

Environment Protection (Fees) Determination 2021

Disallowable instrument DI2021-76

made under the

Environment Protection Act 1997, s 165 (Determination of fees etc)

EXPLANATORY STATEMENT

Section 165 of the *Environment Protection Act 1997* (the *Act*) permits the Minister to determine fees for the Act.

The purpose of this instrument is to determine the fees for goods and services under the Act for the 2021-22 financial year.

The regulatory fees in the determination have been increased by 1.75% for the 2021-22 financial year based on the wage price index as per government's advice, appropriate rounding has been made in relation to increases.

The *Legislation Act 2001*, section 56 (5) (g) provides that a determination 'may make provision about waiving, postponing or refunding [a] fee (completely or partly)'.

Clause 6 of the instrument includes a new power permitting the Environment Protection Authority (the *authority*) to refund or postpone environmental authorisation fees, if the authority believes it would be fair and reasonable to do so. This power has been inserted to allow the authority to refund or defer payment of environmental authorisation fees where the authorisation holder has not been able to exercise their authorisation for a particular reason, such as due to the COVID19.

The instrument commences on 1 July 2021.

This instrument revokes the *Environment Protection (Fees) Determination 2020* (DI2020-197).

A determination made under section 165 of the Act is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001* (Legislation Act).

Regulatory Impact Statement (RIS)

A RIS is not required for this fee determination due to section 36 (1) (k) of the Legislation Act, which provides that a RIS need not be prepared for an amendment of a fee consistent with announced government policy.

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.