

# **Environment Protection and Biodiversity Conservation Regulations 2000 (No. 1) 2000 No. 181**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2000 No. 181**

Issued by the Authority of the Minister for the Environment and Heritage

*Environment Protection and Biodiversity Conservation Act 1999*

Environment Protection and Biodiversity Conservation Regulations 2000 (No. 1)

Subsection 520(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (the 'Act') provides that the Governor-General may make regulations prescribing all matters: (a) required or permitted by the Act to be prescribed; or (b) necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 520(2) provides that the regulations may prescribe penalties for offences against the regulations. A penalty must not be more than 50 penalty units.

The Act represents the most fundamental reform of Commonwealth environment laws since the first environment statutes were enacted in the early 1970's. The Act enables the Commonwealth to join with the States and Territories in providing a truly national scheme of environmental protection and biodiversity conservation. The Act does so by providing for Commonwealth leadership on the environment, while also recognising and respecting the responsibility of the States for delivering onground natural resource management. The Act focuses Commonwealth interests on matters of national environmental significance and establishes an integrated regime for biodiversity conservation and the management of important protected areas.

The purpose of the proposed regulations is to give effect to provisions of the Act dealing with environmental assessment and approvals, conservation of biodiversity, various conservation principles, enforcement, and administrative matters. The proposed regulations will result in stronger protection for the environment, a more streamlined environmental assessment and approvals process and a reduction in intergovernmental duplication.

Subsections 323(2), 335(2) and 340(2) of the Act provide that before the Governor-General makes regulations prescribing principles, the Minister must be satisfied that the principles to be prescribed are consistent with Australia's obligations under the World Heritage Convention; the Ramsar Convention; and the Statutory Framework of the World Network of Biosphere Reserves established under the Man and the Biosphere program of the United Nations Educational, Scientific and Cultural Organisation.

Details of the Regulations are set out in the Attachment.

The Regulations commenced on 16 July 2000

## **Attachment**

### **Environment Protection and Biodiversity Conservation Regulations**

#### **Part 1: Preliminary**

Part 1 provides the name and commencement date of the regulations. Part 1 also provides for a dictionary to define certain words and expressions used in the regulations.

#### **Part 2: Matters of national environmental significance**

Regulations 2.01, 2.02 and 2.03 apply to the protection of the environment from nuclear actions.

Regulation 2.01 adds to the definition of a nuclear action given in subsection 22(1) of the Act. If the amount of radioactive material in a facility exceeds the activity level described in Regulation 2.02, then the establishment, significant modification, decommissioning or rehabilitation of that facility is a nuclear action. Regulation 2.01 does not apply to the ongoing operation of a facility.

Regulation 2.02 describes how to calculate the activity level for a nuclear installation referred to in subsection 22(1) of the Act. It applies to radioactive materials in sealed sources (eg soil density and moisture gauges), radioactive materials in unsealed sources (eg radioactive liquids used in research and medicine), and mixtures of sealed and unsealed sources.

The ARPNS Regulations referred to in regulation 2.02 are the Australian Radiation Protection and Nuclear Safety Regulations 1999.

Regulation 2.03 defines a large scale disposal facility. It is a facility used for the disposal of an amount of radioactive material equal to or greater than the activity level described in Regulation 2.02.

#### **Part 3: Bilateral agreement's to which subsection 47(1) of the Act apply**

Part 3 applies to bilateral agreements which accredit a State or Territory assessment process (an assessment bilateral). The Part sets out certain matters that the Minister must be satisfied of before entering into such an agreement.

Regulation 3.01 sets out the application of Part 3.

Division 3.2 outlines general requirements. Regulation 3.02 provides that an assessment bilateral must classify each accredited State assessment approach as corresponding to either: assessment on preliminary documentation, assessment by public environment report or environmental impact statement, or assessment by inquiry. Depending upon how the assessment approach is classified, the Minister must be satisfied of different things before entering into an assessment bilateral (see Regulation 3.05 and Schedule 1).

Regulation 3.03 sets out the public access to assessment documentation. An assessment bilateral must provide for at least the same level of public access to assessment documentation if an action is assessed by the accredited process, as if the action had been assessed by the Commonwealth under Part 8 of the Act.

