

**National Environment Protection  
(National Pollutant Inventory) Measure  
As varied 20 June 2000**

**NEPC**



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# NATIONAL ENVIRONMENT PROTECTION (NATIONAL POLLUTANT INVENTORY) MEASURE

*As Varied 20 June 2000*

The NATIONAL ENVIRONMENT PROTECTION COUNCIL makes the following National Environment Protection Measure under subsection 14(1) of the *National Environment Protection Council Act 1994* of the Commonwealth, the *National Environment Protection Council (New South Wales) Act 1995* of New South Wales, the *National Environment Protection Council (Victoria) Act 1995* of Victoria, the *National Environment Protection Council (Queensland) Act 1994* of Queensland, the *National Environment Protection Council (Western Australia) Act 1996* of Western Australia, the *National Environment Protection Council (South Australia) Act 1995* of South Australia, the *National Environment Protection Council (Tasmania) Act 1995* of Tasmania, the *National Environment Protection Council (Northern Territory) Act 1994* of the Northern Territory, and the *National Environment Protection Council Act 1994* of the Australian Capital Territory.

Dated this 20<sup>th</sup> day of June two thousand

Signed by Senator the Honourable ROBERT HILL, )  
Minister for the Environment of the Commonwealth of )  
Australia )

Signed by the Honourable BOB DEBUS MP, Minister )  
for the Environment of the State of New South Wales )

Signed by the Honourable SHERRYL GARBUTT )  
MLA, Minister for Environment and Conservation and )  
Land Management of the State of Victoria )

Signed by the Honourable ROD WELFORD MLA, )  
Minister for Environment of the State of Queensland )

Signed by the Honourable CHERYL EDWARDES )  
MLA, Minister for the Environment and Labour )  
Relations of the State of Western Australia )

Signed by the Honourable IAIN EVANS MP, Minister )  
for Environment and Heritage of the State of South )  
Australia )

Signed by the Honourable DAVID LLEWELLYN )  
MHA, Minister for Primary Industries Water and )  
Environment of the State of Tasmania )

Signed by the Honourable TIM BALDWIN MLA, )  
Minister for Lands, Planning and Environment of the )  
Northern Territory )

Signed by Mr BRENDAN SMYTH MLA, Minister for )  
Urban Services of the Australian Capital Territory )

**This Measure was  
made by the National  
Environment  
Protection Council on  
20 June 2000**



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### Introductory Note

Section 14 of the National Environment Protection Council Act 1994 and the equivalent provision of the corresponding Act of each participating State and Territory provides for the making of Measures by the NEPC and the matters to which they may relate. This Measure relates to the matters set out in paragraphs 14(1)(a), (b), (e), (f) and (g).

The Measure is to be implemented by the laws and other arrangements participating jurisdictions consider necessary: see section 7 of the Commonwealth Act and the equivalent provision of the corresponding Act of each participating State and Territory.

## PART 1 – PRELIMINARY

### Short Title

1. This Measure may be cited as the National Environment Protection (National Pollutant Inventory) Measure.

### Commencement

2. (1) Clauses 1 and 2 commence on the date of gazettal of this Measure.  
(2) The remaining provisions of this Measure commence on the first 1 July after gazettal.

### Definitions

3. (1) This clause defines particular words and expressions used in this Measure.  
(2) The words and expressions indicated by an asterisk (\*) are defined in the Commonwealth Act and are included only to assist readers of the Measure. Minor changes from the definitions in the Commonwealth Act are indicated by square brackets ([ ]).  
(3) In this Measure, unless the contrary intention appears:

**“aggregated emissions data”** means estimates of the amount of a substance emitted to the environment annually from:

- (a) facilities which are not reporting facilities; and
- (b) anthropogenic sources other than facilities, which emit a significant amount of that substance to the environment;

**“agreed between participating jurisdictions”** means agreed by at least six participating jurisdictions;

\* **“Agreement”** means the agreement made on 1 May 1992 between the Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the Australian Local Government Association, a copy of which is set out in the Schedule [to the Commonwealth Act];

**“ANZSIC”** means Australian and New Zealand Standard Industrial Classification;

**“article”** means a manufactured item formed to a specific shape or design during manufacture;

**“CASR number”** means Chemical Abstract Series Registered number;

**“category 1 substance”** means a substance for which a threshold category of 1 is specified in Column 3 of Table 1 or Table 2 of Schedule A;

**“category 1a substance”** means a substance for which a threshold category of 1a is specified in Column 3 of Table 1 or Table 2 of Schedule A;

**“category 2a substance”** means a substance for which a threshold category of 2a is specified in Column 3 of Table 1 or Table 2 of Schedule A;

**“category 2b substance”** means a substance for which a threshold category of 2b is specified in Column 3 of Table 1 or Table 2 of Schedule A;

**“category 3 substance”** means a substance for which a threshold category of 3 is specified in Column 3 of Table 1 or Table 2 of Schedule A;

**“Commonwealth”** means the Commonwealth of Australia;

**“Commonwealth Act”** means the *National Environment Protection Council Act 1994* of the Commonwealth;

**“contextual information”** means information contained in the National Pollutant Inventory database that contributes to public understanding of emissions data, and includes:

