



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

Number 177

Wednesday, 5 November 2003

Published under authority by the Government Printing Service

## SPECIAL SUPPLEMENT



New South Wales

# Environmental Planning and Assessment Amendment (Certifier Accreditation) Regulation 2003

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

### Explanatory note

The object of this Regulation is to allow an accreditation body to withdraw a person's accreditation as an accredited certifier under Part 4B of the *Environmental Planning and Assessment Act 1979*, and to refuse to accredit a person as such an accredited certifier, if the body is satisfied that the person is not a fit and proper person to be an accredited certifier. The Regulation also provides some examples of grounds on which a decision may be made that a person is not a fit and proper person.

This Regulation is made under section 109T (2) (c) of the *Environmental Planning and Assessment Act 1979* and section 157 of that Act (the general regulation-making power).

Clause 1            Environmental Planning and Assessment Amendment (Certifier Accreditation) Regulation 2003

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## **Environmental Planning and Assessment Amendment (Certifier Accreditation) Regulation 2003**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Certifier Accreditation) Regulation 2003*.

### **2 Amendment of Environmental Planning and Assessment Regulation 2000**

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Environmental Planning and Assessment Amendment (Certifier Accreditation) Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 204 Grounds for refusing, withdrawing or suspending accreditation

Insert at the end of clause 204 (1) (e):

, or

- (f) the accreditation body is satisfied that the person is not a fit and proper person to be an accredited certifier.

### [2] Clause 204 (1A)

Insert after clause 204 (1):

- (1A) Without limiting any other grounds on which a person may be found not to be fit and proper, an accreditation body may be satisfied that a person is not a fit and proper person to be an accredited certifier on the ground that the person:
  - (a) has contravened a law, whether or not a New South Wales law, and whether or not the contravention is an offence, or
  - (b) has failed to comply with a statutory or other duty, or a contractual obligation, imposed on the person by or in accordance with a law, whether or not a New South Wales law, or
  - (c) is an undischarged bankrupt, or
  - (d) has represented himself or herself as being an accredited certifier when the person was not an accredited certifier, or
  - (e) has contravened any code of conduct of an accreditation body.

ISSN 0155-6320

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R. J. MILLIGAN, Government Printer.