Regulation 3.04 provides for public comment for particular needs groups. An assessment bilateral must include an undertaking that special arrangements will be made, if appropriate, to give groups with special communications needs opportunity to comment on the impact of actions that are assessed by the accredited process.

Division 3.3 provides that the specified manner of assessment in a bilateral agreement must meet the criteria in Schedule 1. For example, the effect of item 6 in Schedule 1 is that the specified manner of assessment must include the preparation of an assessment report which deals with certain matters.

#### **Part 4: Referral of proposals to take action**

Part 4 of the Regulations describes the minimum content of a referral of a proposal to take action.

Regulation 4.01 sets out the purpose of Part 4.

Regulation 4.02 sets out the ways in which referrals must be submitted to the Department of the Environment and Heritage. The Department will publish advice on these requirements occasionally.

Regulation 4.03 sets out the information that must be included in referrals. A referral may include references to relevant information. Information does not need to be included if it would be unreasonable to expect the information to be included (for example, information of a kind that could only reasonably be obtained by preparing a public environment report or environmental impact statement). Schedule 2 outlines referral information that is required in accordance with this Part.

The Environment Minister may request further information if there is insufficient information within the referral to decide whether the action is a controlled action (s76 of the Act).

#### **Part 5: Assessing impact of controlled actions**

Division 5.1 describes the minimum content of preliminary information for assessment of an action and how the information is to be given. The person proposing to take the action or the designated proponent must submit preliminary information before a decision can be made about the assessment approach (Section 86 of the Act).

Preliminary information can be provided at the same time as a referral (if, for example, the person making the referral believes the action is a controlled action.)

Regulation 5.01 sets out the Purpose of Division 5.1.

Regulation 5.02 sets out the manner in which preliminary information must be submitted to the Department of the Environment and Heritage. The Department will publish advice on these requirements occasionally.

Regulation 5.03 outlines the information that must be included in the preliminary information. Information requirements for preliminary information are set out in Schedule 3.

Information does not need to be included if it would be unreasonable to expect the information to be included (for example, information of a kind that could only reasonably be obtained by preparing a public environment report or environmental impact statement).

The Environment Minister may request further information if there is insufficient information in the preliminary information to decide on the assessment approach (section 89 of the Act).

Division 5.2 sets out matters to be addressed by draft public environment reports and environment impact statements.

Regulation 5.04 provides that for paragraphs 97(2)(b) and 102(2)(b) of the Act, in preparing guidelines for a public environment report or environmental impact statement, the Minister must seek to ensure that the report or draft statement addresses matters set out in Schedule 4.

## **Part 6: Minister's advice on authorising actions**

Section 160 of the Act sets out the actions for which there is a requirement for Commonwealth agencies or employees to take into account the Ministers advice before giving an authorisation. Regulation 6.01 outlines additional actions for the purposes of paragraph 160(2)(d) of the Act. Regulation 6.02 also sets out what information must be included in a referral of an action to the Minister for advice under subsection 161(4).

## **Part 7: Species and Communities**

Division 7.1 sets out requirements for nominations of listed threatened species and communities under Division 1 Part 13 of the Act.

Regulations 7.01 and 7.02 set out the criteria for listing species and communities in categories established under sections 179 and 182 of the Act.

Division 7.2 outlines how a nomination for listing with the Minister must be made in accordance with subsection 191(1) of the Act. Regulations 7.04 to 7.07 set out the general form of nominations for listing, with specific requirements relating to native species, ecological communities and key threatening processes.

Division 7.3 (Regulation 7.08) sets out the particulars of which a person must notify the Secretary when an action results in death or injury of a member of a listed species, or involves trading, taking, keeping or moving a member of a listed species.

Division 7.4 outlines particulars for a register of critical habitat. Regulation 7.09 sets out matters that the Minister may take into account in identifying critical habitat, and requires the Minister to consider scientific advice and to be satisfied about consultation with the owner of a property on which such habitat is located.

Regulation 7.10 sets out the requirements for content and availability of the register of critical habitat. It also allows for certain matters to remain confidential where this is required to protect a species, community or habitat, or the interests of relevant landholders.

Division 7.5 (Regulations 7.11 and 7.12) set out additional requirements for content of recovery plans and threat abatement plans.