- (a) the CASR number of the substance and common synonyms and product names for the substance;
- (b) the chemical characteristics and intrinsic properties of the substance;
- (c) the health and environment effects of the substance, including toxicity profiles, environmental impacts, likely fate and transport of the substance in the environment, and other relevant effects;
- (d) information on common uses of the substance including products or processes reliant on the substance; and
- (e) information on common anthropogenic and other sources of the substance;



**“Council”** means the National Environment Protection Council established by section 8 of the Commonwealth Act and the equivalent provision of the corresponding Act of each participating State and Territory;

**“emission”** means emission of a substance to the environment whether in pure form or contained in other matter and whether in solid, liquid or gaseous form. It includes emission of a substance to the environment from landfill, sewage treatment plants and tailings dams but does not include:

- (a) deposit of a substance into landfill; or
- (b) charge of a substance to a sewer or a tailings dam; or
- (c) removal of a substance from a facility for destruction, treatment, recycling, reprocessing, recovery or purification;

**“emission data”** for a substance, means an estimate of the amount of the substance emitted in a reporting period that identifies:

- (a) the medium to which the substance was discharged (for example, air, land, or water); and
- (b) the estimation technique used;

**“estimation technique”** means a method for estimating the amount of a substance emitted to the environment;

**“facility”** means any building or land from which a substance may be emitted, together with any machinery, plant, appliance, equipment, implement, tool or other item used in connection with any activity carried out at the facility; and includes an offshore facility.

**“industry handbook”** means a document agreed between participating jurisdictions which provides advice to a particular type of reporting facility in meeting requirements resulting from this Measure, including:

- (a) advice or guidance on the information which is required to be furnished or retained by occupiers of that type of reporting facility; and
- (b) an appropriate estimation technique, or range of estimation techniques, for that type of reporting facility;

**“Measure”** means national environment protection measure;

\* **“national environment protection goal” means a goal:**

- (a) that relates to desired environmental outcomes; and
- (b) that guides the formulation of strategies for the management of human activities that may affect the environment;

\* **“national environment protection guideline”** means a guideline that gives guidance on possible means for achieving desired environmental outcomes;

\* **“national environment protection measure”** means a measure made under subsection 14(1) [of the Commonwealth Act and the equivalent provision of the corresponding Act of each participating State and Territory];

\* **“national environment protection protocol”** means a protocol that relates to the process to be followed in measuring environmental characteristics to determine:

- (a) whether a particular standard or goal is being met or achieved; or
- (b) the extent of the difference between the measured characteristic of the environment and a particular standard or a particular goal;

**“National Pollutant Inventory” or “NPI”** means the inventory of emitted substances to be established as a result of this Measure;

**“nominated agency”** means the agency of a participating State or Territory which that State or Territory has nominated as having responsibility for collection of data from reporting facilities;

**“occupier”** in relation to any facility means a person who is in occupation or control of the facility whether or not that person is the owner of the facility;

**“OECD industry activity code”** means a code assigned by the OECD to common industrial activities which will be used as a basis for industry handbook development;

**“off-shore facility”** means a vessel or structure located in an adjacent area (as defined in the *Petroleum (Submerged Lands) Act 1967*) that is used or constructed for the recovery of petroleum (including natural gas), or carries, contains or includes equipment for drilling, or for carrying out other operations in connection with a well, from the vessel or structure; and includes a combination of two or more related off-shore facilities, but excludes a vessel engaged merely in site surveys or investigations to a depth in the seabed not exceeding 100 metres;

\* **“participating jurisdiction”** means the Commonwealth, a participating State or a participating Territory;

\* **“participating State”** means a State:

- (a) that is a party to the Agreement; and
- (b) in which an Act that corresponds to [the Commonwealth] Act is in force in accordance with the Agreement;

\* **“participating Territory”** means a Territory:

- (a) that is a party to the Agreement; and
- (b) in which an Act that corresponds to [the Commonwealth] Act is in force in accordance with the Agreement;

**“reporting facility”** means a facility that is required to report information under clause 9;

**“reporting list”** means;

- (a) for the first three reporting years (1 July 1998 to 30 June 2001), Table 1 of Schedule A; and
- (b) subject to any variation of the Measure in accordance with section 20 of the Commonwealth Act as a result of the review proposed in clause 33, for the fourth and subsequent reporting years, Table 2 of Schedule A;

**“reporting year”** means a year commencing 1 July;

**“substance”** means a substance specified in column 1 of the reporting list;

**“substance identity information”** for a particular substance means:

- (a) the name of the substance; and
- (b) the CASR number of the substance, if applicable;

**“supporting data”** in relation to a reporting facility means:

- (a) the name of the occupier of the facility or any other relevant identification (including any name changes in the preceding financial year);
- (b) the occupier’s Australian Company Number (ACN) (if applicable);
- (c) the occupier’s postal address;
- (d) the street address of the facility;
- (e) the contact phone number for public inquiries; and
- (f) the main activity or activities of the facility;

**“Territory”** means the Australian Capital Territory or the Northern Territory;

#### **Meaning of “reporting period”**

- 4. (1) In this Measure **“reporting period”** for a facility is:
  - (a) a reporting year; or
  - (b) if the relevant jurisdiction considers that it already requires the facility to report data similar to emission data on the basis of a different annual reporting period – that annual reporting period.

