

Operational policy

Environmental Protection Act 1994 and Waste Reduction and Recycling Act 2011

Which officers review original decisions?

Operational policies provide a framework for consistent application and interpretation of legislation by the Department of Environment, Science and Innovation. 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 and s. 178 under the Waste Reduction and Recycling Act 2011.

Policy issue

Which officers within the Department of Environment, Science and Innovation (DESI) can review original decisions under s. 521 of the *Environmental Protection Act 1994* (EP Act) and s. 178 under the *Waste Reduction and Recycling Act 2011*?

Determination

Where the legislation provides for the review of an original decision by a DESI 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(8) of the EP Act and s. 178(2) of the WRR Act both require that the application for a review of an original decision must not be dealt with by: (a) the person who made the original decision; or (b) a person in a less senior office than the person who made the original decision.

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, Science and Innovation should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

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