



Western Australia

Environmental Protection Act 1986

**Environmental Protection (NEPM-NPI)
Regulations 1998**

Western Australia

Environmental Protection (NEPM-NPI) Regulations 1998

Contents

1.	Citation	1
2.	Terms used	1
3.	Purpose	2
4.	Application	2
5.	Collection of data from reporting facilities	3
6.	Emission estimation techniques	4
7.	Information not admissible in other proceedings	5

Notes

	Compilation table	6
--	-------------------	---

Defined terms

Environmental Protection (NEPM-NPI) Regulations 1998

Made by the Governor in Executive Council on the recommendation of the Environmental Protection Authority.

1. Citation

These regulations may be cited as the *Environmental Protection (NEPM-NPI) Regulations 1998*.

2. Terms used

(1) In these regulations —

ANZSIC 2006 code, for an activity or industry, means the classification code given to that activity or industry under the *Australian and New Zealand Standard Industrial Classification 2006* produced by the Australian Bureau of Statistics;

NPI means the NEPM cited as the *National Environment Protection (National Pollutant Inventory) Measure*;

occupier means an occupier, within the meaning of the NPI, to which these regulations apply.

(2) In these regulations, these terms have the meaning given by the NPI —

category 1

category 1b

category 3

data gathering program

emission data

estimation technique

facility (as defined in clause 3 and modified in clause 9(11) of the NPI)

industry reporting materials

mandatory transfer data

participating jurisdiction

reporting facility

reporting period

reporting threshold

substance

substance identity information

supporting data

transfer

[Regulation 2 inserted: Gazette 2 Mar 2012 p. 856-7.]

3. Purpose

The purpose of these regulations is to require certain acts to be done for the purpose of implementing the NPI.

4. Application

These regulations do not apply to an occupier of a reporting facility unless one or more of the activities carried out at the facility is an industry that has an ANZSIC 2006 code —

- (a) that the participating jurisdictions agree is an industry that is required to report under the NPI; and
- (b) that is included by the Commonwealth on a published list as an industry that is required to report under the NPI; and
- (c) for which there are industry reporting materials published by the Commonwealth.

[Regulation 4 inserted: Gazette 2 Mar 2012 p. 857.]

5. Collection of data from reporting facilities

- (1) The occupier of each reporting facility must provide to the Chief Executive Officer the following information if a reporting threshold for a substance is exceeded in a reporting period —
 - (a) supporting data for the facility; and
 - (b) substance identity information and emission data, determined and documented in accordance with regulation 6, for each substance for which the reporting threshold is exceeded in the period; and
 - (ca) the type and mass of fuel or waste burned in the reporting period; and
 - (c) any information that may be required to assess the integrity of the emission data; and
 - (da) substance identity information and mandatory transfer data for each substance for which a category 1, category 1b or category 3 reporting threshold is exceeded in the period; and
 - (db) any information that may be required to assess the integrity of the mandatory transfer data; and
 - (d) a statement, signed by the occupier or a person authorized by the occupier for that purpose, that the occupier has exercised due diligence in gathering and providing the information mentioned in paragraphs (a) to (db).
- (2A) An occupier of a reporting facility is not required to provide mandatory transfer data under subregulation (1)(da) or information under subregulation (1)(db) unless there are industry reporting materials for transfers published by the Commonwealth.
- (2) An occupier who —

- (a) fails to provide the information to the Chief Executive Officer within 3 months after the end of the reporting period to which the information relates; or
- (b) provides information which is false or misleading in a material particular,

commits an offence.

Penalty: \$5 000.

- (3) The State must not release any information provided to it under subregulation (1)(ca), (c) or (db) unless —
 - (a) the occupier consents to its release; or
 - (b) the State is legally compelled to release it; or
 - (c) it is specifically required by a data gathering program of another State, Territory or the Commonwealth.
- (4) If subregulation (3)(c) applies, the information can only be supplied to the State, Territory or Commonwealth data gathering program that requires it.

[Regulation 5 amended: Gazette 2 Mar 2012 p. 857-8.]

6. Emission estimation techniques

- (1) In estimating emission data and mandatory transfer data for the purposes of providing information under regulation 5, each occupier of a reporting facility must —
 - (a) if an estimation technique is set out in the relevant industry reporting materials for that type of reporting facility apply either —
 - (i) that estimation technique; or
 - (ii) another estimation technique approved by the Chief Executive Officer;
 - and
 - (b) if no estimation technique is set out in the relevant industry reporting materials which relates to a specific process carried out at the reporting facility or means of

emission or transfer of substances from the reporting facility, apply an estimation technique approved by the Chief Executive Officer; and

- (c) document the technique applied under paragraph (a)(ii) or (b).

(2) An occupier must —

- (a) retain any data which may be required by the Chief Executive Officer to verify the emission data or mandatory transfer data for 3 years from the date on which a report was provided to the Chief Executive Officer; and
- (b) provide the data to the Chief Executive Officer as required by the Chief Executive Officer.

Penalty: \$5 000.

[Regulation 6 amended: Gazette 2 Mar 2012 p. 859.]

7. Information not admissible in other proceedings

Information provided by an occupier solely for the purposes of these regulations is not admissible in evidence in any proceedings against the occupier other than proceedings in respect of an offence against regulation 5(2)(b).

Notes

- ¹ This is a compilation of the *Environmental Protection (NEPM-NPI) Regulations 1998* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Environmental Protection (NEPM-NPI) Regulations 1998</i>	11 Dec 1998 p. 6614-16	11 Dec 1998
<i>Environmental Protection (NEPM-NPI) Amendment Regulations 2012</i>	2 Mar 2012 p. 856-9	r. 1 and 2: 2 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Mar 2012 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
ANZSIC 2006 code	2(1)
NPI.....	2(1)
occupier.....	2(1)