- (2) However, the first reporting period for a facility to which subclause (3) applies is:
  - (a) the period from the first day of the third month after publication by the Commonwealth of an industry handbook for that type of reporting facility until the end of the reporting year in which the handbook is published; or
  - (b) if the relevant jurisdiction considers that it already requires the facility to report data similar to emission data on the basis of a different annual reporting period – the period from the first day of the third month after publication of the industry handbook until the end of the annual reporting period in which the handbook is published.
  
- (3) This subclause applies to a facility for which an industry handbook is published:
  - (a) after the commencement of this clause; and
  - (b) more than three months before the end of the reporting year, or the annual reporting period mentioned in paragraph (2) (b), in which the handbook is published.

## **PART 2 - NATIONAL ENVIRONMENT PROTECTION GOALS**

5. The desired environmental outcomes of the Measure are:
  - (a) the maintenance and improvement of:
    - (i) ambient air quality; and
    - (ii) ambient marine, estuarine and fresh water quality;
  - (b) the minimisation of environmental impacts associated with hazardous wastes; and
  - (c) an expansion in the re-use and recycling of used materials.
  
6. The national environment protection goals established by this Measure are to assist in reducing the existing and potential impacts of emissions of substances and to assist government, industry and the community in achieving the desired environmental outcomes set out in clause 5 by providing a basis for:
  - (a) the collection of a broad base of information on emissions of substances on the reporting list to air, land and water, and
  - (b) the dissemination of information collected to all sectors of the community in a useful, accessible and understandable form.

7. A database to be known as the National Pollutant Inventory will be established to:
  - (a) provide information to enhance and facilitate policy formulation and decision making for environmental planning and management;
  - (b) provide publicly accessible and available information, on a geographic basis, about specified emissions to the environment, including those of a hazardous nature or involving significant impact; and
  - (c) promote and assist with the facilitation of waste minimisation and cleaner production programmes for industry, government and the community.
  
8. The National Pollutant Inventory will be a joint programme under which:
  - (a) occupiers of reporting facilities will estimate emission data and provide these and supporting data to participating States and Territories;
  - (b) participating States or Territories will collect emission data and supporting data from occupiers of reporting facilities and, subject to clause 20, develop or cause to be developed, aggregated emissions data, and will provide these data to the Commonwealth; and
  - (c) the Commonwealth will:
    - (i) compile contextual information;
    - (ii) collate the data provided by States and Territories and contextual information as defined in this Measure and as also agreed between participating jurisdictions; and
    - (iii) disseminate this information annually.

## **PART 3 - NATIONAL ENVIRONMENT PROTECTION PROTOCOLS**

### **Collection of data from reporting facilities**

9. (1) The occupier of each facility is to be required to provide the following information if a reporting threshold for a substance is exceeded in a reporting period:
  - (a) supporting data for the facility;
  - (b) substance identity information and emission data for each substance for which the reporting threshold is exceeded in the period;
  - (c) any information that may be required to assess the integrity of the emission data; and
  - (d) a statement, signed by the occupier or a person authorised by the occupier for that purpose, that the occupier has exercised due diligence in gathering and providing the information mentioned in paragraphs (a), (b) and (c).
  
- (2) The requirements are to be imposed, to the extent possible, by the participating State or Territory within which the facility is located or, to the extent this is not possible, by the Commonwealth.

- (3) The information is to be provided:
  - (a) to the nominated agency of the participating State or Territory within which the facility is located; and
  - (b) within three months after the end of the reporting period to which it relates.
- (4) A participating State or Territory is not to release any information provided to it under paragraph 9(1)(c) unless:
  - (a) the occupier consents to its release; or
  - (b) the State or Territory is legally compelled to release it.
- (5) In this clause “**facility**” does not include:
  - (a) a mobile emission source (for example, an aircraft in flight or a ship at sea) operating outside the boundaries of a fixed facility; or
  - (b) a petroleum retailing facility engaging in the retail sale of fuel; or
  - (c) a dry-cleaning facility employing less than 20 persons; or
  - (d) a scrap metal handling facility trading in metal, that is not engaged in the reprocessing of batteries or the smelting of metal; or
  - (e) a facility, or part of a facility, engaging solely in agricultural production, including the growing of trees, aquaculture, horticulture or live-stock raising unless it is engaged in:
    - (i) processing of agricultural produce; or
    - (ii) intensive live-stock production (for example, a piggery or a cattle feedlot).

### **Reporting threshold - category 1 and category 1a substances**

10. (1) The reporting threshold for a category 1 substance is exceeded in a reporting period if the activities of the facility involve the use of 10 tonnes or more of the substance in the period.
- (2) The reporting threshold for a category 1a substance is exceeded in a reporting period if the activities involve the use of 25 tonnes or more of the substance in that period. The reporting threshold for a category 1a substance is only exceeded for bulk storage facilities if their design capacity also exceeds 25 kilotonnes.
- (3) In this clause, “**use**” of a substance means the handling, manufacture, import, processing, coincidental production or other use of the substance.
- (4) However, a substance is taken not to be used if:
  - (a) it is already permanently incorporated in an article in a way that does not lead to emission of the substance to the environment; or
  - (b) it is an article for sale or use that is handled in a way that does not lead to emission of the substance to the environment.
- (5) In working out the amount of a substance used for the purposes of subclause (1) and subclause (2), the occupier is not to be required to

include any amount of the substance that is in a proprietary mixture or any other material unless:

- (a) for a proprietary mixture - the substance is specified in a Material Safety Data Sheet describing the properties and use of the substance, or the manufacturer's advice; and
- (b) for any other material - the occupier could reasonably be expected to know that the substance is in the material.

