

Operational policy

Environmental Protection Act 1994

What is a clerical or formal error?

Operational policies provide a framework for consistent application and interpretation of legislation by the Department of Environment and Science. Operational policies will not be applied inflexibly to all circumstances. Individual circumstances may require an alternative application of policy. This policy concerns section 211 of the Environmental Protection Act 1994.

Policy issue

Section 211 of the *Environmental Protection Act 1994* allows the administering authority to correct clerical and formal errors in an environmental authority or PRCP schedule. The amendment can be done at any time if—

- the amendment does not adversely affect the interests of the holder or anyone else
- the holder has been given written notice of the amendment.

Issue

What is a “clerical or formal error”?

Determination

The following are examples of “clerical” or “formal” errors:

- spelling mistakes
- missing words
- formatting errors
- incorrect references to sections of the *Environmental Protection Act 1994*.

Other issues to consider

Written notice of the amendment must be given to the operator or holder prior to making the change.

The provision must not be used where the meaning or intent of the environmental authority or PRCP schedule is changed. The amendment must not adversely affect the operator or holder or anyone else.

Within 10 business days of giving notice of the correction the administering authority must:

- amend the environmental authority or PRCP schedule to give effect to the amendment
- issue the amended environmental authority or PRCP schedule to the holder
- include a copy of the amended environmental authority or PRCP schedule in the relevant register.

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