
ENVIRONMENTAL PROTECTION

EP301

ENVIRONMENTAL PROTECTION ACT 1986

ENVIRONMENTAL PROTECTION AMENDMENT REGULATIONS (No. 2) 1997

Made by the Governor in Executive Council on the recommendation of the Environmental Protection Authority.

Citation

1. These regulations may be cited as the *Environmental Protection Amendment Regulations (No. 2) 1997*.

Principal regulations

2. In these regulations the *Environmental Protection Regulations 1987** are referred to as the principal regulations.

[* Reprinted as at 4 December 1995.
For amendments to 26 August 1997 see 1996 Index to Legislation
of Western Australia, Table 4, pp. 72-3.]

Regulation 4 amended

3. Regulation 4 (1) of the principal regulations is amended by inserting before the definition of "category" the following definition —

"

"best practice criteria" means criteria specified by the Chief Executive Officer that require the establishment and implementation of —

- (a) an environmental policy;
- (b) environmental performance objectives;
- (c) continual improvement programmes;
- (d) environmental management and audit plans; and
- (e) other measures that the Chief Executive Officer considers necessary for good environmental performance and management;

"

Regulation 5EA inserted

4. After regulation 5E of the principal regulations the following regulation is inserted —

"

Waiver of fee components where best practice criteria met

5EA. If, in respect of an application for a licence, the Chief Executive Officer is satisfied that the environmental performance and management of the premises to which the application relates conform to best practice criteria, the Chief Executive Officer is to waive any amount otherwise payable under regulation 5D (1) (b) or (c) in respect of the licence.

"

Regulation 5H amended

5. After regulation 5H (2) of the principal regulations the following subregulation is inserted —

"

(3) If —

- (a) a fee paid in respect of a licence comprised an amount under regulation 5D (1) (b) or (c); and
- (b) the Chief Executive Officer determines during the term of that licence that the environmental performance and management of the premises to which the licence relates conform to best practice criteria,

the Chief Executive Officer is to refund to the licensee an amount which bears the same proportion to the amount referred to in paragraph (a) as the unexpired portion of the term of licence (calculated from the day of the determination referred to in paragraph (b)) bears to the term of the licence.

"

Regulation 5IA inserted

6. After regulation 5I of the principal regulations the following regulation is inserted —

“

Best practice criteria as condition of licence

5IA. For the purposes of section 62 (1) (h) of the Act the Chief Executive Officer may specify as a condition of a licence that the licensee is to comply with best practice criteria in relation to the environmental performance and management of the premises to which the licence relates.

”

Regulation 5J amended

7. Regulation 5J (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) Despite regulation 5D and subject to subregulation (2), the fee prescribed for the purposes of section 57 (1) (b) of the Act in relation to an application made after the commencement of the *Environmental Protection Amendment Regulations (No. 2) 1997* for a licence —

(a) that is to come into force before 1 October 1997 is two fifths of the fee that would otherwise apply under this Part; and

(b) that is to come into force on or after 1 October 1997 but before 1 October 1998 is two thirds of the fee that would otherwise apply under this Part.

”

Schedule 1 amended

8. Schedule 1 to the principal regulations is amended in Part 1 by deleting categories 5 and 6 and substituting the following categories —

“

5	Processing or beneficiation of metallic or non-metallic ore: premises on which —	50 000 tonnes or more per year
	(a) metallic or non-metallic ore is crushed, ground, milled or otherwise processed;	
	(b) tailings from metallic or non-metallic ore are reprocessed; or	
	(c) tailings or residue from metallic or non-metallic ore are discharged into a containment cell or dam.	
6	Mine dewatering: premises on which water is extracted and discharged into the environment to allow mining of ore.	50 000 tonnes or more per year

”

Recommended by the Environmental Protection Authority.

B. K. BOWEN, Chairman.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.