### **Reporting threshold - category 2a substances**

11. The reporting threshold for a category 2a substance is taken to be exceeded in a reporting period if the activities of the facility involve the burning of:
- (a) 400 tonnes or more of fuel or waste in the period; or
  - (b) 1 tonne or more of fuel or waste in any hour in the period.

### **Reporting threshold - category 2b substances**

12. The reporting threshold for a category 2b substance is taken to be exceeded in a reporting period if:
- (a) the activities of the facility involve:
    - (i) the burning of 2,000 tonnes or more of fuel or waste in the period; or
    - (ii) the consumption of 60,000 megawatt hours or more of energy in the period; or
  - (b) the maximum potential power consumption of the facility at any time in the period is rated at 20 megawatts or more.

### **Reporting threshold - category 3 substances**

13. (1) The reporting threshold for a category 3 substance is exceeded in a reporting period if the activities of the facility involve the emission to water (excluding groundwater) of the scheduled amount, or more, of the substance in the period.
- (2) In this clause, "**scheduled amount**" means the amount mentioned in column 4 of Schedule A for the substance.

### **Commencement of reporting**

14. Each participating jurisdiction shall not require an occupier of a reporting facility within its legislative control to furnish any information otherwise required under clause 9, unless or until an industry handbook for that type of facility:
- (a) has been agreed between participating jurisdictions; and
  - (b) is published by the Commonwealth.

## **Emission estimation techniques**

15. Each participating jurisdiction shall ensure that, in estimating emission data for the purposes of furnishing information under clause 9, each occupier of a reporting facility within its jurisdiction:
  - (a) if an estimation technique is set out in the relevant industry handbook for that type of reporting facility, applies either:
    - (i) that estimation technique; or
    - (ii) any other estimation technique which the relevant jurisdiction has agreed is likely to provide more accurate emission data than the technique set out in the relevant industry handbook; and
  - (b) if no estimation technique is set out in the relevant industry handbook which relates to a specific process carried out at the reporting facility or means of emission of waste from the reporting facility, applies any estimation technique which the relevant jurisdiction has agreed is likely to provide emission data for that process or means of emission; and
  - (c) documents any technique applied under paragraphs (a)(ii) or (b); and
  - (d) retains any data which may be required by participating States and Territories to verify the emission data for three years from the date on which a report was provided to the participating jurisdiction; and
  - (e) provides these data to the participating jurisdiction as required.

## **Assessment of integrity of reported data**

16. Before providing data to the Commonwealth under clauses 19 and 21, each participating State and Territory shall, for each reporting facility located within that State or Territory undertake any reasonable action within its powers which it considers necessary for that particular reporting facility to confirm the accuracy of the information furnished by the occupier.
17. Each participating State or Territory shall conduct assessments of integrity of reported emission data, from reporting facilities located within its jurisdiction, in accordance with preferred outcomes and procedures as agreed between participating jurisdictions.
18. The Commonwealth shall require the emissions data provided by its facilities to be subject to assessments under clause 17, except in cases of exemption under clause 23.

## **Information from reporting facilities supplied to the Commonwealth**

19. On or before 30 November each year, each participating State or Territory shall provide to the Commonwealth the following information in an agreed format for each reporting facility located within that State or Territory:
  - (a) supporting data provided under clause 9;
  - (b) emission data provided under clause 9;
  - (c) the relevant ANZSIC code for the facility based on the main activity of the facility (where available);



- (d) the relevant OECD industry activity code(s) for the facility based on the activities of the facility (where available);
- (e) the latitude and longitude of the facility to the nearest second or the equivalent map grid reference; and
- (f) the level of reliability of the occupier's estimate of the amount of the substance emitted in accordance with a scale agreed between participating jurisdictions.

### **Estimation of aggregated emissions other than from reporting facilities**

- 20. (1) Jurisdictions shall cooperate to develop, or cause to be developed, aggregated emissions data for particular substances specified in the reporting list, in specific regions within their jurisdictions at particular times, as agreed between participating jurisdictions.
- (2) The data developed under 20(1) shall be submitted in an agreed format to the Commonwealth on or before the date agreed between participating jurisdictions.

### **Additional information supplied to the Commonwealth**

- 21. (1) A jurisdiction may accept any emissions data estimated in accordance with clause 15, or other data relating to the emission of substances from an occupier of a facility, whether or not that facility is a reporting facility, and submit that data to the Commonwealth for inclusion in the National Pollutant Inventory.
- (2) A jurisdiction may submit other data to the Commonwealth for inclusion in the National Pollutant Inventory (e.g. ambient concentrations of specified substances on the reporting list for a particular region within that jurisdiction).
- (3) Data under subclause (1) or (2) is to be submitted to the Commonwealth in a format agreed between the Commonwealth and the relevant jurisdiction.

