

Appendix 4: NEPM Development — How NEPMs are Made

NATIONAL ENVIRONMENT PROTECTION MEASURES

National Environment Protection Measures (NEPMs) are broad framework-setting statutory instruments defined in NEPC legislation. They outline agreed national objectives for protecting particular aspects of the environment. NEPMs may consist of any combination of goals, standards, protocols and guidelines.

A two-thirds majority of members is required for the NEPC to make a NEPM. Implementation of NEPMs is the responsibility of each participating jurisdiction. A NEPM will take effect in participating jurisdictions once it is notified in the *Commonwealth of Australia Gazette* (although NEPMs are subject to disallowance by either House of the Commonwealth Parliament).

The NEPC legislation prescribes that NEPMs may relate to any one or more of the following (section 14(1)):

- a) ambient air quality
- b) ambient marine, estuarine and fresh water quality
- c) the protection of amenity in relation to noise (but only if differences in environmental requirements relating to noise would have an adverse effect on national markets for goods and services)
- d) general guidelines for the assessment of site contamination
- e) environmental impacts associated with hazardous wastes
- f) the reuse and recycling of used materials.

NEPMs may also relate to motor vehicle noise and emissions in conjunction with the National Road Transport Commission (sections 14(1)(g) and 14(2)).

In making NEPMs, the NEPC must have regard to the considerations detailed in Section 15 of the NEPC legislation. These considerations include:

- consistency with the Intergovernmental Agreement on the Environment
- environmental, economic, and social impacts
- relevant international agreements
- any regional environmental differences.

IMPACT STATEMENTS

Prior to making a NEPM, the Council must prepare a draft of the NEPM and an Impact Statement (section 17 of the NEPC Act). The Impact Statement must include the following:

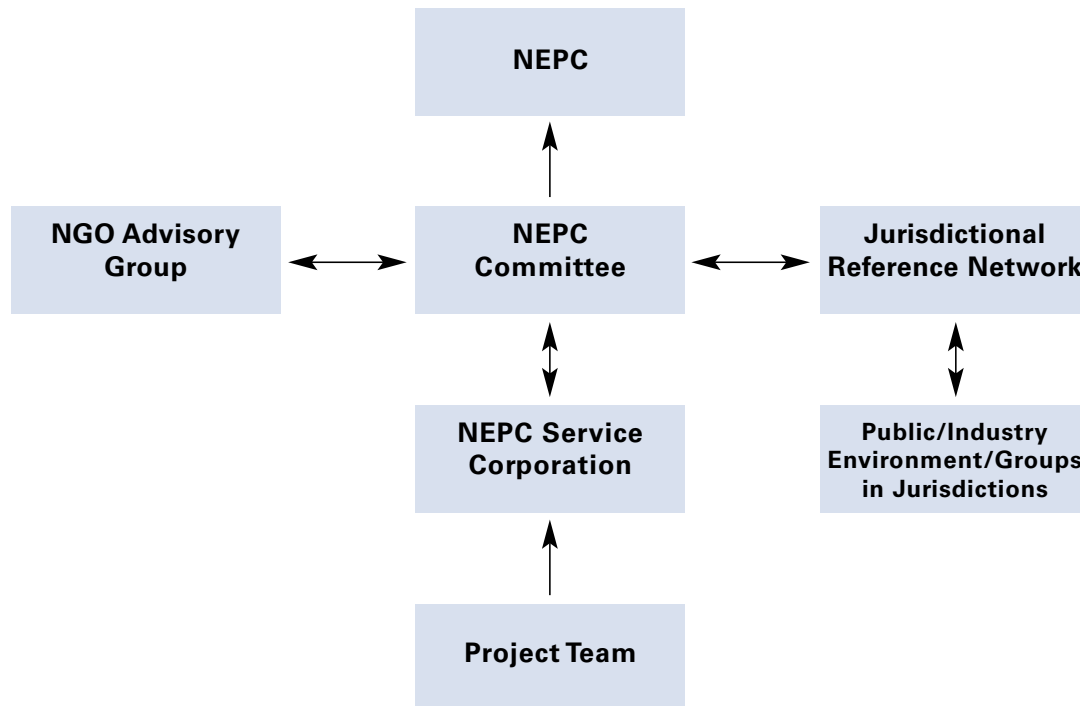
- a) the desired environmental outcomes
- b) the reason for the proposed NEPM and the environmental impact of not making the NEPM
- c) a statement of the alternative methods of achieving the desired environmental outcomes and the reasons why those alternatives have not been adopted
- d) an identification and assessment of the economic and social impact on the community (including industry) of making the proposed NEPM
- e) a statement of the manner in which any regional environmental differences in Australia have been addressed in the development of the proposed NEPM
- f) the intended date for making the proposed NEPM
- g) the timetable (if any) in relation to the proposed NEPM
- h) the transitional arrangements (if any) in relation to the proposed NEPM.

These Impact Statement requirements are set out in the legislation. Impact Statements are developed in keeping with the requirements of Council of Australian Governments as outlined in the Principles and guidelines for national standard setting and regulatory action by ministerial councils and standard setting bodies.

The NEPC legislation requires that both the draft NEPM and the Impact Statement be made available for public consultation for a period of at least two months. The NEPC must have regard to the Impact Statement and submissions received during public consultation in deciding whether to make a NEPM.

NEPM REPORTING AND CONSULTATION ARRANGEMENTS

In the development of each NEPM, a working structure is established as displayed in the following diagram.



The roles of these groups in NEPM development can be characterised in the following manner:

NEPC

- initiates the development of the NEPM
- approves the release of the draft NEPM and Impact Statement for public consultation
- makes the NEPM

NEPC Committee

- appoints a NEPM Project Chair (from NEPC Committee)
- develops the proposal for the NEPM
- appoints Project Team experts from jurisdictions
- members are responsible for consultation in their jurisdiction

Project Chair

- provides policy direction for the Project Team
- has general oversight of the development of the draft NEPM and Impact Statement
- reports to NEPC Committee on progress and issues arising during development of the draft NEPM and Impact Statement

Project Team

- develops draft NEPM and Impact Statement under the guidance of the Project Chair and Project Manager

NEPC Service Corporation

- provides Project Manager and support structures for NEPM development

Project Manager

- is responsible for development of detailed NEPM proposal
- manages the project (including the Project Team, financials, timelines)
- reports to the Project Chair and the Executive Officer for the Non-Government Organisation Advisory Group and the Jurisdictional Reference Network

Non-Government Organisation Advisory Group

- comprises senior executives from national non-government organisations (conservation, industry and professional groups)
- is chaired by the Project Chair
- provides policy advice to NEPC Committee through the Project Chair

Jurisdictional Reference Network

- comprises one officer from each jurisdiction, who:
 - conducts whole-of-government consultation under the direction of the NEPC Committee member for the jurisdiction
 - may organise and/or conduct public consultation in their jurisdiction
 - provides feedback to the Project Team on jurisdictional issues
 - supplies appropriate data and information to Project Team to assist NEPM development.

Appendix 5: NEPM Development Model – Flow Chart