Division 7.6 (Regulation 7.13) requires the Minister to table an order terminating or varying a conservation agreement before both Houses of Parliament within 20 sitting days of making the order.

## **Part 8: Interacting with Cetaceans and Whale Watching**

Regulation 8.01 outlines the purpose of Division 8. 1, which provides for the protection and conservation of Cetaceans, under paragraph 247(d) of the Act.

Regulation 8.02(1) provides that Division 8. 1 applies to the Australian Whale Sanctuary. This includes all Commonwealth waters and State and Territory waters that have been prescribed, but not State or Territory waters for which a declaration under Section 228 is in force. Regulation 8.02(2) outlines the circumstances where it is not an offence to act contrary to the regulations.

Regulation 8.03 requires that a person who is operating a restricted craft considered incompatible with cetaceans must keep the craft at least 300m away from a cetacean.

Regulation 8.04 outlines the requirements, restrictions and associated penalties for a person when operating a vessel that is not a restricted craft in relation to a caution zone of a cetacean.

Regulation 8.05 outlines how a person who is operating an aircraft or helicopter must act when they are near cetaceans.

Regulation 8.06 prohibits the feeding of cetaceans in their natural environment. This prohibition does not apply to the routine discard of bycatch by commercial fishers where they have made reasonable efforts to avoid discard near cetaceans.

Regulation 8.07 avers that people must avoid touching or making sudden movements when cetaceans are within two metres.

Regulation 8.08 avers that people must avoid making loud or sudden noises, and must not play recorded or amplified sound, within 300 metres of a cetacean.

Regulation 8.09 prohibits a person in the water from approaching a cetacean closer than 30 metres, and if a cetacean approaches the person must not try to swim toward it or touch it and must move slowly to avoid startling it.

The purpose of Division 8.2, Whale Watching, is to set out how whale watching must be carried out for the purposes of s238(3)(c). The Minister must not issue a permit under s238(3)(c) of the Act unless satisfied that the action is whale watching and it will be carried out in accordance with the regulations.

Regulation 8.11 provides that Division 8.2 applies to interacting with all cetaceans in the Australian Whale Sanctuary. This includes all Commonwealth waters and State and Territory waters that have been prescribed, but not other State or Territory waters for which a declaration under Section 228 is in force.

Regulation 8.12 provides that whale watching is to be carried out in accordance with regulations in Division 8.1.

## **Part 9: Conservation of biodiversity in Commonwealth areas**

This Part provides regulations for the conservation of biodiversity in Commonwealth areas, prepared under section 303 of the Act.

Regulation 9.02 applies the regulations to the Coral Sea Islands Territory and the Territories of Christmas Island and Cocos (Keeling) Islands. This excludes Commonwealth reserves in those territories, to which Part 11 applies.

Regulation 9.03 applies to offences in relation to protected species. This includes a prohibition for killing, injuring, or taking a protected species, or, damaging or destroying the nest or dwelling place of a protected species (50 penalty units). Subregulation 9.03 (4) provides defences to the offences including actions taken in accordance with an approved management plan which meets the requirements set out in Regulation 9.04.

Take, for a member of a native species, includes catch, capture, trap, seize, collect, pick, gather or cut. In addition, an action that indirectly affects a species (eg by destroying habitat or significantly disturbing members of the species) may in some circumstances lead to the injuring or taking of species.

Protected species are those mentioned in Schedule 12.

## **Part 10: Protected Areas**

Regulation 10.01 to 10.03 and the associated Schedules 5, 6 and 7, set out the management principles for the management of Australian World Heritage, wetlands of international importance and biosphere reserves as referred to respectively in subsections 323(1), 335(1) and 340(1) of the Act.

Division 4 Part 15 of the Act requires a Commonwealth reserve to have an International Union for the Conservation of Nature and Natural Resources (IUCN)

category assigned at proclamation. Regulation 10.04 sets out the Australian IUCN reserve management principles for each IUCN category (Schedule 8).

### **Part 11: Commonwealth reserves**

This Part relates to the operation of Boards for jointly managed reserves and special rules which apply in those reserves.

Division 11.1 (Regulation 11.01) applies this Part to Commonwealth reserves.

