



Western Australia

Environmental Protection Act 1986

**Environmental Protection (Cost Recovery)
Regulations 2021**

Western Australia

Environmental Protection (Cost Recovery) Regulations 2021

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Defined terms

Environmental Protection (Cost Recovery) Regulations 2021

Part 1 — Preliminary

1. Citation

These regulations are the *Environmental Protection (Cost Recovery) Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Terms used

In these regulations —

accredited assessment process means a process under Part IV of the Act that the Commonwealth Minister has, under the EPBC Act section 87(1), decided to use for an assessment for the purposes of the EPBC Act;

agency has the meaning given in the *Public Sector Management Act 1994* section 3(1);

Commonwealth Minister means the Minister referred to in the EPBC Act;

compliance priority rating, for an approved proposal, has the meaning given in regulation 12;

costs, of the Department —

- (a) means —
- (i) costs of employing Departmental staff who assess proposals; and
 - (ii) costs of employing Departmental staff, to the extent that they manage or support staff referred to in subparagraph (i); and
 - (iii) indirect costs of the Department; and
 - (iv) costs of funding staff of another agency for the purposes of the other agency assisting, or providing advice, in relation to the Department assessing proposals;

but

- (b) does not include external costs of the Department;

Departmental staff means persons referred to in section 22 or 24 of the Act;

Department's website means a website maintained by or on behalf of the Department;

ecological community has the meaning given in the *Biodiversity Conservation Act 2016* section 5(1);

EMP means an environmental management plan, environmental management system or environmental improvement plan;

environmental offset means a requirement intended to offset the impact of the implementation of a proposal on the environment, including a requirement of the kind referred to in section 45A(1)(b), (c) or (d) of the Act;

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth);

external costs, of the Department, means —

- (a) costs of acquiring services in the nature of advice; and

- (b) costs (including of meals and accommodation) of Departmental staff travelling to the site of a proposal or a related site;

fee includes charge;

indirect costs, of the Department, means costs that are not directly attributable to the performance of a particular function, including —

- (a) costs relating to office accommodation, motor vehicles and equipment; and
- (b) costs of licensing, including of equipment and intellectual property; and
- (c) depreciation;

scoping document means a document in which the Authority determines the form, content, timing and procedure of an environmental review, under section 40(3) of the Act;

species has the meaning given in the *Biodiversity Conservation Act 2016* section 5(1).

[Part 2 has not come into operation.]

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Notes

This is a compilation of the *Environmental Protection (Cost Recovery) Regulations 2021*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
<i>Environmental Protection (Cost Recovery) Regulations 2021</i> Pt. 1	SL 2021/217 17 Dec 2021	17 Dec 2021 (see r. 2(a))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

Citation	Published	Commencement
<i>Environmental Protection (Cost Recovery) Regulations 2021</i> Pt. 2	SL 2021/217 17 Dec 2021	18 Dec 2021 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
accredited assessment process	3
agency	3
Commonwealth Minister	3
compliance priority rating	3
costs	3
Departmental staff.....	3
Department's website.....	3
ecological community	3
EMP	3
environmental offset	3
EPBC Act.....	3
external costs.....	3
fee	3
indirect costs	3
scoping document	3
species.....	3