety of ways, including via legislation. The Department of Environment and Conservation (NSW) is one agency that will administer the implementation of national environment protection measures in New South Wales. NEPMs implemented using EPA legislation include those relating to:

- assessment of site contamination;
- used packaging materials;
- movement of controlled waste;
- national pollutant inventory.

Relevance to Western Sydney University

Environment Protection and Heritage Council into which the NEPC has been subsumed has mandate to issue National Environment Protection Measures (NEPMs). NEPMs have already been made for Ambient Air Quality, National Pollutant Inventory, Movement of Controlled Waste, Used Packaging Materials, Assessment of Site Contamination, Diesel Vehicle Emissions and Air Toxics. Western Sydney University should keep informed of NEPMs as they are developed and issued as compliance issues may arise.

2.5 Ozone Protection Act 1989

This Act provides a broad power to make regulations to control or prohibit the production and use of:

- substances that deplete stratospheric ozone when emitted into the atmosphere and
- articles that contain or use those substances in their operation.

Relevance to Western Sydney University

This act is relevant in so far as it has the power to make regulations which Western Sydney University would need to comply with.

2.6 Pesticides Act 1999

This Act controls and regulates the use of pesticides in New South Wales. It is an offence under the Act:

- to use a pesticide in a manner that injures or is likely to injure another person (section 10);
- to use a pesticide in a manner that damages or is likely to damage any property of another person (section 10);
- to use a pesticide in a manner that harms any non-target animal or plant, or harms any animal or plant if there is no approved label or permit for the pesticide (section 11);
- to willfully or negligently use a pesticide in a manner that causes material harm to threatened species or protected animals (section 9);
- to possess or use an unregistered pesticide without a permit (sections 12 and 13);
- to fail to read an approved label or permit before using a registered pesticide (section 14);
- to use a registered pesticide contrary to the approved label (section 15);
- to keep registered pesticides in a container without an approved label (section 16);
- to possess or use a restricted pesticide without being authorised by a certificate of competency or a pesticide control order (section 17).

Relevance to Western Sydney University

- Under section 111, it is an offence to cause or permit another person to commit an offence under the Act or Regulations. Consequently, Capital Works and Facilities who manage such work undertaken at Western Sydney University should stipulate compliance with the Act and the Code.
- Section 5 meaning of pesticide is quite broad and includes veterinary chemical product for the external control of ectoparasites of animals. The pesticides and veterinary chemicals are identifiable through the Agvet Code (section 5 of the Agricultural and Veterinary Chemicals (New South Wales) Act 1994.). Section 6 of the act facilitates the issue of permits under the Agvet Code and the effect of a permit issued under section Part 7 of the Agvet Code is that it authorises a person to whom it applies to do (or omit to do) something that is otherwise prohibited by this Act, so long as the person does so in accordance with the conditions of the permit.

2.7. Protection of the Environment Operations Act 1997 (POEO Act)

There is a broad allocation of responsibilities under the Act between the EPA, local councils and other public authorities. The EPA is made the regulatory authority for:

- activities listed in Schedule 1 to the Act and the premises where they are carried on;
- activities carried on by a State or public authority; and
- other activities in relation to which a license regulating water pollution is issued.
- In nearly all other cases, the regulatory authority is the relevant local council.

Relevance to Western Sydney University

Schedule 1 – Schedule of EPA – Licensed Activity. Several activities described in the schedule are undertaken by Western Sydney University. Waste products require EPA licenses such as asbestos, radioactive materials (used in science labs), chemical and construction. Some of the waste is controlled by Western Sydney University and others are controlled by contractors (e.g., waste services and construction waste). Food waste from catering operations and toxic, flammable and other dangerous goods. Other activities under the Act but not on the EPA schedule are regulated by Local Government Authorities.

2.7.1. Protection of the Environment Operations (General) Regulation 2009

This regulation:

- exempts certain water pollution from the water pollution offence under the Protection of the Environment Operations Act 1997;
- prohibits the burning of certain bio-material from Australian native trees in certain electricity generating works, and requires records and reports to be made in accordance with EPA guidelines;
- prescribes certain matter when placed into water to be water pollution, and the methodology for testing matter in waters;
- allows the EPA to prohibit or regulate certain activities that threaten the safety of drinking water that is part of a public water supply;
- prescribes certain forms to be used with respect to warrants relating to noise abatement directions;
- sets out additional matters to be included in the public register maintained under section 308 of the Protection of the Environment Operations Act 1997;
- declares certain bodies to be the appropriate regulatory authority in relation to certain activities for the purposes of the Protection of the Environment Operations Act 1997

2.7.2. Protection of the Environment Operations (Control of Burning) Regulation 2000

Controls burning in the open or in incinerators in local government areas;

- allows the EPA or local councils to grant approvals for burning in the open or in an incinerator in certain circumstances;
- prohibits the burning of certain articles (including tyres, paint and solvent containers, and certain treated timbers); and
- imposes a general duty on persons to prevent or minimise air pollution when burning in the open or in an incinerator.

Relevance to Western Sydney University

This is relevant if Western Sydney University practices incineration on any campus. Incineration may include firing of ceramic kiln and other such practices that result in air pollution.

2.7.3. Protection of the Environment Operations (Noise Control) Regulation 2000

This Regulation:

- sets out the offences under the Protection of the Environment Operations Act 1997 and related Acts and regulations for which on-the-spot fines ('penalty notices') may be issued, and the amount of such fines;
- specifies the organisations who can authorise their officers to issue penalty notices for particular offences; and
- authorises the service of a penalty notice relating to an offence, applying to an owner of a motor vehicle or vessel, on the owner without naming the address of the owner and by leaving the penalty notice on that vehicle or vessel.

Relevance to Western Sydney University

Some regulations that relate to Western Sydney University include:

- s38 Lawn mowers with cutting width between 620 mm and 950 mm
- s 51 Musical instruments and sound equipment (residential only – student residential premises) and includes electrically amplified sound equipment includes any computer, radio, television, tape recorder, record player, compact disc player, digital video disc (DVD) player or public address systems.