## **PART 4 - NATIONAL ENVIRONMENT PROTECTION GUIDELINES**

### **Amending the reporting list**

- 22. The Council envisages that in considering possible amendments to the reporting list Council will utilise processes which, in addition to meeting the requirements of section 20 of the Commonwealth Act and the equivalent provisions of the corresponding Acts of participating jurisdictions, comprise the following:
  - (a) processes to amend the reporting list be transparent;
  - (b) a process to allow for any persons, without incurring a fee, to make submissions recommending variations to the reporting list;
  - (c) a technical advisory panel comprising technical experts representing a range of scientific expertise to provide recommendations to the Council on the addition or deletion of nominated substances to or from the reporting list;

- (d) available information from other relevant Australian and overseas risk assessment processes.

### **Confidentiality - national security**

- 23. The Council envisages that claims by an occupier of a reporting facility that information should be treated as confidential on the grounds of national security will be dealt with as follows:
  - (a) if the occupier makes such a claim and the claim:
    - (i) has not yet been assessed; or
    - (ii) has been granted;the occupier will not be required to furnish the information mentioned in clause 9;
  - (b) the claim is to be assessed by the Commonwealth; and
  - (c) the Commonwealth may grant, or refuse, a claim.

### **Commercial confidentiality**

- 24. (1) The Council envisages that a claim by an occupier of a reporting facility that particular information should be treated as confidential on the grounds of commercial confidentiality will, unless the existing law of the relevant participating jurisdiction provides otherwise, be dealt with in accordance with subclauses (3) and (4).
- (2) However, if the existing law of the relevant participating jurisdiction does provide otherwise, the information must be dealt with under that law.
- (3) If subclause (2) does not apply and the claim has not been assessed, the Council envisages that information provided by the occupier under clause 9 will not be made publicly available on the NPI.
- (4) If subclause (2) does not apply and the claim has been granted, the information for which the claim was granted should not be included on the NPI unless it is included in a way (such as by aggregation with other information) that preserves the confidentiality of the information.
- (5) A claim to which subclause (2) does not apply should be:
  - (a) assessed by the State or Territory within which the reporting facility is located using the procedures agreed between participating jurisdictions and taking account of the principles described in subclause (6); and
  - (b) after the assessment – granted or refused by the State or Territory concerned.
- (6) The principles are:
  - (a) the occupier is to justify the claim for confidentiality to the State or Territory concerned; and

- (b) the State or Territory is to weigh the interest of the occupier against the public interest in disclosure of the information.

### **Enforcement provisions**

- 25. (1) The Council envisages that enforcement action will be taken by the relevant participating jurisdiction if an occupier of the reporting facility:
  - (a) does not furnish information required under this Measure to the nominated agency of the relevant participating jurisdiction; or
  - (b) provides false or misleading information to the nominated agency.
- (2) The Council envisages that the enforcement action will, unless the law of the relevant participating jurisdiction provides otherwise, be taken in accordance with the principles set out in subclauses (3), (4) and (5).
- (3) The Council envisages that no enforcement action will be taken for a breach of the reporting requirements that relates:
  - (a) solely to information required for the NPI; and
  - (b) to the first and second reporting years.
- (4) The Council envisages that no enforcement action will be taken for a breach of the reporting requirements that relates:
  - (a) solely to information required for the NPI; and
  - (b) solely to substances specified in Table 2 of Schedule A that are not specified in Table 1 of that Schedule; and
  - (c) to the fourth reporting year.
- (5) If subclauses (3) or (4) do not apply in relation to a breach of the reporting requirements, the Council envisages that:
  - (a) the occupier of the reporting facility will be given the opportunity for an impartial hearing; and
  - (b) if, following that hearing, the nominated agency thinks that the circumstances so warrant—the occupier may be named in the annual report of the Council as breaching its reporting requirements.
- (6) However, because of the cooperative basis for the NPI, the Council does not envisage that significant monetary or custodial penalties will be prescribed for breaches relating solely to information required for the NPI.

### **Legal status of data supplied to the National Pollutant Inventory**

- 26. The Council envisages that information provided by an occupier solely for the purposes of the National Pollutant Inventory under this Measure will not be used by a participating jurisdiction as evidence in any court proceedings for non-compliance by the occupier with another obligation imposed by the jurisdiction.

## **Security of data**

27. The Council envisages that participating jurisdictions should ensure that information provided by an occupier or aggregated emission data collected is not released to the public prematurely, unless the jurisdiction is legally compelled to release it, and that information provided is not able to be altered, unless as provided for by this Measure.
28. Secure storage of information shall be provided by participating jurisdictions where:
  - (a) confidentiality claims have been granted or have been sought and are being assessed; or
  - (b) information is supplied in confidence for the purposes of developing aggregated emissions data; or
  - (c) information is supplied for the purposes of verifying emissions data, in accordance with clauses 9, 15, 17 and 18.