Division 11.2 sets out provisions for operation of Boards for Commonwealth reserves on indigenous people's land established under Division 4 Part 15 of the Act.

Regulation 11.02 requires that Board members disclose direct or indirect pecuniary interests in matters being considered by the Board and methods of disclosure.

Regulation 11.03 provides for nomination of suitably qualified Deputy members, and for revocation of such nominations.

Regulation 11.04 provides for appointment of a presiding member of the Board and for cessation of that appointment under certain circumstances..

Regulation 11.05 sets out terms for holding meetings of the Board, including provisions for calling meetings, a quorum and voting on decisions.

Division 11.3 sets out special rules for some Commonwealth reserves in the Northern Territory and Jervis Bay Territory. Provisions are set out for prescribed routes and activities in Kakadu National Park for the purposes of subsection 387(2) of the Act.

Regulations 11.06 and 11.07 provide that the prescribed routes for transport and for pipelines and power lines through Kakadu National Park are set out in Schedule 9. The transport routes and pipeline and power line routes are the same as those prescribed by the National Parks and Wildlife Regulations.

Regulation 11.08 provides that non-destructive monitoring of the environment is a prescribed activity.

Regulations 11.09 to 11.13 provide for a town plan to be developed for a township developed in the Kakadu or Uluru region, including procedures for preparation, approval, amendment or revocation of the plan, the role of the Director of National Parks and consultation with the Minister.

### **Part 12: Activities in Commonwealth reserves**

Regulation 12.01 sets out the purpose of Part 12. Regulation 12.02 applies this Part to Commonwealth reserves (declared under Division 4 of Part 15 of the Act).

The Part includes provisions for the Director to make determinations regulating activities in Commonwealth reserves.

Regulation 12.03 sets out the basis for the Director to make such determinations. This provides that the Director may take into account the effect of the activity on public safety, protection or conservation in the reserve, continuing cultural use by traditional owners or the privacy of persons in the reserve.

Regulation 12.04 provides that times may be specified in determinations by reference to a range of natural or cultural events.

Regulation 12.05 requires that where an instrument is to be published but the way of publication is not specified it must be published in the *Gazette*.

Regulation 12.06 provides defences to offences under Division 12.2. These include authorisation of an activity by a permit or approval under the Act or Regulations, or provision for the activity by a plan made or accredited under the Act, or by a lease or licence. They also include carrying out of the activity by an authorised person, a person complying with a direction, a traditional owner of indigenous people's land, a person dealing with an emergency, or because of an unavoidable accident provided the person is not negligent or reckless.

Regulation 12.07 provides that a range of regulations do not apply in the Jabiru township in Kakadu National Park,

Regulation 12.08 provides that the Director and a land council may agree to conditions under which indigenous persons may carry out activities in Commonwealth reserves.

Regulation 12.09 sets out that if a management plan provides that activities mentioned in subsection 354(1) of the Act may be done in accordance with a permit issued by the Director under the Division, then the Director may issue a permit. If the management plan provides that fishing (commercial or otherwise) may be carried out in accordance with a determination by the Director, a person must comply with a determination of the Director.

Subdivision 12.2.2 sets out general offences in a Commonwealth reserve. The nature of these offences is to prohibit an activity except in circumstances stated in the relevant regulation or in the defences in Regulation 12.06. This Subdivision needs to be read in conjunction with Regulation 12.06 and Part 17 Permits.

Subdivision 12.2.3 governs the operation of vehicles, vessels, aircraft, and walking in Commonwealth reserves.

Subdivision 12.2.4 covers general administration matters.

Regulation 12.59 requires a permit holder to produce a permit for inspection by a warden or ranger (10 penalty units).

Regulation 12.60 requires a person to leave the reserve if required by a warden or ranger to do so because the warden or ranger suspects on reasonable grounds that the person has committed an offence (20 penalty units). The warden or ranger or a member of a police force must produce evidence of their identity.

Regulation 12.61 requires a person to pay a charge payable for an activity or to produce evidence of payment to a warden or ranger, or if the person is unable to do so, to provide evidence of name and address and to pay the charge within 4 days after the request (20 penalty units). The warden or ranger or a member of a police force must produce evidence of their identity.