2.7.4. Protection of the Environment Operations (Clean Air) Regulation 2002

The Regulation deals with the sale of domestic solid fuel heaters and requires the heaters to be certified as complying with emission limits set out in the relevant Australian Standard. It also prohibits tampering with such heaters. In relation to motor vehicles, the Regulation deals with the following matters:

- the emission of air impurities, including excessive smoke from motor vehicles;
- the compulsory fitting and maintenance of anti-pollution devices, and exemptions from these requirements; and
- the method of transfer of petrol into a vehicle's fuel tank.

Relevance to Western Sydney University

Regulations in respect to vehicle emissions is relevant to the University's Fleet Vehicles. Section 9 Motor vehicles emitting excessive air impurities. An owner of a motor vehicle is guilty of an offence if the vehicle emits excessive air impurities while being used. Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual. For the purposes of this clause, a motor vehicle emits excessive air impurities if it emits air impurities in the circumstances described in section 154 (2) of the Act.

2.7.5. Protection of the Environment Operations (Waste) Regulation 2005 No.96

Replaces Protection of Environment Operations (Waste) Regulation 1996

- sets out a number of requirements relating to non-licensed landfill sites, non-licensed waste activities and non-licensed waste transporting, for eg the way in which waste must be stored or transported, reporting and record-keeping requirements;
- sets out certain reporting and record-keeping requirements in relation to scheduled waste facilities and scheduled landfill sites;
- exempts certain waste streams from the full waste tracking and record keeping requirements;
- sets out special requirements relating to asbestos and clinical waste.

Relevance to Western Sydney University

The University has an asbestos register and the act contains provisions if the asbestos is to be removed. s29 Special requirements relating to asbestos waste. s30 Special requirements relating to clinical waste.

2.8. Protection of the Environment Operations Amendment Bill 2005

This Amendment Act resulted from a review of the Protection of the Environment Operations Act. Resulting amendments include:

- Increases penalties for tier 1 and 2 offences, and littering.
- Removes 'no knowledge' defense and requires environmental compliance plan. This must identify activities which could give rise to an incident and also sets out the requirements of environmental legislation.
- Allows opinion, belief or purpose of employee or agent as evidence in proceedings against a corporation.
- Amends associated orders relating to payments to Environmental Trust, training course attendance, or financial assurances for restoration works.
- Extends provisions of POEO Act to offences under the Environmentally Hazardous Chemicals Act 1985.
- Determines requirements regarding license holders, license conditions, and license review, and green offset works to mitigate effects of licensed works.
- Establishes smoke abatement notices.
- Repeals Clean Waters Regulations 1972 and requires impact of an activity must consider environmental values as set down in ANZECC 2000 Guidelines (sections 45,96).
- Establishes a new offence for polluting land defined as the unauthorised placing or introducing matter into or onto land that causes degradation of the land resulting in specified harm or damage, or placing or introducing matter that is of a prescribed nature, description or class or does not comply with a prescribed standard.
- Introduces noise abatement powers for Councils.
- Further amendments to the fee and licensing categories in POEO Act and POEO (General) Regulation 1998.

Relevance to Western Sydney University

The University should ensure its Environmental Management System is approved and implementation is underway to clearly show due diligence in relation to the requirement of a compliance plan.

Implications of the extended provisions in relation to the Environmentally Hazardous Chemicals Act 1985 need to be investigated in relation to the University's aspects and impacts.

Monitoring and assessing water borne pollution in relation to environmental values and ANZECC 2000 guidelines is a clear requirement.

The definitions of polluting land should be investigated in relation to soil amendment with composted organic material sourced from green waste.

2.9. Protection of the Environment Administration Act 1991

This Act:

- establishes the EPA, the Board of the EPA, two community consultation forums, and the NSW Council on Environmental Education; and
- requires the EPA to make a report on the state of the environment every 3 years.

Relevance to Western Sydney University

The University should be aware of the details of the Section 8 General Powers of the EPA in respect to grants... make grants to industry, commerce, public authorities, educational institutions and such other persons who the Authority considers are acting in the public interest for the purpose of funding projects which assist or advance environment protection.

2.10. Radiation Control Act 1990

This Act provides for the regulation and control of radioactive substances, radioactive sources and radiation apparatus. The Act does not apply to radioactive ore while it is being mined or treated. The Act also creates the Radiation Advisory Council. Its functions include advising the Minister on the administration of the Act and measures to prevent or minimise the dangers arising from radiation.

Section 6 Restrictions on possession, use and sale etc. of radioactive substances and certain radiation apparatus. This section applies to the following:

- all radioactive substances,
- all ionising radiation apparatus,
- non-ionising radiation apparatus prescribed as apparatus to which this section applies.

A person must not possess, use, sell or give away anything to which this section applies unless the person is the holder of a license under this section and does so in compliance with any conditions to which the license is subject.

Relevance to Western Sydney University

The University possesses and uses radioactive substances. The actual possession and use should be assessed and the license should be checked for compliance pursuant to Section 6.

2.11. Recreation Vehicles Act 1983

It is an offence under this Act to use vehicles on restricted land (i.e. land that is not a public road nor a recreation vehicle area) in willful contravention of a direction given by the occupier of that land.

Relevance to Western Sydney University

Some unauthorised access by Recreation Vehicles may occur on Western Sydney University land.

2.12. Road and Rail Transport (Dangerous Goods) Act 2008

This Act regulates the transport of dangerous goods (other than explosives) by road and rail as part of a national scheme for road transport. It substantively re-enacts the Commonwealth's Road Transport Reform (Dangerous Goods) Act 1995.

The transport of dangerous goods involves the importing, loading, consigning, marking and placarding of goods, and driving of vehicles.

Relevance to Western Sydney University

The University operates across several campuses and utilises a courier system to move mail and consumables between its campus locations. This act would apply if Western Sydney University transports dangerous goods between campuses using its courier service.

2.13. Waste Avoidance and Resource Recovery Act 2001

This Act:

- promotes waste avoidance and resource recovery;
- repeals and replaces the Waste Minimisation and Management Act 1995;
- establishes a scheme to promote extended producer responsibility in place of industry waste reduction plans; and
- continues the Waste Fund for the purposes of funding relevant programs.

Relevance to Western Sydney University

The University should familiarise itself with any extended producer responsibility in regards to its key waste products (including IT equipment, paper, catering by- product) Waste is defined broadly and has the same meaning as in the Protection of the Environment Operations Act 1997.

