



New South Wales

Protection of the Environment Operations (General) Amendment (Risk-based Licensing) Regulation 2016

under the

Protection of the Environment Operations Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

MARK SPEAKMAN, MP
Minister for the Environment

Explanatory note

The object of this Regulation is to amend certain uncommenced amendments to the *Protection of the Environment Operations (General) Regulation 2009* that are due to commence on 1 July 2016 and an existing provision of that Regulation:

- (a) to extend the time for payment of the administrative fee comprised in an annual licence fee to not later than 120 days (rather than 90 days) after the beginning of the licence fee period to which it relates, and
- (b) to extend the time for payment of the load-based fee comprised in an annual licence fee to not later than 120 days (rather than 90 days) after the end of the licence fee period to which it relates, and
- (c) to change the time for payment of the administrative fee for a licence fee period that is adjusted as a consequence of the Environment Protection Authority (EPA) redetermining the environmental management category for the licence holder to not later than 60 days after the redetermination is made (rather than 60 days after the redetermination is notified to the licence holder). Under section 57 (3) of the *Protection of the Environment Operations Act 1997*, the EPA is required to notify the licence holder of the adjusted fee not less than 1 month before it is due for payment.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 57 and 323 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (Risk-based Licensing) Regulation 2016*.

2 Commencement

This Regulation commences on 1 July 2016 and is required to be published on the NSW legislation website.

3 Amendment of Protection of the Environment Operations (General) Regulation 2009

(1) **Clause 7 Annual licence fee (as amended by Schedule 1 [2] to the Protection of the Environment Operations (General) Amendment (Licensing Fees) Regulation 2014)**

Omit “90 days” wherever occurring in the note to the clause.

Insert instead “120 days”.

(2) **Clause 10C Change in environmental management category—adjustment of administrative fee (as inserted by Schedule 1 [5] to the Protection of the Environment Operations (General) Amendment (Licensing Fees) Regulation 2014)**

Insert “and the adjusted fee (and redetermined category) is to be notified to the licence holder in accordance with section 57 (3) of the Act” after “category” in clause 10C (3).

(3) **Clause 10C (4)**

Omit “redetermined environmental management category is notified to the licence holder” from the subclause.

Insert instead “environmental management category is redetermined”.

(4) **Clause 36 Administrative fee (as amended by Schedule 1 [9] to the Protection of the Environment Operations (General) Amendment (Licensing Fees) Regulation 2014)**

Omit “90 days” from clause 36 (1). Insert instead “120 days”.

(5) **Clause 37 Load-based fee**

Omit “90 days” from clause 37 (1). Insert instead “120 days”.