## **Access and provision of National Pollutant Inventory data to the public**

29. The Council envisages that the Commonwealth will release information gathered under this Measure by 31 January for the preceding financial year. The Council envisages that access to information collected for the purposes of this Measure should be provided primarily by the Commonwealth through a series of mechanisms including:
  - (a) Internet access to the NPI database;
  - (b) production of annual CD ROMs to be circulated to local libraries, universities and educational institutions, and State, Territory and local governments; and
  - (c) publishing of reports summarising NPI information.
30. The Council envisages that a summary of information collected for the purposes of this Measure will also be included by the Council in its annual report to Parliaments of all participating jurisdictions.
31. (1) The Council envisages that the Commonwealth will ensure that information disseminated for the purposes of this Measure will:
  - (a) be in plain language, simply laid out, and include contextual information to assist in interpretation as agreed between participating jurisdictions;
  - (b) subject to subclause (2), be free to the public (access via Internet, libraries, community organisations);
  - (c) be nationally available;
  - (d) include where practicable a geographic information system to allow information on the NPI database to be viewed by locality, substance, reporting facility, activity or any combination of these factors;
  - (e) identify:
    - (i) data reliability ;

- (ii) additional information provided under clause 21;
    - (iii) the dates describing the reporting period for particular emission data, where this is not a reporting year; and
  - (f) include where practicable, links and references to direct users to further information or databases.
- (2) The Council envisages that the Commonwealth may seek to recover dissemination costs of information derived from the NPI data but notes that this does not allow the Commonwealth to recover costs for the provision of the emissions data, supporting data, contextual information or aggregated emissions data specified in this Measure.

### **Rights of third parties**

32. The Council envisages that the right of third parties to appeal decisions and enforce obligations with regard to the National Pollutant Inventory would be subject to mechanisms applying from time to time in participating jurisdictions.

### **Review of this Measure**

33. (1) The Council envisages that this Measure shall be subject to a comprehensive review commencing in October 1999, which will consider:
- (a) the likely effectiveness of the Measure in achieving the national environment protection goals set out within it;
  - (b) the resources available for implementing the Measure; and
  - (c) the need, if any, for amendment of the Measure, including:
    - (i) whether transfers of waste (including deposit of wastes into landfill; discharge of wastes to sewer; and any other removal of wastes from a facility for the purpose of disposal, treatment, recycling, reprocessing, recovery or purification) should be included;
    - (ii) whether substances should be added to or deleted from the reporting list;
    - (iii) whether any changes should be made to the thresholds or definitions which determine whether a facility is a reporting facility; and
    - (iv) whether any changes should be made to improve the effectiveness of the Measure in achieving the national environment protection goals set out within it.
- (2) Notwithstanding subclause (1), the Council may decide to amend the Measure, in accordance with section 20 of the Commonwealth Act, for example, to add substances to, or delete substances from, the reporting list, prior to the review.

## SCHEDULE A

Alphabetically-ordered reporting list of substances for the National Pollutant Inventory  
(determined by consideration of health and environmental risks in Australia)

1. In this Schedule:
  - (a) the threshold for category 1 acids refers to the amount of the acid compound used (for example, in the case of "Hydrochloric acid", the threshold refers to the amount of hydrogen chloride used). This amount can be calculated as a factor of volume and concentration;
  - (b) the thresholds for "total Nitrogen" and "total Phosphorus" refer only to the amounts of those Nitrogen and Phosphorus compounds that give rise to nitrate/nitrite and phosphate ions respectively;
  - (c) the threshold for "Ammonia (total)" refers to the total amount of both ammonia (NH<sub>3</sub> CASR number 7664-41-7) and the ammonium ion (NH<sub>4</sub><sup>+</sup>) in solution;
  - (d) the threshold for "Chlorine" includes the amount of hypochlorite and like substances used;
  - (e) the threshold for category 1 substances that are listed as "(a metal) & compounds" refers to the total amount of the metal and its compounds used (for example, "Lead & compounds" refers to Lead and all compounds which incorporate Lead);
  - (f) the threshold for "Phenol" (CASR number 108-95-2) refers, at the discretion of the reporting facility, to either the total amount of phenolic compounds used or the total amount of phenol used.
  
2. For the purposes of estimating emission data to be reported under clause 9 of the Measure:
  - (a) the amount of a category 1 acid emitted refers to the amount of the actual acid compound emitted (for example, in the case of "Hydrochloric acid", the amount emitted refers to the amount of hydrogen chloride emitted). It does not include any amounts of the acid that have been neutralised before release as the acid no longer exists;
  - (b) the amounts of "total Nitrogen" and "total Phosphorus" emitted refer to the amounts of those Nitrogen and Phosphorus compounds emitted that give rise to nitrate/nitrite and phosphate ions respectively;
  - (c) the amount of "Ammonia (total)" emitted refers to the total amount of both Ammonia (NH<sub>3</sub> CASR number 7664-41-7) and the ammonium ion (NH<sub>4</sub><sup>+</sup>) emitted in solution;
  - (d) the amount of "Chlorine" emitted refers only to the amount chlorine (Cl CASR number 7782-50-5) emitted;
  - (e) the amount emitted in relation to a substance listed as "(a metal) & compounds" refers only to the amount of the metal emitted (for example, the amount of "Lead & compounds" emitted refers only to the amount of Lead emitted);
  - (f) the amount of "Phenol" (CASR number 108-95-2) emitted refers, at the discretion of the reporting facility, to either the total amount of phenolic compounds emitted or the total amount of Phenol emitted.

