

Information sheet

Environmental Protection Regulation 2019

Paying a reduced annual fee

This information sheet outlines the eligibility requirements for a reduced annual fee under ss. 160 - 167 of the Environmental Protection Regulation 2019.

Table of contents

Version history.....	2
1 Introduction.....	3
2 How much is the reduced fee?.....	3
3 When can a reduced fee be claimed?.....	4
4 What are the requirements for paying a reduced annual fee?.....	4
5 What is a compliance action event?.....	5
6 What are the requirements for an approved EMS discount?.....	5
7 What are the requirements for an approved partner discount?	6
8 What are the requirements for a lower emissions score discount?.....	7
8.1 What is the emissions score?.....	7
8.2 How to determine if an activity has a lower emissions score?	8
9 What are the requirements for a relevant resource activity environmental authority in rehabilitation?	8
10 What is a suitably qualified person?	9
11 How long is the reduced annual fee valid?	9
12 What records need to be kept?.....	10
13 Further information.....	10
Appendix 1 - Example of how to calculate the lower emissions score.....	11

Version history

Version	Date	Description of changes
1	17 April 2012	Versioning commenced
1A	2 July 2012	Updated for indexed fees.
2	31 March 2013	Updated for the <i>Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012</i> .
3	1 July 2014	Updated for indexed fees and new discount for higher risk resource activities undergoing rehabilitation.
4	30 January 2015	Clarifying terms for the environmental management system discount.
5.00	9 October 2015	Clarified Sections 4 and 11 to better reflect the legislation.
5.01	15 August 2016	Added publication number ESR/2015/1723
6.00	05 December 2016	Included details of submitting an annual return to DES electronically through Connect.
7.00	28 August 2017	Updated for accessing the emissions profile document through the DES Library Catalogue.
8.00	11 September 2017	Clarified approved partner discount for updated ecoBiz program.
8.01	11 June 2018	Document rebranded to align with machinery of government changes
9.00	28 September 2018	Updated to refer to the reduced annual fee process now linked to the Annual Notice.
9.01	08 October 2019	Updated for the commencement Environmental Protection Regulation 2019
10.00	25 September 2020	Updates to Section 8 and Appendix 1 to fix errors including the reference to the new <i>Emissions scores profile of environmentally relevant activities</i>
10.01	14 October 2020	Update to Appendix 1 to reflect the updated page number reference to the new <i>Emissions scores profile of environmentally relevant activities</i>
10.02	21 September 2021	Update Connect references to Online Services. Updated the version for ISO 14001 and the National Feedlot Accreditation Scheme

1 Introduction

Sections 160 - 167 of the Environmental Protection Regulation 2019 (EP Reg) allows for a reduced annual fee to be paid where the holder of an environmental authority meets certain criteria. This information sheet sets out the criteria and how an environmental authority holder can claim a reduced annual fee for an environmentally relevant activity (ERA) administered by the state government.

The purpose of the scheme is to reward excellent environmental performance through a reduced licensing fee. The option to pay a reduced annual fee is subject to assessment and independent certification of the performance requirements.

2 How much is the reduced fee?

There are four types of discount. The annual fee can be reduced by any of the first three types of discounts in combination to obtain a total of 50% reduction in the annual fee. The fourth type of discount can only be used by itself and gives a 50% reduction in the annual fee.

1. The annual fee is reduced by 20% where the criteria for an approved environmental management system (EMS) are met. This can be used alone or in combination with one or two of the other discounts that can be combined.
2. The annual fee is reduced by 10% where the criteria for an approved partner are met. This can be used alone or in combination with one or two of the other discounts that can be combined.
3. The annual fee is reduced by 20% where the criteria for a lower emissions score are met. This can be used alone or in combination with one or two of the other discounts that can be combined.
4. The annual fee is reduced by 50% where the criteria are met for a relevant resource environmental authority in rehabilitation¹. This discount cannot be used with any other discount.