Regulation 12.62 provides that the owner of a motor vehicle involved in an offence is taken to have committed the offence. This does not apply where the vehicle was stolen or illegally taken or used, or a statutory declaration is made that exonerates the owner.

Regulation 12.63 provides for use of the statutory declaration with a summons of the person named as being in charge of the vehicle, and in evidence in a prosecution for the offence.

Regulations 12.64 provides that a warden or ranger may impound a vehicle, vessel or aircraft or other property that is suspected of being abandoned in a Commonwealth reserve. This is not the same as seizure or forfeiture under Division 10, Part 17 of the Act. The regulation sets out requirements for removing the impounded item to a pound established by the Director, identifying the owner, returning the item, recovering costs, and disposing of the item if the owner cannot be contacted.

Regulation 12.65 provides that a warden or ranger may impound animals found straying in a Commonwealth reserve. The regulation sets out requirements for removing impounded animals to a pound established by the Director, identifying the owner, returning the animals, recovering costs, and disposing of the animals if the owner cannot be contacted.

Regulation 12.66 provides that a ranger or warden may take any suitable measure to control or remove a non-native species or species not indigenous to a reserve if they consider it necessary for public safety or for protection and conservation of biodiversity and heritage.

### **Part 13: Conservation Zones**

This Part provides for the application of specified regulations for Commonwealth reserves to conservation zones, (proclaimed under Division 5 Part 15 of the Act), in accordance with section 390E of the Act. Regulation 13.01 sets out the purposes of Part 13.

The regulations applied in regulation 13.02 include those for biodiversity conservation, for a range of activities, and for permits.

### **Part 14: Enforcement**

Division 14.1 sets out provisions relating to powers of wardens, rangers and inspectors.

Regulation 14.01 sets out situations in which a ranger or authorised officer is empowered to request information or production of a permit, licence or authority, and prescribes the associated penalties.

Division 14.2 sets out provisions relating to infringement notices in regulations prepared under subsection 497(1) of the Act.

Regulation 14.02 provides that infringement notices may offer an alternative to having an alleged offence dealt with by a court, through payment of an infringement notice penalty. Subsection 497(2) of the Act provides that the penalty must equal one-fifth of the maximum fine that a court could impose as a penalty for that offence. Schedule 10 sets out those activities to which this regulation applies.

Regulations 14.03 to 14.04 provide for the content of infringement notices and the means of serving such notices.

Regulations 14.05 and 14.06 set out circumstances in which the Director may grant an extension of time to pay the penalty or may make an arrangement to pay by instalments.

Regulation 14.07 sets out circumstances in which the Director may withdraw or refuse to withdraw an infringement notice.



Regulation 14.08 provides that refusal by the Director to withdraw an infringement notice requires that the person must pay the penalty within 28 days of being advised of the refusal.

Regulation 14.09 provides that payment of the infringement notice penalty in accordance with Division 14.2 discharges liability in respect of the offence without recording a conviction.

Regulation 14.10 provides that evidence of an admission in a statement made of matters to be taken into account in relation to the offence under paragraph 14.03(2)(h) is not admissible in proceedings against the person for the offence.

Regulation 14.11 provides that where a person elects not to pay an infringement notice penalty and is convicted of the alleged offence, the court is not to take into account in determining a penalty the fact that the person elected not to pay the infringement notice penalty.

Regulation 14.12 provides for signing of certificates as evidence of the facts stated in the certificates for the purposes of a hearing of a prosecution.

Regulation 14.13 provides that payment by cheque of an infringement notice penalty is taken not to have been made until the cheque is cleared.

Regulation 14.14 provides that it is not compulsory to issue an infringement notice, that failure to serve, or a decision to withdraw, an infringement notice does not affect liability for an offence, and that nothing in this Division limits a penalty that may be imposed by a court for the offence.

Division 14.3 sets out provisions relating to review of administrative decisions relating to issue of permits under Part 17.

Regulations 14.15 provides that decision has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Regulation 14.16 sets out requirements for the Director to advise a person affected by a decision that they can apply for reconsideration of the decision and procedures for such an application to be made and considered, with advice to the applicant that they may apply to the Administrative Appeals Tribunal for review of the reconsideration.

