

EV302*

Environmental Protection Act 1986

Environmental Protection (NEPM-NPI) Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Environmental Protection (NEPM-NPI) Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Environmental Protection (NEPM-NPI) Regulations 1998*.

4. Regulation 2 replaced

Delete regulation 2 and insert:

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

5. Regulation 4 replaced

Delete regulation 4 and insert:

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.

6. Regulation 5 amended

(1) In regulation 5(1):

- (a) delete “each facility” and insert:

each reporting facility

- (b) after paragraph (b) insert:
 - (ca) the type and mass of fuel or waste burned in the reporting period; and
 - (c) after paragraph (c) insert:
 - (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) in paragraph (d) delete “(a), (b) and (c).” and insert:
 - (a) to (db).
 - (e) after paragraphs (a) and (b) insert:
 - and
- (2) After regulation 5(1) insert:
- (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.
- (3) Delete regulation 5(3) and insert:
- (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.

7. Regulation 6 amended

(1) Delete regulation 6(1) and insert:

(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) In regulation 6(2)(a) after “emission data” insert:

or mandatory transfer data

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.