Applicable criteria	Reduction in fee	Fee payable
Approved partner	10%	90%
Approved EMS or lower emissions score	20%	80%
Approved partner and approved EMS	30%	70%
Approved partner and lower emission score	30%	70%
Approved EMS and lower emission score	40%	60%
Approved EMS, lower emission score and approved partner	50%	50%
Relevant resource environmental authority in rehabilitation	50%	50%

¹ A relevant resource activity environmental authority means an environmental authority for a resource activity relating to a mining lease or a petroleum lease for which the AES stated for the activity in the section under schedule 2 or 3 of the EP Reg applying to the activity is 120 or more. A relevant resource activity environmental authority is in rehabilitation where the holder of the relevant resource activity environmental authority has ceased extracting the resource, does not intend to recommence extracting the resource and is currently carrying out rehabilitation of the environmental authority site.

3 When can a reduced fee be claimed?

The reduced annual fee can be claimed when paying the annual fee. You will be issued a notice that states the options for claiming the reduced annual fee and environmental authority holders will need to complete the claim and pay the reduced annual fee by the due date.

This is a self-assessment process with independent certification of the performance requirements. This independent verification must be arranged by and at the cost of the environmental authority holder.

All supporting documentation required to claim eligibility (such as a statutory declaration) must accompany the annual fee payment. Submit the claim and the reduced annual fee:

1. Where the Department of Agriculture and Fisheries (DAF) is the administering authority: to DAF at the address in the annual notice
2. Where the Department of Environment and Science (DES) is the administering authority:
 - a. electronically through Online Services (for more information and to register to use Online Services go to <https://www.qld.gov.au/environment/pollution/licences-permits/onlineservices>). You will be able to load scanned copies of the reduced annual fee claim and all other documentation to be submitted.
 - b. by post to:
Permit and Licence Management
Department of Environment and Science
GPO Box 2454
BRISBANE QLD 4001

If the annual fee is not paid on time the reduced annual fee cannot be claimed.

There are significant penalties under the *Environmental Protection Act 1994* (EP Act) for supplying false and/or misleading information that will apply in relation to claiming reduced annual fees.

4 What are the requirements for paying a reduced annual fee?

There are specific requirements to be met for an environmental authority holder to be able to claim a reduced annual fee.

The environmental authority holder for one or more environmentally relevant activities is eligible to pay a reduced annual fee for the authority if all of the following apply:

- a) the holder has been operating under the environmental authority for at least one year
- b) in the three years immediately before the annual fee for the authority is due (or for the duration of the authority if it is less than three years old), no 'compliance action event' has happened for the holder
- c) the holder meets the criteria from Sections 6-9 of this document relevant to the type of discount being claimed
- d) all the following are submitted within the period stated in the annual notice:
 - i) the material from Sections 6-9 of this document relevant to the type of discount being claimed
 - ii) payment of the reduced annual fee
- e) the ERA has an aggregate environmental score. Low risk activities with no aggregate environmental score will not be eligible to claim a reduced annual fee

- f) the ERA is administered by the State Government (Department of Environment and Science or the Department of Agriculture and Fisheries) or, where the ERA is administered by a local government, the local government has adopted the reduced annual fee provisions.

5 What is a compliance action event?

A compliance action event, for the holder of an environmental authority, means any of the following directly relating to an activity carried out or a thing omitted to be done under the authority:

- a) the serving of an infringement notice, under the *State Penalties Enforcement Act 1999*, on the holder for an offence
- b) the issuing of an environmental protection order to the holder
- c) the holder:
 - i) has voluntarily submitted a draft transitional environmental program
 - ii) is acting under an approved transitional environmental program
 - iii) is required to prepare a transitional environmental program
 - iv) has, under s. 350 of the EP Act, given the administering authority a program notice;
- d) the issue of a cost recovery notice to the holder unless:
 - i) the amount claimed under the notice has been fully paid or
 - ii) the notice has been withdrawn or has otherwise stopped having effect;
- e) the holder has been issued with a direction notice under s. 363B of the EP Act and:
 - i) the holder complies with the notice or
 - ii) a proceeding for an offence against s. 363E of the EP Act has not started
- f) a proceeding for an environmental offence or an offence under ss. 363E², 363I³ or 363L⁴ of the EP Act (a notice offence), is started or continued against the holder and has not finished;
- g) the holder is convicted of an environmental offence or a notice offence.