3. Legislation administered by the NSW Office of Environment & Heritage

Compliance requirements for the Western Sydney University Environmental Management System include those relating to the following legislative instruments administered by the NSW Office of Environment & Heritage:

- Threatened Species Conservation Act 1995
- Environmental Trust Act 1998
- Heritage Act 1977
- Historical Houses Act 1980
- National Parks and Wildlife Act 1974
- National Trust of Australia (NSW) Act 1990
- Soil Conservation Act 1938

3.1. Environmental Trust Act 1998

This Act sets up an Environmental Trust with the objects of:

- Promoting restoration and rehabilitation projects in the public and private sectors which will, or are likely to, reduce pollution, the waste-stream or environmental degradation;
- Promoting research into environmental problems in both the public and private sectors;
- Promoting environmental education projects in the public and private sectors, and public awareness of environmental issues; and
- Funding the acquisition of land for the national parks estate.

Relevance to Western Sydney University

The Act establishes the Environment Trust which makes annual grants of funds for restoration and rehabilitation programs and “clean-up”.

3.2. Forestry Restructuring and Nature Conservation Act 1995

An Act to provide for the payment of expenditure on forest industry restructuring, nature conservation and certain other environmental initiatives from the Environmental Trust, and for other purposes.

Relevance to Western Sydney University

May be relevant to the University’s Nature Conservation projects and other funding available from the Environmental Trust (see above)

3.3. Heritage Act 1977

An Act to conserve the environmental heritage of the State Heritage significance interpretation. In this Act:

- State heritage significance, in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.
- Local heritage significance, in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

- An item can be both of State heritage significance and local heritage significance. An item that is of local heritage significance may or may not be of State heritage significance.
- Aboriginal heritage items and places are also covered by this act.

Relevance to Western Sydney University

The University is the custodian of Heritage listed buildings (ie: Female Orphanage on Parramatta Campus) and other buildings of historical significance may exist on other campus. Research artefacts may also exist.

3.4. Historic Houses Act 1980

An Act to provide for the care, control and management of certain houses of historic importance.

Relevance to Western Sydney University

As above – Heritage Act 1977

3.5. National Parks and Wildlife Act 1974

An Act to consolidate and amend the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal objects; to repeal the Wild Flowers and Native Plants Protection Act 1927, the Fauna Protection Act 1948, the National Parks and Wildlife Act 1967 and certain other enactments; to amend the Local Government Act 1919 and certain other Acts in certain respects; and for purposes connected therewith.

The act also makes provision for the protection of Aboriginal places of significance.

Relevance to Western Sydney University

The University may possess or find a future need to preserve and manage an area or object that falls within the act.

OEH has listed a number of places of Aboriginal significance on Western Sydney University land. The University has responsibility for protecting these sites under this act.

3.6. National Trust of Australia (New South Wales) Act 1990

An Act to make further provision with respect to the constitution, objects and functions of The National Trust of Australia (New South Wales); to repeal The National Trust of Australia (New South Wales) Act 1960; and for related purposes.

Relevance to Western Sydney University

The objects of the Trust (s5) and its Powers (s6) are defined in very broad terms and Western Sydney University with its substantial land, building and artefact collections be within the jurisdiction of the trust.

3.7. Native Vegetation Act 2003

The objects of this Act are:

- to provide for, encourage and promote the management of native vegetation on a regional basis in the social, economic and environmental interests of the State, and
- to prevent broadscale clearing unless it improves or maintains environmental outcomes, and
- to protect native vegetation of high conservation value having regard to its contribution to such matters as water quality, biodiversity, or the prevention of salinity or land degradation, and
- to improve the condition of existing native vegetation, particularly where it has high conservation value, and
- to encourage the revegetation of land, and the rehabilitation of land, with appropriate native vegetation,
- in accordance with the principles of ecologically sustainable development.

Relevance to Western Sydney University

The University should be aware of the act in relation to an overall management plan for its land holdings.

3.8. Native Vegetation Conservation Act 1997

As above for Native Vegetation Act.

3.9. Nature Conservation Trust Act 2001

An Act to provide for the establishment, management and functions of the Nature Conservation Trust of New South Wales; to make consequential amendments to other Acts; and for related purposes.

Relevance to Western Sydney University

The University may fall within the scope of this legislation in regards to natural resources on its land holdings and be affected by decisions made by the trust.

3.10. Soil Conservation Act 1938

An Act to make provision for the conservation of soil resources and farm water resources and for the mitigation of erosion; for these and other purposes to amend the Crown Lands Consolidation Act 1913 and certain other Acts; and for purposes connected therewith.

Relevance to Western Sydney University

This legislation is relevant by virtue of the University land holdings.

3.11. Threatened Species Conservation Act 1995

The objects of this Act are as follows:

- to conserve biological diversity and promote ecologically sustainable development, and
- to prevent the extinction and promote the recovery of threatened species, populations and ecological communities, and

- to protect the critical habitat of those threatened species, populations and ecological communities that are endangered, and
- to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities, and
- to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed, and
- to encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.

The act also provides OEH the power to issue license and penalise or prosecute offenders.

Relevance to Western Sydney University

This may affect the University if threatened species are identified on Western Sydney University property and/or habitat protection is mandated. Provisions in the act may require that the University undertake an impact assessment for development purposes.

The act Section 132C provides for the issuing of licenses for scientific research and bush regeneration involving threatened species or ecological communities. Western Sydney University academics may need to apply for these licenses and abide by their conditions to undertake research and teaching in natural areas.

