

Information Sheet

Requirement to become a registered operator

This information sheet provides operators of environmentally relevant activities (ERAs) with information about how to make an application for a new registration certificate and amend or surrender a registration certificate under the Environmental Protection Act 1994. All new operators must obtain a registration certificate to carry out an ERA. Most existing operators will not be required to make an application for a registration certificate.

Overview of registration

The *Environmental Protection Act 1994* (EP Act) requires that any person carrying out an ERA must hold, or be acting under, a registration certificate for the activity. It is an offence to carry out an ERA unless the person is a registered operator for the activity, or is acting under a registration certificate for the activity. All operators are also required to have a development approval for the activity, unless a code of environmental compliance applies to the activity.

Operators proposing to commence an ERA need to obtain a registration certificate. An application must be made to the administering authority, accompanied by an application fee and the annual fee for the ERA. Annual fees must be paid each year on the anniversary date of the registration certificate. For more information about annual fees refer to Council's Fees and Charges.

An application for a registration certificate may be refused if the applicant is not a suitable person to be a registered operator having regard to the applicant's environmental record (see section 73E of the EP Act).

Applications for multiple activities¹

If an application is being made for 'multiple activities' on a single registration certificate, an additional attachment to the registration application form must be submitted to demonstrate that these activities will be managed as part of a 'single integrated operation'.

A decision can be made under section 73F(2) to grant either a single registration certificate or multiple registration certificates. Two or more certificates may be granted if the operator does not demonstrate that the activities will be carried out as a single integrated operation.

For more information about what to provide with your registration application for multiple activities refer to s73F(3) of the EP Act.

When applying for multiple activities as a single integrated operation, the fee payable is the application fee plus the highest annual fee of the activities being applied for. If the administering authority decides to issue more than one registration certificate when a single certificate was applied for, the applicant must pay the outstanding annual fee(s) for the additional registration certificate(s) issued. The administering authority will advise of the fees outstanding when advising that more than one registration certificate will be issued.

¹ The term 'multiple activities' includes two or more ERAs at a single premise; or one or more ERAs, at two or more premises. Any of these combinations can include a "mobile and temporary ERA". Schedule 4 of the EP Act defines a mobile and temporary environmentally relevant activity.

For new operators taking over a business – applications for a “continuing registration”

If you are taking over a business from an existing operator, you will need to indicate on the registration application form that you are applying for a “continuing registration”. In addition to the standard details on the registration form, the details and signatures of the new operator (buyer) and the existing operator will be required. Under section 73Q of the EP Act, the existing operator is required to notify the buyer of the need to obtain a registration certificate.

Amending a registration certificate

The administering authority may amend a registration certificate at any time under section 73H with the agreement of the registered operator. This change may be initiated by the administering authority or by the registered operator requesting the change. The administering authority may also amend a registration certificate without the approval of the registered operator to correct a formal or clerical error.

Cancelling or suspending a registration certificate

Section 73I of the EP Act provides circumstances where the administering authority may cancel or suspend a registration certificate. The circumstances relate to the operator’s conduct, providing false or misleading information, conviction of an environmental offence, or failure to comply with the annual notice for the certificate.

Surrendering a registration certificate

Section 73O of the EP Act provides that a registered operator may apply to surrender their registration certificate. An audit statement must accompany this application. The audit statement must advise the extent to which the activity to be surrendered has been carried out in accordance with the conditions of the development approval or code of environmental compliance. The administering authority will consider the audit statement and other criteria in relation to the activity (such as rehabilitation of the land) before making a decision on the application.

Review and appeal rights

The EP Act provides for a right of internal review and appeal against certain decisions made under the EP Act, including those relating to registration certificates. Decisions that can be reviewed or appealed are listed in schedule 2 of the EP Act.

Further information

Advice and support services are available through Health and Regulatory Services of Mackay Regional Council. Telephone an Environmental Protection Officer on 1300 MACKAY (1300 622 529) or visit the website at www.mackay.qld.gov.au.

Copies of the *Environmental Protection Act 1994* and *Environmental Protection Regulation 2008* are available on the Office of the Queensland Parliamentary Counsel website at www.legislation.qld.gov.au/OQPChome.htm.