If an environmental authority holder has two sites (e.g. Site A and Site B) and two separate environmental authorities, then a compliance event on Site A will not affect access to the discounts for the annual fee on Site B. If both Site A and Site B are licensed under a single environmental authority, a compliance action event at either site will render the environmental authority holder ineligible for a reduced annual fee.

6 What are the requirements for an approved EMS discount?

A reduced annual fee can only be claimed for an environmental management system (EMS) that meets the following definition of 'prescribed EMS':

- a) an EMS that a conformity assessment body has certified as conforming to AS/NZ ISO: 14001: 2016 'Environmental Management Systems—Requirements with guidance for use'

² Offence not to comply with a direction notice.

³ Offence not to comply with clean-up notice.

⁴ Obstruction of recipient complying with notice.

- b) the National Feedlot Accreditation Scheme, Rules of Accreditation published in September 2018 by AUS-MEAT Limited ABN 44 082 528 881 (a prescribed approved EMS).

The holder of an environmental authority has an approved EMS if each relevant activity carried out under the authority is being carried out in accordance with a prescribed EMS. The table below provides the documentation required for each type of prescribed EMS:

EMS type	Documentation required
Approved EMS	An EMS certified as conforming to AS/NZ ISO: 14001: 2016 or a prescribed approved EMS (National Feedlot Accreditation Scheme, Rules of Accreditation)
EMS certified as conforming to AS/NZ ISO: 14001: 2016	<p>A statutory declaration, completed by a suitably qualified person⁵, verifying all the following:</p> <ul style="list-style-type: none"> a) that each relevant activity carried out under the authority in the previous year has been carried out in accordance with an EMS that a conformity assessment body has certified as conforming to AS/NZS ISO 14001:2016 'Environmental management systems—Requirements with guidance for use' b) the holder is complying with the conditions of the authority <p>and including a declaration stating all of the following:</p> <ul style="list-style-type: none"> a) the person's qualifications and experience relevant to the function b) that the person has not knowingly included false, misleading or incomplete information in the document c) that the person has not knowingly failed to reveal any relevant information or document to the administering authority d) the document addresses the relevant matters for the function and is factually correct e) the opinions expressed in the document are honestly and reasonably held.
Prescribed approved EMS (National Feedlot Accreditation Scheme, Rules of Accreditation)	<p>A statutory declaration, completed by the holder, verifying all the following:</p> <ul style="list-style-type: none"> a) each relevant activity carried out under the authority in the previous year has been carried out in accordance with the National Feedlot Accreditation Scheme, Rules of Accreditation published in September 2018 by AUS-MEAT Limited ABN 44 082 528 881 b) the holder is complying with the conditions of the authority.

7 What are the requirements for an approved partner discount?

An approved partner is the holder of an environmental authority who has been awarded 'Star Partner' status with the business partnership program ecoBiz. To qualify for the discount, the following requirements must be met:

- all three metrics – energy, water and waste – must be measured and reported on;

⁵ A suitably qualified person for the purpose of providing the required statutory declaration must be a person with relevant qualifications and experience who is a member of an organisation prescribed in schedule 14 of the EP Reg.

- a minimum of 10% reduction in one metric must be achieved; and
- no greater than a 5% increase in any other metric must be achieved.

Further information about ecoBiz can be found on the DES website:

<http://www.des.qld.gov.au/ecobiz/index.html>.

