



National Environment Protection Measures (Implementation) Regulations 1999

Statutory Rules 1999 No. 206

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Environment Protection Measures (Implementation) Act 1998*.

Dated 9 September 1999.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

ROBERT HILL
Minister for the Environment and Heritage



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(Implementation) Act 1998*

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1 Name of Regulations

These Regulations are the *National Environment Protection Measures (Implementation) Regulations 1999*.

2 Commencement

These Regulations commence on gazettal.

3 Definition

In these Regulations:

Act means the *National Environment Protection Measures (Implementation) Act 1998*.

4 Meaning of *matter of national interest*

- (1) For subparagraph (b) (i) of the definition of *matter of national interest* in section 5 of the Act, the following matters are prescribed:
 - (a) a matter relating to a telecommunications activity authorised by subclause 5 (1) of Schedule 3 to the *Telecommunications Act 1997*;
 - (b) a matter relating to a telecommunications activity authorised by subclause 6 (1) or (2) of that Schedule;
 - (c) a matter relating to a telecommunications activity authorised by subclause 7 (1) or (2) of that Schedule.
- (2) For subparagraph (b) (ii) of the definition of *matter of national interest* in section 5 of the Act, the following matters (except matters specified in subregulation 1.04 (2) of the *Airports (Environment Protection) Regulations 1997*) are prescribed:
 - (a) a matter relating to the management of Australian-administered airspace by Airservices Australia under the *Air Services Act 1995*;
 - (b) a matter relating to the management of an airport that is an airport site within the meaning of the *Airports Act 1996*.

5 Accreditation of environmental auditors

For subsection 25 (2) of the Act, a person is an accredited environmental auditor for Part 5 of the Act only if:

- (a) the person is acting for, or employed by, a body that is accredited under the Joint Accreditation System of Australia and New Zealand as a Certification Body to audit environmental management systems; and
- (b) the person is certified as an auditor of environmental management systems by a body that is accredited under the Joint Accreditation System of Australia and New Zealand as a Personnel Certification Body.

6 Reviewable decisions

For the definition of *reviewable decision* in subsection 34 (2) of the Act, a decision of the Environment Minister under subsection 23 (1) of the Act about becoming satisfied about a matter mentioned in paragraph 23 (1) (a), (b) or (c) of the Act is a reviewable decision.

7 Annual report

- (1) For subsection 40 (1) of the Act, the prescribed form for a report is a report in writing.
- (2) For subsection 40 (1) of the Act, the following information for a year ending on 30 June is prescribed for a report:
 - (a) the name of the Department or Commonwealth authority for which the report is prepared;
 - (b) details about activities that the Department or Commonwealth authority is responsible for carrying out, and to which a NEPM applies;
 - (c) if an applied provision of an applied State law applies to an activity carried on by the Department or Commonwealth authority — the effect of the provision and whether the Department or Commonwealth authority contravened the provision;

- (d) if an applied provision of a law of a State or Territory applies to an activity carried on by the Department or Commonwealth authority — the effect of the provision and whether the Department or Commonwealth authority contravened the provision;
- (e) if a regulation made for Part 4 of the Act for the implementation of a NEPM applies to an activity carried on by the Department or Commonwealth authority — the effect of the regulation and whether the Department or Commonwealth authority contravened the regulation;
- (f) if an environmental audit is carried out under Part 5 of the Act for implementation of a NEPM with respect to activities carried on by the Department or Commonwealth authority:
 - (i) the results of the audit; and
 - (ii) whether the Department or authority has done the things (if any) that the audit mentions need to be done for the Department or authority to comply with the NEPM; and
 - (iii) for the things mentioned in subparagraph (ii) that have not been done — any strategies implemented by the Department or authority to ensure those things will be done;
- (g) if a Minister arranges for the Department or Commonwealth authority to cause an environment management plan to be prepared under Part 5 of the Act for activities relevant to a NEPM:
 - (i) details about the performance of the Department or Commonwealth authority in preparing the plan; and
 - (ii) how the NEPM is to be implemented and the timetable for implementation under the plan; and
 - (iii) whether the Department or authority has implemented the NEPM according to the plan;
- (h) the decisions (if any) of the Administrative Appeals Tribunal about review of reviewable decisions made by the Minister responsible for the Department or Commonwealth authority or by an officer or employee of the Department or Commonwealth authority;

- (i) the decisions (if any) of the Federal Court of Australia about review of an administrative decision made under a relevant provision by the Minister responsible for the Department or Commonwealth authority or by an officer or employee of the Department or Commonwealth authority;
 - (j) if the Department or Commonwealth authority contravenes a provision of the Act — the effect of the provision and a statement that the Department or authority contravened the provision;
 - (k) if 1 or more officers or employees of the Department or Commonwealth authority contravene a provision of the Act or a relevant provision — the effect of the provision and the number of those officers or employees who contravened the provision;
 - (l) an explanation of any strategy implemented by the Department or Commonwealth authority to increase compliance with the Act or a relevant provision by the Department or Commonwealth authority.
- (3) In this regulation:
- relevant provision** means:
- (a) an applied provision of an applied State law; and
 - (b) an applied provision of a law of a State or Territory; and
 - (c) a regulation made for Part 4 of the Act; and
 - (d) a provision in Part 5 of the Act.
- reviewable decision** has the same meaning as in subsection 34 (2) of the Act.

Note

1. Made by the Governor-General on 9 September 1999, and notified in the *Commonwealth of Australia Gazette* on 16 September 1999.