4. Legislation administered by the NSW Department of Planning and Infrastructure

Compliance requirements for the Western Sydney University Environmental Management System include those relating to the following legislative instruments administered by the NSW Department of Planning and Infrastructure:

- Environmental Planning and Assessment Act 1979
 - Environmental Planning and Assessment Regulation 2000
- Gas Supply Act 1996

4.1. Environmental Planning and Assessment Act 1979

The objects of this Act are:

- to encourage:
 - the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - the promotion and co-ordination of the orderly and economic use and development of land,
 - the protection, provision and co-ordination of communication and utility services,
 - the provision of land for public purposes,
 - the provision and co-ordination of community services and facilities, and
 - the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - ecologically sustainable development, and
 - the provision and maintenance of affordable housing, and
- to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Relevance to Western Sydney University

Provisions of Environmental Planning Instruments (EPI) issued under this act are legally binding on councils and developers. Developers who do not comply risk criminal proceedings. (s123) . Environment defined very broadly and includes all aspects of the surroundings of humans... (s4.(1)). Under the EPAA “development” means the use of land, subdivision of land, erection of a building, carrying out of a work, demolition of a building, any other matter referred to in s26 controlled by an EPI. As a consequence of s24 or 26 the University may need to assess each proposed development on its land for any requirements under an EPI (3 categories of consent – development doesn’t need consent s76, development needs consent s76A, development prohibited s76B) . ss106 – 107(1) use of land and environment for a lawful purpose is established against the EPI’s that are in existence prior to the new plan taking effect. If the EPI changes and an existing use become unlawful then development consent or provision of an EPI will be required to have the usage deemed lawful. (s109A). Other sections address situations of abandonment of existing use, alterations and extensions of buildings, expansion and intensification.

4.1.1. Environmental Planning and Assessment Regulation 2000

This regulation sets out

- Timeframes for processing application
- Rights of appeal
- Advertising and public comment periods for development applications

Relevance to Western Sydney University

The University may be impacted as a developer putting in an application for assessment under the Environmental Planning and Assessment Act.

4.2. Gas Supply Act 1996

The objects of this Act are as follows:

- to encourage the development of a competitive market in gas, so as to promote the thermally efficient use of gas and to deliver a safe and reliable supply of gas in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the Protection of the Environment Administration Act 1991,
- to regulate gas reticulation and gas supply, so as to protect the interests of customers and to promote customer choice in relation to gas supply,
- to promote the safe use of gas.

Relevance to Western Sydney University

The University is a consumer of gas with several connections across all campuses. Some of the offences under the act are listed below: Part 5 Offences ; Division 1 Offences : 65 Theft of gas ; 66 Interference with gas works; 67 Interference with gas meters; 68 Interference with network operators' seal; 69; Unauthorised connections; 70 Unauthorised increase in capacity of connections; 71 Unauthorised alterations and additions to gas installations; 72 Obstruction of inspectors.

5. Legislation administered by the NSW Department of Primary Industry

Compliance requirements for the Western Sydney University Environmental Management System include those relating to the following legislative instruments administered by the NSW Department of Primary Industry:

- Animal Research Act 1985
- Biological Control Act 1985
- Biosecurity Act 2014
- Commons Management Act 1989 (in conjunction with Department of Trade & Investment)
- Exhibited Animals Protection Act 1986
- Non-Indigenous Animals Act 1987
- Noxious Weeds Act 1993
- Plant Diseases Act 1924 (in conjunction with Department of Trade & Investment)
- Plantations and Reforestation Act 1999 (in conjunction with Department of Trade & Investment)
- Stock Disease Act 1923
- Sydney Water Catchment Act 1998 (in conjunction with Department of Trade & Investment)
- Water Act 1912
- Water Management Act 2000

5.1. Animal Research Act 1985

The object of this Act is to protect the welfare of animals used in connection with research by requiring persons or organisations carrying out animal research or supplying animals for research to be authorised under this Act and by regulating the carrying out of animal research and the supply of animals for research by those persons or organisations. Authorisations under this Act may be granted only for recognised research purposes. Recognised research purposes include purposes involving the use of animals for research, teaching, testing and the production of biological products.

Relevance to Western Sydney University

For the regulations the definition of animal means a vertebrate animal, and includes a mammal, bird, reptile, amphibian and fish, but does not include a human being. Several Western Sydney University research projects and teaching programs include animals.

5.2. Biological Control Act 1985

For the control of pests and unwanted biological organisms by use of other organisms.

Relevance to Western Sydney University

Only relevant to the University if research is conducted in this area or biological controls are in use or considered for use on Western Sydney University land.

5.3. Biosecurity Act 2014

This act will replace 14 other pieces of legislation once ratified by Parliament.

The aim of the act is to introduce controls to manage:

- Animal and plant pests, diseases, weeds and contaminants that are economically significant for primary producing industries;
- Threats to terrestrial and aquatic environments arising from animal and plant pest and diseases;
- Public health and safety risks from contaminants, non-indigenous animals, nuisance bees and weed species known to contribute to public health problems;
- Animal and plant pests and diseases and contaminants that may have an adverse effect on community activities, infrastructure, health and wellbeing.

The act will include compliance and enforcement powers and place great emphasis of responsibility across government, industry and individuals.

Relevance to Western Sydney University

The University will have responsibilities under this act in the way it undertakes land management practices, particularly weeds and pest control; disease control of animals and plants; in keeping and managing non-indigenous animals.

5.4. Commons Management Act 1989

Common means:

- a parcel of land which, on or before 1 February 1909, had, by any instrument made by the Governor, been set aside as a common for the use of the inhabitants of any specified locality or the cultivators or farmers of any locality in which the parcel of land is situated, or
- any parcel of land which, after that date, has been set aside by the Governor or the Minister as a common or for pasturage for the use of the inhabitants of a specified locality,
- but does not include such a parcel where the setting aside of the common has been revoked or otherwise terminated.

Relevance to Western Sydney University

The Hawkesbury campus may historically have some land established as “common”.

5.5. Exhibited Animals Protection Act 1986

Exhibit, in relation to an animal, means the display, or the keeping for display, of the animal for educational, cultural, scientific, entertainment or other prescribed purposes, but does not include the display or the keeping for display, of an animal solely:

- in connection with the sale or intended sale of the animal,
- for animal research, within the meaning of the Animal Research Act 1985, or
- in circumstances declared by the regulations not to constitute an exhibition of the animal for the purposes of this Act.

Relevance to Western Sydney University

Western Sydney University during its open day and during on-going research and education will have animals on display. According to s24 certain animals may be displayed only with permit Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.

5.6. Non Indigenous Animals Act 1987*

The act covers the importation, keeping and management of non-indigenous animals. The act also provides for the licencing of people or institutions that undertake these activities. There is provision in the act for penalties associated with breaches of the act, as well as seizure of animals.

Relevance to Western Sydney University

The act is relevant if the University keeps non-indigenous animals for research purposes.

* All of this act, except for those sections pertaining to animal welfare, will be replaced by the Biosecurity Act 2014 once it has been ratified by Parliament.