**TABLE 1**

Prefix	COLUMN 1 SUBSTANCE	COLUMN 2 CASR No.	COLUMN 3 THRESHOLD CATEGORY	COLUMN 4 THRESHOLD
	Acetone	67-64-1	1	10 tonnes per year
	Arsenic & compounds	7440-38-2	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Benzene	71-43-2	1	10 tonnes per year
1,3-	Butadiene (vinyl ethylene)	106-99-0	1	10 tonnes per year
	Cadmium & compounds	7440-43-9	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Carbon monoxide	630-08-0	1	10 tonnes per year
			2a	400 tonnes per year, or 1 tonne per hour
	Chromium (VI) compounds	7440-47-3	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Cobalt & compounds	7440-48-4	1	10 tonnes per year
	Cyanide (inorganic) compounds	N/A	1	10 tonnes per year
1,2-	Dibromoethane	106-93-4	1	10 tonnes per year
	Dichloromethane	75-09-2	1	10 tonnes per year
2-	Ethoxyethanol	110-80-5	1	10 tonnes per year
2-	Ethoxyethanol acetate	111-15-9	1	10 tonnes per year
	Ethylene glycol (1,2-ethanediol)	107-21-1	1	10 tonnes per year
	Fluoride compounds	N/A	1	10 tonnes per year
			2a	400 tonnes per year, or 1 tonne per hour
	Glutaraldehyde	111-30-8	1	10 tonnes per year
	Lead & compounds	7439-92-1	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Mercury & compounds	7439-97-6	1	10 tonnes per year

Prefix	COLUMN 1 SUBSTANCE	COLUMN 2 CASR No.	COLUMN 3 THRESHOLD CATEGORY	COLUMN 4 THRESHOLD
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Methanol	67-56-1	1	10 tonnes per year
	Methyl ethyl ketone	78-93-3	1	10 tonnes per year
	Methyl isobutyl ketone	108-10-1	1	10 tonnes per year
	Methyl methacrylate	80-62-6	1	10 tonnes per year
	Nickel carbonyl	13463-39-3	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Nickel subsulphide	12035-72-2	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Oxides of Nitrogen	N/A	2a	400 tonnes per year, or 1 tonne per hour
	Particulate Matter 10.0 um	N/A		
			2a	400 tonnes per year, or 1 tonne per hour
	Polycyclic aromatic hydrocarbons	N/A	2a	400 tonnes per year, or 1 tonne per hour
	Sulphur dioxide	7446-09-5	1	10 tonnes per year
			2a	400 tonnes per year, or 1 tonne per hour
	Sulphuric acid	7664-93-9	1	10 tonnes per year
	Tetrachloroethylene	127-18-4	1	10 tonnes per year
	Toluene (methylbenzene)	108-88-3	1	10 tonnes per year
	Toluene-2,4-diisocyanate	584-84-9	1	10 tonnes per year
	Total Nitrogen	N/A	3	15 tonnes per year
	Total Phosphorus	N/A	3	3 tonnes per year
	Trichloroethylene	79-01-6	1	10 tonnes per year
	Xylenes (individual or mixed isomers)	1330-20-7	1	10 tonnes per year



**TABLE 2**

Prefix	COLUMN 1 SUBSTANCE	COLUMN 2 CASR No.	COLUMN 3 THRESHOLD CATEGORY	COLUMN 4 THRESHOLD
	Acetaldehyde	75-07-0	1	10 tonnes per year
	Acetic acid (ethanoic acid)	64-19-7	1	10 tonnes per year
	Acetone	67-64-1	1	10 tonnes per year
	Acetonitrile	75-05-8	1	10 tonnes per year
	Acrylamide	79-06-1	1	10 tonnes per year
	Acrylic acid	79-10-7	1	10 tonnes per year
	Acrylonitrile (2-propenenitrile)	107-13-1	1	10 tonnes per year
	Ammonia (total)	N/A	1	10 tonnes per year
	Aniline (benzenamine)	62-53-3	1	10 tonnes per year
	Antimony & compounds	7440-36-0	1	10 tonnes per year
	Arsenic & compounds	7440-38-2	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Benzene	71-43-2	1	10 tonnes per year
	Benzene hexachloro- (HCB)	608-73-1	1	10 tonnes per year
	Beryllium & compounds	7440-41-7	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Biphenyl (1,1-biphenyl)	92-52-4	1	10 tonnes per year
	Boron & compounds	7440-42-8	1	10 tonnes per year
1,3-	Butadiene (vinyl ethylene)	106-99-0	1	10 tonnes per year
	Cadmium & compounds	7440-43-9	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Carbon disulphide	75-15-0	1	10 tonnes per year
	Carbon monoxide	630-08-0	1	10 tonnes per year
			2a	400 tonnes per year, or 1 tonne per hour
	Chlorine	7782-50-5	1	10 tonnes per year
	Chlorine dioxide	10049-04-4	1	10 tonnes per year
	Chloroethane (ethyl chloride)	75-00-3	1	10 tonnes per year
	Chloroform (trichloromethane)	67-66-3	1	10 tonnes per year