To claim the reduced annual fee for an approved partner, the holder of a relevant authority must include a copy of the latest correspondence indicating approval as an ecoBiz Star Partner. DES will check eligibility to claim a reduced annual fee to ensure the holder is an approved partner of ecoBiz.

8 What are the requirements for a lower emissions score discount?

8.1 What is the emissions score?

The holder of a relevant authority has a lower emission score if:

- a) the holder is carrying out only one relevant activity under the authority—the relevant activity has an emissions score that is at least 25% less than the emissions score stated to apply for the activity under the emission scores profile⁶
- b) the holder is carrying out two or more environmentally relevant activities under the authority—the relevant activity that has the highest aggregate environmental score has an emissions score that is at least 25% less than the emissions score stated to apply for the activity under the emission scores profile.

The emissions score, for a relevant activity, means the emissions score component of the aggregate environmental score for the activity. The aggregate environmental score was calculated by DES and is scheduled in the EP Reg (next to the ERA definitions in schedules 2 and 3).

The aggregate environmental score is made up of two components:

- a) the emissions score
- b) the site attributes score.

The emissions score is based on the average annual emissions to air, land and water, and a detailed breakdown of contaminants and volumes is provided for each ERA in the document *Emission scores profile of environmentally relevant activities* (the emission scores profile).

The historical emissions score and site attributes scores are in the document *Environmental emissions profiles: a tool to profile the relative risk of environmentally relevant activities under the Environmental Protection Regulation*⁷. This document has not been updated to reflect changes to the ERAs that occurred since the Environmental Protection Regulation 2008 took effect on 1 January 2009. The site attributes score is not needed for claiming a reduced annual fee. The site attributes score has been included in the emissions scores profile without any detail of how it was created.

The emissions score profile includes 17 contaminants divided into four tiers based on the severity of the potential consequence of each contaminant. Each tier has a value 1 to 4 that is the same as the tier number. Tier 1 contaminants have the least severe consequence and has a value of 1, while tier 4 contaminants have the most severe consequence and have a value of 4.

⁶ This is the document *Emission scores profile of environmentally relevant activities* (the emission scores profile), which is available at www.qld.gov.au using the publication number ESR/2019/5099 as a search term.

⁷ Available in the DES Library Catalogue at www.qld.gov.au/environment/library by searching for 'environmental emissions profile'.

Each contaminant also has a level based on the quantity emitted per year. The levels range from 1 to 4 with level 1 being the lowest quantity emitted and level 4 being the highest quantity emitted.

The emissions score is calculated by:

- multiplying the tier by the level for each contaminant for emissions to air, land and water; and
- summing these scores to give the emissions score for the ERA.

8.2 How to determine if an activity has a lower emissions score?

When calculating the emissions score to determine if an activity has a lower emissions score, data should be based on the annual average emissions for each contaminant in order to accommodate seasonality and other fluctuations. It does not matter how the emissions reduction is achieved or how many contaminants contribute to the overall reduction.

The emissions score is recalculated on actual data for each of the contaminants for the particular activity. This may result in the emissions score for some contaminants increasing, while others decrease. If the contaminant release is less than the lower limit of level one, a level of zero applies giving a score of zero for that contaminant.

Example: The emissions score calculated from the data generated by the registered operator is 59. The emissions score from the emission scores profile is 80. This is 26% less than the emission score from the emission scores profile and therefore qualifies the holder of a relevant authority to a fee discount. It does not matter whether the number 59 was achieved through a large reduction in one contaminant or a moderate reduction across several contaminants. An example of how to calculate the emissions score is in Appendix 1.

Data collection should be consistent with the guidelines and methodologies contained in the following documents:

- Air Quality Sampling Manual⁸ prepared by DES
- Monitoring and Sampling Manual⁹
- Annual reporting data from the National Pollutant Inventory for the previous reporting year.