5.7. Noxious Weeds Act 1993*

An Act to provide for the identification, classification and control of noxious weeds; to make consequential amendments to other Acts; and for other purposes.

Relevance to Western Sydney University

The University may fall within the scope of this legislation in regards to natural resources on its land holdings and be affected by decisions made by the trust.

* This act has been listed for repeal when the Biosecurity Act 2014 has been ratified by Parliament.

5.8. Plant Diseases Act 1924*

An Act to make further provision to prevent the introduction into New South Wales of diseases and pests affecting plants or fruit; to provide for the eradication of such diseases and pests, and to prevent the spread thereof; to make certain provisions with regard to the sale and grading of fruit and vegetables; to make certain provisions as to cotton plants; to repeal the Vine and Vegetation Diseases and Fruit Pests Act 1912; to amend the Fruit Cases Act 1912 and certain other Acts; and for purposes connected therewith.

Relevance to Western Sydney University

The University imports plants and performs research on plant pests and diseases.

* This act has been listed for repeal when the Biosecurity Act 2014 has been ratified by Parliament.

5.9. Plantations and Reafforestation Act 1999

The objects of this Act are:

- to facilitate the reforestation of land, and
- to promote and facilitate development for timber plantations on essentially cleared land, and
- to codify environmental standards, and provide a streamlined and integrated scheme, for the establishment, management and harvesting of timber and other forest plantations, and
- to make provision relating to regional transport infrastructure expenditure in connection with timber plantations,
- consistently with the principles of ecologically sustainable development (as described in section 6 (2) of the Protection of the Environment Administration Act 1991).

Relevance to Western Sydney University

The University possesses plantations and may undertake reforestation programs on some of its land.

5.10. Stock Diseases Act 1923*

An Act relating to diseases in stock; to repeal the Stock Diseases (Tick) Act 1901 and the Stock Diseases (Tick) Amendment Act 1915; and for purposes connected therewith. Stock means horses, cattle, asses, mules, camels, sheep, pigs, or goats, or any animals or birds or any eggs of any birds to which the Governor by proclamation to be published in the Gazette may apply the provisions of this Act.

Relevance to Western Sydney University

The University has a variety of stock animals on its property and used in teaching programs.

* This act has been listed for repeal when the Biosecurity Act 2014 has been ratified by Parliament.

5.11. Sydney Water Catchment Management Act 1998

An Act to constitute the Sydney Catchment Authority and to confer and impose on it certain functions with respect to the protection and management of certain catchment areas, with respect to the supply of water to Sydney Water Corporation Limited and other bodies, and with respect to other matters; to make provision for the protection of public health and public safety and for the protection of the environment; to make consequential amendments to the Water Board (Corporatisation) Act 1994 and certain other Acts; and for other purposes.

Relevance to Western Sydney University

The University is exposed to possible investigation and remediation orders for its existing land holdings and also for proposed land acquisitions`

Where the University has control of the land the EPA may undertake an investigation or remediation order under this act Western Sydney University will be subject to the order on the basis that the University has control of the land.

5.12. Water Act 1912 (under staged repeal associated by Water Management Act 2000)

An Act to consolidate the Acts relating to Water Rights, Water and Drainage, Drainage Promotion, and Artesian Wells.

Relevance to Western Sydney University

Wide ranging piece of legislation that may affect the University water management on its properties.

5.13. Water Management Act 2000

The NSW Water Management Act is administered by the Office of Water. An Act to provide for the protection, conservation and ecologically sustainable development of the water sources of the State, and for other purposes.

Relevance to Western Sydney University

Outlines (s5) Water management principles

6. Legislation administered by other NSW government agencies

Compliance requirements for the Western Sydney University Environmental Management System include those relating to the following legislative instruments administered by other government agencies:

- Aboriginal Land Rights Act 1983 – Office of Communities
- Native Title (New South Wales) Act 1994 – Office of Communities
- Community Land Development Act 1989 - Department of Finance & Services
- Community Land Management Act 1989 – Department of Fair Trading
- Impounding Act 1993 – Department of Premier and Cabinet
- Land and Environment Court Act 1989 – Department of Attorney General
- Local Government Act 1993 – Department of Premier and Cabinet
- Local Land Services Act 2013 – Local Land Services
 - Local Land services Regulation 2014
- Natural Resources Commission Act 2003 - Department of Premier and Cabinet
- Public Health Act 1991 – Department of Health
- Rural Fires Act 1997 - Ministry for Police and Emergency Services
- Sydney Water – Ministry of Natural Resources, Land and Water
- Water Industry Competition Act 2006 – Department of Finance & Services

6.1. Aboriginal Land Rights Act 1983

The purposes of this Act are as follows:

- to provide land rights for Aboriginal persons in New South Wales,
- to provide for representative Aboriginal Land Councils in New South Wales,
- to vest land in those Councils,
- to provide for the acquisition of land by or for those Councils and the allocation of funds to and by those Councils.

Relevance to Western Sydney University

The University is a major landowner in the region and should be aware of entitlements under this legislation.

6.2. Native Title (New South Wales) Act 1994

An Act about native title in relation to land or waters; and for other purposes.

Relevance to Western Sydney University

As Above for Aboriginal Land Rights Act 1983

6.3. Community Land Development Act 1989

Object and application of Act

- Subject to subsection (2), the object of this Act is to facilitate the subdivision of land into parcels for separate development or disposition:
 - with an interest in associated land in the nature of common or shared property, and
 - with or without further subdivision (including a subdivision under the Strata Schemes (Freehold Development) Act 1973) in conjunction with the development of another such parcel or other such parcels.
- A plan is not registerable under this Act if, in the opinion of the Registrar-General, it is essentially for:
 - the subdivision of a building into lots, or into lots and common property, where the lots are, by reference to the building, made to correspond to attached or semi-detached units within the building (whether or not a lot includes land not within the building), or
 - the subdivision of land into lots and common property, where the common property comprises mainly land above a lot or lots or land below a lot or lots, or
 - the subdivision of land into lots limited wholly or partly in height or in depth.
- This Act binds the Crown except in relation to a requirement to obtain an approval, consent or certificate from a consent authority.

Relevance to Western Sydney University

The University may be affected if through the action of subdividing land for development purposes it may be party to community land development plans.

6.4. Community Land Management Act 1989

For land occupied or held by Associations

Relevance to Western Sydney University

As above.