Regulation 14.17 provides that an organisation or association is taken to have an interest affected by a decision if that decision affects a matter that was included in the objects or purposes of the organisation or association at the time of the decision.

## **Part 15: Committees**

Divisions 1 to 2A Part 19 of the Act establish the Threatened Species Scientific Committee, the Biological Diversity Advisory Committee and the Indigenous Advisory Committee.

Division 3 Part 19 of the Act sets out terms of operation for these committees and some obligations of committee members.

Regulation 15.04 requires that committee members disclose direct or indirect pecuniary interests in matters being considered by the committee. The disclosure is to be at a meeting of the committee. The member must not be present during the committee's deliberations on the matter concerned and must not take part in any decision regarding the matter. This prohibition does not apply if the committee or the Minister determine otherwise, however the member must not be present during the committee's deliberations on making such a determination and must not take part in making the determination.

Regulations 15.05 to 15.09 set out terms for convening meetings, chairing meetings, a quorum and voting on decisions.

## **Part 16: Publication**

Division 16.1 provides general publication requirements.

Regulation 16.01 sets out the sections of the Act under which the publication requirements must be met in accordance with the Division.

Regulation 16.02 sets out the media in which the material must be published. The effect of regulation 16.02 is that the material must be published in the Gazette, on the internet, and for specific provisions of the Act must also be published in national daily newspapers, or for other provisions of the Act must also be published in daily newspapers circulating in the appropriate State or Territory. If the material is longer than 200 words then Regulation 16.02 provides that a notice may be published stating where the material may be viewed or obtained.

Division 16.2 provides for publication requirements for specific material or decisions related to environmental assessment and approval under the Act.

Regulation 16.03 sets out specific publication requirements.

The requirement to publish in regional papers shall only apply where practical. For example, it may not be practical to require publication in all relevant regional papers where the relevant impacts of an action affect the whole, or a large proportion of, Australia.

Where the material exceeds 200 words a notice may be published stating where the material may be viewed or obtained.

Regulation 16.04 sets out additional publication requirements for a designated proponent. This regulation increases the ability of people to access and view assessment documentation by requiring the proponent to provide copies of the material to government authorities or libraries at local and State level, and the Commonwealth Department of the Environment and Heritage, for the purpose of public display. If such government authorities or libraries cannot display the material, the proponent is required to take reasonable steps to ensure the material is publicly displayed at an appropriate location.

Regulation 16.05 requires the Department of the Environment and Heritage to publish on the Internet notice of any decision the Minister has made in the previous week to approve, or not to approve, an action under Division 1 of Part 9 of the Act.

Division 16.3 (Regulation 16.06) sets out the places where the Minister must make copies of up-to-date lists of threatened species and ecological communities, and listed marine species, available for purchase.

Regulation 16.07 sets out the places where the Minister must make copies of plans specified in the Act (s275(1)(a) and s278(1)(a) recovery plans and threat abatement plans, and s290(1)(a) and s293(1)(a) wildlife conservation plans), available for purchase.

Regulation 16.08 sets out the places where the Minister must make conservation agreements, and lists of conservation agreements that are in force, available for purchase.

## **Part 17: Permits**

Regulation 17.01 applies this Part to permits issued under Part 13 of the Act for actions affecting listed species, under Parts 9 and 12 of the regulations for species in Commonwealth areas and Commonwealth reserves respectively.

Regulation 17.02 sets out requirements for permit applications.

Regulation 17.03 sets out conditions under which the Minister or Director (as the case may be) may issue a permit under the regulations and some requirements in relation to granting or refusing the permit application.

Regulation 17.04 sets out content requirements for permits.

Regulation 17.05 sets out a range of matters or circumstances that must apply before the permit can be issued. For activities in Commonwealth reserves some of these apply to all activities whilst others relate to specific regulations.

Regulation 17.06 requires applicants to make certain statements. For the purposes of one of these statements, regulation 17.07 sets out circumstances in which an applicant is taken to have been convicted of an offence under a range of laws.

Regulation 17.08 requires that a permit holder must not contravene a condition of a permit (50 penalty units).

Regulation 17.09 sets out procedures and conditions for variation and revocation of conditions of a permit.

Regulation 17.10 provides for a permit holder to transfer authorities under the permit. The holder must give written advice of such a transfer (20 penalty units).