9 What are the requirements for a relevant resource activity environmental authority in rehabilitation?

A relevant resource activity environmental authority means an environmental authority for a resource activity relating to a mining lease or a petroleum lease for which the AES stated for the activity in the section under schedule 3 of the EP Reg applying to the activity is 120 or more. A reduced annual fee for a relevant resource environmental authority in rehabilitation can only be claimed if the holder completes and includes a statutory declaration with their reduced annual fee claim verifying all the following:

- a) the holder has stopped extracting the resource that is the subject of the environmental authority and does not intend to recommence extracting the resource
- b) the holder is currently carrying out rehabilitation of the land that is the subject of the environmental authority.

⁸ Available in the DES Library Catalogue at www.qld.gov.au/environment/library by searching for 'air quality sampling manual'.

⁹ Available www.qld.gov.au by searching for 'monitoring and sampling manual'.

10 What is a suitably qualified person?

A suitably qualified person is required to sign statutory declarations for the approved EMS discount where the EMS is not a prescribed approved EMS (National Feedlot Accreditation Scheme, Rules of Accreditation).

The person preparing and signing the statutory declaration must be a member of a prescribed organisation listed in Schedule 14 of the EP Reg. These organisations are:

- Australasian Radiation Protection Society
- Australian Institute of Agricultural Science and Technology
- Australian Institute of Geoscientists
- Australian Society of Soil Science
- Engineers Australia
- Environmental Health Australia
- Environment Institute of Australia and New Zealand
- Institute of Explosives Engineers
- Institutions of Chemical Engineers Australia
- Institute of Engineering and Mining Surveyors Australia
- Planning Institute of Australia
- South Pacific Environmental Radioactivity Association
- The Australian Institute of Mining and Metallurgy
- The Institution of Surveyors Australia
- The Royal Australian Chemical Institute

Secondly the person must have relevant experience and qualifications for performing the function. The experience and qualification should relate to the development and operation of Environmental Management Systems, and the assessment of compliance with the conditions of an environmental authority.

11 How long is the reduced annual fee valid?

The reduced annual fee applies for one year until the next anniversary day, unless the holder stops being eligible to pay a reduced annual fee because any of the following happens during the year to which the reduced annual fee applies:

- a) the holder stops being an approved partner
- b) the holder no longer has an approved EMS
- c) the holder no longer has a lower emissions score
- d) the holder has stopped carrying out rehabilitation of the land that is the subject of the environmental authority
- e) the holder recommences extracting the resource that is the subject of the environmental authority
- f) there is a compliance action event for the holder.

If an environmental authority holder has two or more sites operated as a project on a single environmental authority, the holder will stop being eligible to pay a reduced annual fee if any of the points (a) to (d) from Section 4 of this document do not apply to any of the sites on the environmental authority.

If an environmental authority holder has two or more sites operated as a project on a single environmental authority, the holder must continue to meet the eligibility criteria outlined in points (a) to (d) in section 4 of this document for all sites on the environmental authority to remain eligible to pay a reduced annual fee.

Where the holder stops being eligible or has claimed the reduced annual fee when not eligible, they may be required to pay the difference between the annual fee and the reduced annual fee. There are offences and penalties for claiming the discount when a holder is not eligible, failing to notify the administering authority when they become ineligible, and for providing false and misleading information.

12 What records need to be kept?

Records must be kept by the holder to enable the administering authority to verify that:

- a) the holder was eligible to pay the reduced annual fee at the time it was paid
- b) did not stop being eligible for the reduced annual fee during the year covered by the annual fee.

These records must be kept for 5 years.