6.5. Impounding Act 1993

The objects of this Act are:

- to empower authorised persons to impound and deal with animals and articles in public places and places owned or under the control of certain public authorities if, in the case of animals, they are unattended or trespassing or, in the case of articles, they have been abandoned or left unattended, and
- to empower occupiers of private land to impound and deal with animals trespassing on their land, and
- to provide for the release of impounded animals and articles that are claimed by their owners, and
- to provide for the disposal of impounded animals and articles that are not claimed by their owners and, if they are disposed of by sale, to provide for the disposal of the proceeds of sale.

Relevance to Western Sydney University

The act may be relevant to Western Sydney University if animals in the care of the University escape or if animals not belonging to the University trespass onto University land.

6.6. Land and Environment Court Act 1979

The jurisdiction of the Court generally includes:

- 17 Class 1—environmental planning and protection appeals
- 18 Class 2—local government and miscellaneous appeals and applications
- 19 Class 3—land tenure, valuation, rating and compensation matters
- 20 Class 4—environmental planning and protection and development contract civil enforcement
- 21 Class 5—environmental planning and protection summary enforcement
- 21A Class 6—appeals from convictions relating to environmental offences
- 21B Class 7—other appeals relating to environmental offences

Relevance to Western Sydney University

Court has jurisdiction in Land and Environment matters that may affect the University.

6.7. Local Government Act 1993

An Act to provide for local government in New South Wales.

Relevance to Western Sydney University

The University has recourse to several Local Government Authorities in respect to a range of activities and services as they relate to the environment.

6.8. Local Land Services Act 2013*

The Local Land Services Act 2013 repeals the Catchment Management Act 2003, and coordinates the manner in which land and livestock services are instituted.

Relevance to Western Sydney University

Operational liaison regarding agricultural and land services will be influenced. The act also impacts Western Sydney University's management of feral animals on its land.

*Section 10 of the act relating to pests will be repealed when the Biosecurity Act 2014 has been ratified by Parliament.

6.8.1. Local Land Services Regulation 2014

The regulation deals with assessment of rural lands and the charging of rates.

Relevance to Western Sydney University

The regulation applies to Western Sydney University Hawkesbury's farm land.

6.9. Natural Resources Commission Act 2003

An Act to establish the Natural Resources Commission; to confer functions on the Commission with respect to natural resource management; to amend various Acts consequentially; and for other purposes

Relevance to Western Sydney University

The University may fall within the scope of this legislation in regards to natural resources on its land holdings and be affected by decisions made by the commission.

6.10. Public Health Act 1991

An Act relating to the maintenance of proper standards of health for the public; and for other purposes.

Relevance to Western Sydney University

A very wide ranging piece of legislation that has broad scope of application to the Western Sydney University community. (includes cigarette smoking, emergency provisions, inspections and health warnings)

6.11. Rural Fires Act 1997

An Act to establish the NSW Rural Fire Service and define its functions; to make provision for the prevention, mitigation and suppression of rural fires; to repeal the Bush Fires Act 1949; to amend certain other Acts; and for other purposes.

Relevance to Western Sydney University

Western Sydney University may already be a member of a Bush Fire Management Committee (s 50 and s51) with its various LGA's and/or may be affected by a Bush Fire Management Plan.

6.12. Sydney Water Act 1994

s 4 Establishes the Sydney Water Board and the act mainly focuses on the role and responsibilities of the board. However, some general provisions contain penalties in respect to certain acts that may affect the water supply. s48 Illegal diversion of water. Maximum penalty: 200 penalty units (or 400 penalty units in the case of a corporation). s49 Offence to discharge into works.

Relevance to Western Sydney University

Wide ranging piece of legislation that may affect the University water management on its properties.

6.13. Water Industry Competition Act 2006

The Water Industry Competition Act 2006 is administered by the NSW Independent Pricing and Regulatory Tribunal (IPART).

Relevance to Western Sydney University

Licensing requirements and costs associated with water recycling initiatives may be required. A review of urban water regulation including the WIC Act and Local Government Act are underway in 2014.

7. Legislation administered by the Commonwealth Department of the Environment

Compliance requirements for the Western Sydney University Environmental Management System include those relating to the following legislative instruments administered by the Commonwealth Department of the Environment:

- Environment Protection and Biodiversity Conservation Act 1999

Further information on legislation administered by the Commonwealth Department of the Environment can be found at:

http://www.austlii.edu.au/au/legis/cth/consol_act/

7.1. Environment Protection and Biodiversity Conservation Act 1999

An Act relating to the protection of the environment and the conservation of biodiversity, and for related purposes. The objects of this Act are:

- to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and
- to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and
- to promote the conservation of biodiversity; and
- to provide for the protection and conservation of heritage; and
- to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples; and
- to assist in the co-operative implementation of Australia's international environmental responsibilities; and
- to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

In order to achieve its objects, the Act:

- recognises an appropriate role for the Commonwealth in relation to the environment by focusing Commonwealth involvement on matters of national environmental significance and on Commonwealth actions and Commonwealth areas; and
- strengthens intergovernmental co-operation, and minimises duplication, through bilateral agreements; and
- provides for the intergovernmental accreditation of environmental assessment and approval processes; and
- adopts an efficient and timely Commonwealth environmental assessment and approval process that will ensure activities that are likely to have significant impacts on the environment are properly assessed; and
- enhances Australia's capacity to ensure the conservation of its biodiversity by including provisions to:
 - protect native species (and in particular prevent the extinction, and promote the recovery, of threatened species) and ensure the conservation of migratory species; and
 - establish an Australian Whale Sanctuary to ensure the conservation of whales and other cetaceans; and

- protect ecosystems by means that include the establishment and management of reserves, the recognition and protection of ecological communities and the promotion of off-reserve conservation measures; and
 - processes that threaten all levels of biodiversity and implement plans to address these processes; and
- includes provisions to enhance the protection, conservation and presentation of world heritage properties and the conservation and wise use of Ramsar wetlands of international importance; and
- includes provisions to identify places for inclusion in the National Heritage List and Commonwealth Heritage List and to enhance the protection, conservation and presentation of those places; and
- promotes a partnership approach to environmental protection and biodiversity conservation through:
 - bilateral agreements with States and Territories; and
 - conservation agreements with land-holders; and
 - recognising and promoting indigenous peoples' role in, and knowledge of, the conservation and ecologically sustainable use of biodiversity; and
 - the involvement of the community in management planning.