Regulation 17.11 provides procedures and conditions for transfer of a permit, including requirements of applicants to provide certain information and requirements of the Minister or Director (as the case may be) to advise the applicant of a decision.

Regulation 17.12 provides procedures and conditions for suspension or cancellation of a permit.

## **Part 18: Fees**

Part 18 sets out fees for permits to which Part 17 applies.

Regulation 18.01 provides that the permit fee is made up of an administration component, assessment component and management component. The administration component relates to the cost of processing an application., The assessment component relates to the cost of assessing the application. The management component relates to the cost of supervising or monitoring compliance with permit conditions, and is not payable if a permit application is refused.

Regulation 18.02 requires that an application is accompanied by the administration component and assessment component of the fee which applies to the permit, as set out in Schedule 11.

Regulation 18.03 provides that if no fee is payable for certain activities prior to the commencement of the Act, no fee is payable within 1 year of commencement.

Regulation 18.04 sets out limited conditions under which no fee is payable.

## **Part 19: Miscellaneous**

Regulation 19.01 provides for allowances for witnesses. This regulation outlines the allowances and other expenses paid by the Commonwealth for people that are summoned by a commissioner to appear as a witness at an inquiry, in accordance with subsection 111(4) of the Act.

## **Part 20: Transitional**

The Transitional regulations operate as savings provisions for instruments or actions that have been authorised under the National Parks and Wildlife (NPW) Regulations immediately before the commencement of the Environment Protection and Biodiversity Conservation Regulations. Such instruments or actions are taken to have been made under the relevant Environment Protection and Biodiversity Conservation Regulations.

Regulation 20.01 recognises specific provisions of the NPW regulations for a permit, licence, authority, or exemption, issued under Part 17 for the rest of the period that it was granted unless it is suspended or cancelled.

Regulation 20.02 recognises specific provisions of the NPW regulations for a determination, prohibition, restriction or authority to be issued under Part 12.

Regulation 20.03 recognises that a pound established by a Director under NPW subregulation s22(1) will be taken to have been established under regulation 12.64 or 12.65.

Regulation 20.04 and Regulation 20.05 save declarations made under the NPW regulations.

Regulation 20.06 recognises other continuing matters, such as a suspended licence under NPW subregulation 52(1) or an infringement notice under NPW subregulation 66(3), to be issued under the relevant provision for the period as specified.

## **Schedules**

**Schedule 1: Classes of actions not needing assessment** This Schedule is referred to in regulation 3.05 and sets out the criteria for the specified manner of assessment.

**Schedule 2: Referral information** This Schedule is referred to in regulation 4.03 and sets out information that must be included in referrals.

**Schedule 3: Preliminary information** This Schedule is referred to in regulation 5.03 and sets out the information that must be given to the Minister.

**Schedule 4: Matters to be addressed by draft PER and EIS** This Schedule is referred to in regulation 5.04 and sets out the matters that must be addressed in a draft public environment report or environmental impact statement.

**Schedule 5: Australian World Heritage Management Principles** This Schedule is referred to in regulation 10.01 and sets out the Australian World Heritage management principles for the management of natural heritage and cultural heritage.

**Schedule 6: Managing wetlands of international importance** This Schedule is referred to in regulation 10.02 and sets out the Australian Ramsar management principles for the management of wetlands of international importance.

**Schedule 7: Australian Biosphere reserve management principles** This Schedule is referred to in regulation 10.03 and sets out management principles for biosphere reserves.

**Schedule 8: Australian IUCN reserve management principles** This Schedule is referred to in regulation 10.04 and sets out general administrative and management principles for reserves.

**Schedule 9: Routes in Kakadu National Park** This Schedule is referred to in regulation 11.06 and sets out the routes in Kakadu National Park specified in section 387 of the Act.

**Schedule 10: Infringement notice offences** This Schedule is referred to in regulation 14.02 and sets out the infringement notice offences.

Schedule 11: Fees This Schedule is referred to in regulation 18.02 and sets out the fee amounts for specified activities.

Schedule 12: Protected Species This Schedule sets out the definition of protected species for the purpose of Part 9 of the regulations.

### **Dictionary**

The dictionary defines certain words and expressions used in the regulations.