13 Further information

The latest version of this publication can be found at www.qld.gov.au using the publication number ESR/2015/1723 as a search term.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved:

Date: 25 September 2020

Enquiries:

Permit and Licence Management
Ph: 1300 130 372 (select option 4)
Fax: (07) 3330 5875
Email: palm@des.qld.gov.au

Appendix 1 - Example of how to calculate the lower emissions score

Below is an example for how to work out a lower emissions score for a mining project under schedule 3 (item 21) 'a mining activity that is an ineligible ERA, other than a mining activity mentioned in items 9 to 20'. The EP Reg states that the aggregate environmental score (AES) for this ERA is 136. The formula for annual fees is provided in s. 159(3) of the EP Reg.

Step 1: Identify the emissions score of the aggregate environmental score

Go to the DES website and refer to the emission scores profile.

The emissions component for this ERA is 109. Based on an emissions score of 109, a reduced annual fee is payable if the activity has an emissions score of 81 or under as this is more than 25% less than 109.

Looking at the table at the bottom of page 35 of the emission scores profile, the emission score as calculated for the EP Reg is based on the following contaminants:

Contaminant	Tier	Level	Score
To Air			
10-100t/yr of SO ₂	1	2	2
100–1,000t/yr of NO _x	1	3	3
100–1,000t/yr of PM ₁₀	1	3	3
10–100t/yr of CO	2	1	2
10-100t/yr VOC	2	3	6
0.1-1t/yr of Halogens	2	2	4
10,000–100,000t/yr of Greenhouse Gases	3	1	3
1,000–10,000kg/yr of Metals	3	3	9
>1,000kg/yr of Carcinogens	4	4	16
To Water			
10-100t/yr Total N	1	3	3
1-10t/yr of Halogen	2	3	6
>10,000kg/yr of Metals	3	4	12
100–1,000kg/yr of Carcinogens	4	3	12
To Land			
>10,000kg/yr of Metals	3	4	12
>1,000 kg/yr of Carcinogens	4	4	16
TOTAL			109

The score for each contaminant is calculated by multiplying the tier by the level. The total score is the sum of all the contaminant scores.

Step 2: Conduct monitoring and obtain data to analyse site emissions

Undertake monitoring or obtain past monitoring reports to identify the contaminant emissions and translate this into the tiers and levels as outlined in the emission scores profile. If the score is more than 25% less than the score in the emission scores profile, then you are eligible for a 20% discount.

An example of a business with a lower emissions score based on the previous example is as follows:

Contaminant	Tier*	Level*	Score
To Air			
10-100t/yr of SO ₂ **	1	3**	3**
100–1,000 t/yr of NO _x	1	3	3
100–1,000 t/yr of PM ₁₀	1	3	3
10–100t/yr of CO	2	0***	0***
10-100t/yr VOC	2	3	6
0.1-1t/yr of Halogens	2	2	4
10,000–100,000t/yr of Greenhouse Gases	3	1	3
100-1,000kg/yr of Metals***	3	2***	6***
10-100kg/yr of Carcinogens***	4	2***	8***
To Water			
10-100t/yr Total N	1	3	3
1-10t/yr of Halogen	2	3	6
100–1,000kg/yr of Metals***	3	2**	6**
10-100kg/yr of Carcinogens***	4	2**	8**
To Land			
100-1,000kg/yr of Metals***	3	2**	6**
>1,000kg/yr of Carcinogens***	4	4	16
TOTAL			81**

In this example, the business had higher SO₂ air emissions, but much lower metal and carcinogen emissions than the level calculated for the EP Reg. Note the changes in bold italics. The tier rating represents the hazard level and is fixed by DES. The only thing that changes is the level category which reflects the amount of material actually being emitted.

* Use the tiers and levels in the emission scores profile and the levels for your data.

** Where the contaminant release is more than the higher limit of a level, the appropriate higher level applies.

*** Where the contaminant release is less than the lower limit of a level the appropriate lower level applies. If the contaminant release is less than the lower limit of level 1, a level of zero applies giving a score of zero for that contaminant.

Step 3: Claim the discount

Claim the 20 per cent discount as part of the reduced annual fee claim process, ensuring that all necessary information is attached.