Relevance to Western Sydney University

The University is a depository of biological plant germplasm which may be deemed of National Significance.

Western Sydney University staff and students also engage in bioprospecting activities that may be governed by some the biodiversity provisions in this act.

8. Legislation administered by Commonwealth government agencies

Compliance requirements for the Western Sydney University Environmental Management System include those relating to the following legislative instruments administered by other Commonwealth government agencies:

8.1. Agricultural and Veterinary Chemicals Act 1994

The object of this Act is to make a law for the government of certain Territories in relation to the evaluation, registration and control of agricultural chemical products and veterinary chemical products, and for related purposes. This Act has effect, and is to be interpreted, accordingly.

Despite subsection (1) and section 9, this Act, the Agricultural and Veterinary Chemicals Code Act 1994 and the Agvet Code of the participating Territories are not, for the purposes of subsection 22(3) of the Acts Interpretation Act 1901, Acts providing for the administration or government of a Territory.

Relevance to Western Sydney University

The University undertakes research and teaching on animals and agriculture which may involve the usage, storage, possession and disposal of chemicals that are objects of this act.

8.2. Australian Heritage Council Act 2003

An Act to establish the Australian Heritage Council, and for related purposes. These are the functions of the Council:

- to make assessments under Divisions 1A and 3A of Part 15 of the Environment Protection and Biodiversity Conservation Act 1999

Relevance to Western Sydney University

The University is a depository of biological plant germplasm which may be deemed of National Significance.

Western Sydney University staff and students also engage in bioprospecting activities that may be governed by some the biodiversity provisions in this act.

8.3. Gene Technology Act 2000

The object of the GT Act is to protect the health and safety of people, and to protect the environment, by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with GMOs. The Regulations give effect to the objects of the GT Act by providing further information about definitions in the GT Act; describing exemptions under the legislation; setting out the dealings with GMOs that are notifiable low risk dealings and the conditions which will apply to such dealings; describing the types of information that must be provided by an applicant for a licence to deal with a GMO and setting out details of the operation of the three committees established under the GT Act.

8.3.1. Gene Technology Regulations 2001

Relevance to Western Sydney University

The University undertakes research into genetic technology (including the genetic modification of plants) and should be alert to any provision in this act and exemptions.

8.4. Industrial chemicals (Notification and Assessment) Act 1989

An Act to establish a national system of notification and assessment of industrial chemicals, to provide for registration of certain persons proposing to introduce industrial chemicals, and for related purposes.

The object of this Act is to provide for a national system of notification and assessment of industrial chemicals for the purposes of:

- aiding in the protection of the Australian people and the environment by finding out the risks to occupational health and safety, to public health and to the environment that could be associated with the importation, manufacture or use of the chemicals;
- providing information, and making recommendations, about the chemicals to Commonwealth, State and Territory bodies with responsibilities for the regulation of industrial chemicals; and (c) giving effect to Australia's obligations under international agreements relating to the regulation of chemicals; and
- collecting statistics in relation to the chemicals; being a system under which information about the properties and effects of the chemicals is obtained from importers and manufacturers of the chemicals.

Relevance to Western Sydney University

The University may require permission to introduce a chemical as part of a research or teaching program.

8.5. National Environment Protection Council Act 1994

An Act to provide for the establishment of a National Environment Protection Council, and for related purposes.

The object of this Act is to ensure that, by means of the establishment and operation of the National Environment Protection Council:

- people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia; and
- decisions of the business community are not distorted, and markets are not fragmented, by variations between participating jurisdictions in relation to the adoption or implementation of major environment protection measures.

Relevance to Western Sydney University

The University may be effected or have recourse to the activities of the National Environment Protection Council.

8.6. National Greenhouse and Energy Reporting Act 2007

The object of this act is to introduce a single national reporting framework for the reporting and dissemination of information related to greenhouse gas emissions, greenhouse gas projects, energy consumption and energy production of corporations to:

- underpin the introduction of an emissions trading scheme in the future; and
- inform government policy formulation and the Australian public; and
- meet Australia's international reporting obligations; and
- assist Commonwealth, State and Territory government programs and activities; and
- avoid the duplication of similar reporting requirements in the States and Territories.

Relevance to Western Sydney University

The University has a reporting obligation under this act. All energy use and greenhouse gas emissions are reported annually.

8.7. Native Title Act 1993

An Act about native title in relation to land or waters, and for related purposes. The main objects of this Act are:

- to provide for the recognition and protection of native title
- to establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- to establish a mechanism for determining claims to native title and
- to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title

Relevance to Western Sydney University

The University is a major landowner and should be aware of entitlements under this legislation.

8.8. Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

The objectives of this act are:

- to institute, for the purpose of giving effect to Australia's obligations under the Vienna Convention and the Montreal Protocol, a system of controls on the manufacture, import and export of substances that deplete ozone in the atmosphere; and
- to institute, and to provide for the institution of, specific controls on the manufacture, import, export, distribution and use of products that contain such substances or use such substances in their operation; and
- to use the best endeavours to encourage Australian industry to:
 - replace ozone depleting substances; and
 - achieve a faster and greater reduction in the levels of production and use of ozone depleting substances than are provided for in the Vienna Convention and the Montreal Protocol;
- to the extent that such replacements and achievements are reasonably possible within the limits imposed by the availability of suitable alternate substances, and appropriate technology and devices; and

- to provide controls on the manufacture, import, export and use of SGGs, for the purposes of giving effect to Australia's obligations under the Framework Convention on Climate Change and the Kyoto Protocol; and
- to promote the responsible management of scheduled substances so as to minimise their impact on the atmosphere.

Relevance to Western Sydney University

This impacts the University in that it limits the purchase and disposal of refrigerant gases.

