

Operational policy

Environmental Protection Act

Which officers review original decisions?

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 s. 521 under the Environmental Protection Act 1994.

Policy issue

Which officers within the Department of Environment and Science (DES) can review original decisions under s. 521 of the *Environmental Protection Act 1994* (EP Act)?

Determination

Where the legislation provides for the review of an original decision by an DES officer:

- if the original decision was made by an officer below Director, Program Manager (Compliance) or Executive Director, the review officer will be nominated by the Director, Program Manager (Compliance) or Executive Director as appropriate; or
- if the original decision was made by a Director or Program Manager (Compliance) the review officer will be nominated by the Executive Director that the Director or Program Manager (Compliance) reports to.

Section 521(7)(b) requires that the review officer must not be a person in a less senior office than the person who made the original decision.

Disclaimer:

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Approved:

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