

National Environment Protection Measures (Implementation) Regulations 1999

Statutory Rules No. 206, 1999

made under

National Environment Protection Measures (Implementation) Act 1998

**Compilation No. 2**

**Compilation date:** 14 October 2024

**Includes amendments:** F2024L01299

**About this compilation**

**This compilation**

This is a compilation of the *National Environment Protection Measures (Implementation) Regulations 1999* that shows the text of the law as amended and in force on 14 October 2024 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1 Name of Regulations 1

3 Definition 1

4 Meaning of *matter of national interest* 1

5 Accreditation of environmental auditors 1

6 Reviewable decisions 1

7 Annual report 2

Endnotes 4

Endnote 1—About the endnotes 4

Endnote 2—Abbreviation key 5

Endnote 3—Legislation history 6

Endnote 4—Amendment history 7

1 Name of Regulations

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

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

(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 Review 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.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | FRLI registration or gazettal | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| National Environment Protection Measures (Implementation) Regulations 1999 (SR No. 206, 1999) | 16 Sept 1999 | 16 Sept 1999 (r 2) |  |
| Statute Law Amendment (Prescribed Forms) Regulations 2024 | 15 Mar 2024 (F2024L00294) | Sch 1 (item 29): 20 Mar 2024 (s 2(1) item 1) | — |
| Administrative Review Tribunal Legislation Consequential Amendments (2024 Measures No. 1) Regulations 2024 | 11 Oct 2024 (F2024L01299) | Sch 3 (item 15): 14 Oct 2024 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| r 2 | rep LA s 48D |
| r 7 | am F2024L00294; F2024L01299 |