8.9. Protection of movable Cultural Heritage Act 1986

An Act to protect Australia's heritage of movable cultural objects, to support the protection by foreign countries of their heritage of movable cultural objects, and for related purposes

A reference in section 8 to the movable cultural heritage of Australia is a reference to objects that are of importance to Australia, or to a particular part of Australia, for ethnological, archaeological, historical, literary, artistic, scientific or technological reasons, being objects falling within one or more of the following categories:

- objects recovered from:
 - the soil or inland waters of Australia;
 - the coastal sea of Australia or the waters above the continental shelf of Australia; or
 - the seabed or subsoil beneath the sea or waters referred to in subparagraph (ii);
- objects relating to members of the Aboriginal race of Australia and descendants of the indigenous inhabitants of the Torres Strait Islands;
- objects of ethnographic art or ethnography;
- military objects;
- objects of decorative art;
- objects of fine art;
- objects of scientific or technological interest;
- books, records, documents or photographs, graphic, film or television material or sound recordings;
- any other prescribed categories.

Relevance to Western Sydney University

Research undertaken at Western Sydney University or by the University staff and students operating in Australia or overseas need to aware of the provisions of this act.

Attachment 1. NSW Legislation relevant to Environment but deemed not relevant to Western Sydney University

The objects of these Acts were reviewed and considered not relevant or too remote to Western Sydney University activities and premises for the purposes of this review only. These acts can be viewed in full at: http://www.austlii.edu.au/au/legis/nsw/consol_act/

- Apiaries Act 1985 (due to be repealed and replaced by the Biosecurity Act 2014)
- Crown Lands (Continued Tenures) Act 1989
- Deer Act 2006 (due to be repealed and replaced by the Biosecurity Act 2014)
- Dividing Fences Act 1991
- Fertilisers Act 1985
- Fisheries Management Act 1994
- Firearms Act 1996
- Forestry Act 1916
- Forestry Revocation and National Park Reservation Act 1996
- Forestry Revocation and National Parks Reservation Act 1983
- Forestry Revocation and National Parks Reservation Act 1984
- Forestry (State Forest Revocation) Act 1978
- Game and Feral Animal Control 2002
- Hunter Water Act 1991
- Inclosed Lands Protection Act 1901
- Marine Pollution Act 1987
- Mining Act 1992
- Mutual Recognition (New South Wales) Act 1992
- Petroleum (Onshore) Act 1991
- Pipelines Act 1967
- Poisons and Therapeutic Goods Act 1966
- Prevention of Cruelty to Animals Act 1979
- Real Property Act 1900
- Roads Act 1993
- State Emergency and Rescue Management Act 1989
- State Environmental Planning (Permissible Mining) Act 1996
- Stock (Chemical Residues) Act 1975
- Stock Foods Act 1940 (due to be repealed and replaced by the Biosecurity Act 2014)
- Stock Medicines Act 1989 (due to be repealed and replaced by the Biosecurity Act 2014)
- Strata Schemes (Freehold Development) Act 1973
- Sydney Harbour Foreshore Authority Act 1998
- Sydney Olympic Park Authority Act 2001
- Transport Administration Act 1988
- Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986
- Waste Recycling and Processing Corporation Act 2001
- Western Lands Act 1901
- Wild Dog Destruction Act 1921 (due to be repealed and replaced by the Biosecurity Act 2014)
- Wilderness Act 1987
- Work Health and Safety Act 2011
- Zoological Parks Board Act 1973

Attachment 2. Commonwealth Legislation relevant to Environment but deemed not relevant to Western Sydney University

The objects of these Acts were reviewed and considered not relevant or too remote to Western Sydney University activities and premises for the purposes of this review only. These acts can be viewed in full at: http://www.austlii.edu.au/au/legis/cth/consol_act/

- Aboriginal and Torres Strait Islander Heritage Protection Act 1984
- Antarctic Marine Living Resources Conservation Act 1981
- Antarctic Treaty Act 1960
- Antarctic Treaty (Environmental Protection) Act 1980
- Australian Antarctic Territory Acceptance Act 1933
- Australian Antarctic Territory Act 1954
- Australian Heritage Council Act 2003
- Captains Flat (Abatement Pollution) Agreement Act 1975
- Carbon Credits (Carbon Farming Initiative) 2011
- Clean Energy Act 2011
- Environmental Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Act 2012
- Environmental Protection (Alligator Rivers Region) Act 1978
- Environmental Protection (Sea Dumping) Act 1981
- Fuel Quality Standards Act 2000
- Great Barrier Reef Marine Park Act 1975
- Great Barrier Reef Marine Park (Environmental Management Charge-Excise) Act 1993
- Great Barrier Reef Marine Park (Environmental Management Charge-General) Act 1993
- Hazardous Waste Management (Regulations of Export and Imports) Act 1989
- Heard Island and McDonald Islands Act 1953
- Hindmarsh Island Bridge Act 1997
- Historic Shipwrecks Act 1997
- Lake Eyre Basin Intergovernmental Agreement Act 2001
- Meteorology Act 1955
- National Water Commission Act 2004
- Natural Heritage Trust of Australia Act 1997
- Renewable Energy (Electricity) Act 2000
- Sea Installations Act 1987
- Sydney Harbour Federation Trust Act 2001
- Water Act 2007
- Wet Tropics of Queensland World Heritage Area Conservation Act 1994

Attachment 3. International agreements

Information provided from the United Nations Environment Program

http://www.unep.org/DPDL/Law/Programme_work/Dev_t_international_law/index.asp

The International Instruments are not binding on Western Sydney University until enacted in Australian law but they provided guidance on issues that may arise in research that is conducted by the University staff in Australia or overseas.

UNEP also promotes the development of non legally-binding instruments in areas not yet covered by binding instruments. These instruments are designed to urge governments and other actors, public and private, to act to protect the environment on a voluntary basis. These types of instruments are known as 'soft law' instruments, as they are not legally binding on States.

UNEP also administers the Secretariats of the following MEAs:

- Biodiversity Cluster:
 - Convention on Biological Diversity (CBD)
 - Cartagena Protocol on Biosafety
 - Bonn Convention on Migratory Species (CMS) and related African-Eurasian Migratory Water Bird Agreement (AEWA)
 - Agreement on the Conservation of Populations of European Bats (EUROBATS) and Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) Conventions
 - Convention on International Trade in Endangered Species (CITES)
- Chemicals and Hazardous Wastes Cluster:
 - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
 - Stockholm Convention on Persistent Organic Pollutants (POPs)
 - Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PICs)
 - Vienna Convention for the Protection of the Ozone Layer
 - Montreal Protocol on Substances that Deplete the Ozone Layer