Prefix	COLUMN 1 SUBSTANCE	COLUMN 2 CASR No.	COLUMN 3 THRESHOLD CATEGORY	COLUMN 4 THRESHOLD
	Chlorophenols (di, tri, tetra)	N/A	1	10 tonnes per year
	Chromium (III) compounds	7440-47-3	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Chromium (VI) compounds	7440-47-3	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Cobalt & compounds	7440-48-4	1	10 tonnes per year
	Copper & compounds	7440-50-8	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Cumene (1-methylethylbenzene)	98-82-8	1	10 tonnes per year
	Cyanide (inorganic) compounds	N/A	1	10 tonnes per year
	Cyclohexane	110-82-7	1	10 tonnes per year
1,2-	Dibromoethane	106-93-4	1	10 tonnes per year
	Dibutyl phthalate	84-74-2	1	10 tonnes per year
1,2-	Dichloroethane	107-06-2	1	10 tonnes per year
	Dichloromethane	75-09-2	1	10 tonnes per year
	Ethanol	64-17-5	1	10 tonnes per year
2-	Ethoxyethanol	110-80-5	1	10 tonnes per year
2-	Ethoxyethanol acetate	111-15-9	1	10 tonnes per year
	Ethyl acetate	141-78-6	1	10 tonnes per year
	Ethyl butyl ketone	106-35-4	1	10 tonnes per year
	Ethylbenzene	100-41-4	1	10 tonnes per year
	Ethylene glycol (1,2-ethanediol)	107-21-1	1	10 tonnes per year
	Ethylene oxide	72-21-8	1	10 tonnes per year
	Di-(2-Ethylhexyl) phthalate (DEHP)	117-81-7	1	10 tonnes per year
	Fluoride compounds	N/A	1	10 tonnes per year
			2a	400 tonnes per year, or 1 tonne per hour
	Formaldehyde (methyl aldehyde)	50-00-0	1	10 tonnes per year
	Glutaraldehyde	111-30-8	1	10 tonnes per year
n-	Hexane	110-54-3	1	10 tonnes per year
	Hydrochloric acid	7647-01-0	1	10 tonnes per year

Prefix	COLUMN 1 SUBSTANCE	COLUMN 2 CASR No.	COLUMN 3 THRESHOLD CATEGORY	COLUMN 4 THRESHOLD
			2a	400 tonnes per year, or 1 tonne per hour
	Hydrogen sulphide	7783-06-4	1	10 tonnes per year
	Lead & compounds	7439-92-1	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Magnesium oxide fume	1309-48-4	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Manganese & compounds	7439-96-5	1	10 tonnes per year
	Mercury & compounds	7439-97-6	1	10 tonnes per year
			2b	2,000 tonnes per year, oor 60,000 megawatt hours, or rated at 20 megawatts
	Methanol	67-56-1	1	10 tonnes per year
2-	Methoxyethanol	109-86-4	1	10 tonnes per year
2-	Methoxyethanol acetate	110-49-6	1	10 tonnes per year
	Methyl ethyl ketone	78-93-3	1	10 tonnes per year
	Methyl isobutyl ketone	108-10-1	1	10 tonnes per year
	Methyl methacrylate	80-62-6	1	10 tonnes per year
4,4-	Methylene bis 2,4 aniline (MOCA)	101-14-4	1	10 tonnes per year
	Methylenebis (phenylisocyanate)	101-68-8	1	10 tonnes per year
	Nickel & compounds	7440-02-0	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Nickel carbonyl	13463-39-3	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Nickel subsulphide	12035-72-2	1	10 tonnes per year
			2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts

Prefix	COLUMN 1 SUBSTANCE	COLUMN 2 CASR No.	COLUMN 3 THRESHOLD CATEGORY	COLUMN 4 THRESHOLD
	Nitric acid	7697-37-2	1	10 tonnes per year
	Organo-tin compounds	N/A	1	10 tonnes per year
	Oxides of Nitrogen	N/A	2a	400 tonnes per year, or 1 tonne per hour
	Particulate Matter 10.0 um	N/A		
			2a	400 tonnes per year, or 1 tonne per hour
	Phenol	108-95-2	1	10 tonnes per year
	Phosphoric acid	7664-38-2	1	10 tonnes per year
	Polychlorinated dioxins and furans	N/A	2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
	Polycyclic aromatic hydrocarbons	N/A	2a	400 tonnes per year, or 1 tonne per hour
	Selenium & compounds	7782-49-2	1	10 tonnes per year
	Styrene (ethenylbenzene)	100-42-5	1	10 tonnes per year
	Sulphur dioxide	7446-09-5	1	10 tonnes per year
			2a	400 tonnes per year, or 1 tonne per hour
	Sulphuric acid	7664-93-9	1	10 tonnes per year
1,1,1,2-	Tetrachloroethane	630-20-6	1	10 tonnes per year
	Tetrachloroethylene	127-18-4	1	10 tonnes per year
	Toluene (methylbenzene)	108-88-3	1	10 tonnes per year
	Toluene-2,4-diisocyanate	584-84-9	1	10 tonnes per year
	Total Nitrogen	N/A	3	15 tonnes per year
	Total Phosphorus	N/A	3	3 tonnes per year
	Total Volatile Organic Compounds	N/A	1a	25 tonnes per year, or a design capacity of 25 kilotonnes for bulk storage facilities
			2a	400 tonnes per year, or 1 tonne per hour
1,1,2-	Trichloroethane	79-00-5	1	10 tonnes per year
	Trichloroethylene	79-01-6	1	10 tonnes per year
	Vinyl Chloride Monomer	75-01-4	1	10 tonnes per year
	Xylenes (individual or mixed isomers)	1330-20-7	1	10 tonnes per year
	Zinc and compounds	7440-66-6	1	10 tonnes per year

## TABLE OF AMENDMENTS

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<b>Provision affected</b>	<b>How affected</b>
Clause 3	Definition of “reporting list” amended, June 2000
Clause 25	Subclause 25(4) amended, June 2000

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