



Roles and responsibilities in managing and protecting Western Australia's environment

This fact sheet briefly describes the complementary roles and responsibilities of the Environmental Protection Authority (EPA), the Office of the EPA (OEPA), the Department of Environment Regulation (DER), the Department of Parks and Wildlife (Parks and Wildlife) and the Appeals Convenor and how they relate to the Minister for Environment. It also outlines the roles of the departments of Planning, Mines and Petroleum, Water, and the Commonwealth Department of the Environment in relation to environmental impact assessment.

Local government authorities (LGAs) have responsibility for a wide range of local "nuisance" environmental issues, as well as local planning approvals.

Environmental Protection Authority www.epa.wa.gov.au

The EPA is a five-member board appointed by the State Government. Neither the Authority nor its Chairman, Dr Tom Hatton, is subject to the direction of the Minister for Environment.

The EPA has statutory obligations under Parts II, III and IV of the *Environmental Protection Act 1986* to conduct environmental impact assessments of proposals likely, if implemented, to have a significant effect on the environment; to initiate measures to protect the environment from environmental harm and pollution; and to provide advice to the Minister on environmental matters generally.

All proposals referred to the EPA are open for a seven-day public comment period before the EPA determines whether and at what level a proposal will be assessed. In making a determination, the EPA takes into consideration what other regulatory process exist to manage the environmental impacts of the proposal. If the proposal is assessed at the level of Public Environmental Review, there is also an opportunity for the public to make submissions during the assessment process.

Based on the environmental impact assessment, the EPA presents its report and recommendations to the Minister. The Minister makes a decision on whether a proposal may or may not proceed and on what environmental conditions should apply if the proposal is approved.

If the EPA decides not to assess a proposal, it may still provide advice and make recommendations on the environmental impacts of the proposal.

There are appeal rights in relation to the EPA's decision not to assess a proposal, and in relation to the content of, and recommendations in, the EPA's report. These appeals are investigated by the Appeals Convenor.

Schemes and scheme amendments referred to the EPA are not subject to public comment or to appeal on the level of assessment determined by the EPA.

The Minister provides the EPA with services and facilities to help it perform its functions. These support services are provided by the Office of the EPA.



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Office of the Environmental Protection Authority

www.epa.wa.gov.au

The OEPA is a State government department headed by a General Manager and has three divisions; Assessment and Compliance, Strategic Policy and Planning, and Business Operations. It is accountable to the Minister for Environment as well as to the EPA.

It supports the EPA by conducting environmental impact assessments and developing policies to protect the environment. The OEPA also monitors compliance with the Ministerial conditions related to approvals.

The OEPA engages with a range of clients and stakeholders, including Government agencies, industry peak bodies, environmental non-Government organisations, proponents and members of the community.

Memoranda of Understanding (MOU) or similar working arrangements exist or are currently being updated and developed between the OEPA and the departments of Parks and Wildlife, Environment Regulation, Mines and Petroleum, Planning, Water and Aboriginal Affairs.

Department of Environment Regulation

www.der.wa.gov.au

The Department of Environment Regulation (DER) undertakes statutory regulatory roles in relation to emissions and discharges from prescribed activities; clearing of native vegetation; contaminated sites; and controlled waste.

Information on reporting pollution is available on DER's website at www.der.wa.gov.au/reporting-pollution.

The department is headed by a Director General and is responsible to the Minister for Environment.

Department of Parks and Wildlife

www.dpaw.wa.gov.au

The Department of Parks and Wildlife conserves and protects WA's native animals and plants, in addition to managing 28 million hectares of national parks, marine parks, State forests and other reserves for the community's enjoyment and safety. The department also has broader responsibilities in bushfire suppression and prescribed burning on both the land it manages and on unallocated Crown land.

The department is headed by a Director General and is responsible to the Minister for Environment.

Department of Water

www.water.wa.gov.au

The Department of Water regulates the construction of water wells, activities that interfere with water course beds and banks, artesian wells, as well as the 'taking' of water from proclaimed surface water sources or groundwater sources through water licences, and is charged with safeguarding public drinking water sources. It also provides expertise and advice about conserving, protecting and managing water resources, assessing water resources, planning for the use of water

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resources and promoting the efficient use of water resources. The department also has broad responsibilities for protecting water quality.

The department is headed by a Director General and is responsible to the Minister for Water.

Appeals Convenor

www.appealsconvenor.wa.gov.au

The Appeals Convenor investigates and provides advice to the Minister for Environment with respect to appeals made under the *Environmental Protection Act 1986*. This includes appeals on a large range of environmental decisions, including environmental impact assessment, permits for clearing native vegetation, and conditions applying to certain industrial and commercial premises.

In considering an appeal under the EP Act, the Appeals Convenor is required to consult with:

- the Department of Environment Regulation (if the appeal is against a decision of the Department);
- the Environmental Protection Authority (EPA) (where the appeal is against a decision of the Minister or the EPA); and
- the appellant.

Appointed by the State Government, the Appeals Convenor is supported by a Registrar and appeals assessors who are employed under the *Public Sector Management Act 1994* and operate as the Office of the Appeals Convenor.

Local government authorities

www.walga.wa.gov.au

Local shires and councils are responsible for a range of environmental issues including dust, asbestos, odour, noise (other than that caused by aircraft, trains, or by traffic on major roads); refuse and general solid and liquid waste. The Environmental Health Officers at local government authorities have powers under the EP Act to investigate these issues and issue infringement notices where an offence has been committed.

Department of Planning

www.planning.wa.gov.au

The Department of Planning has statewide responsibility for the planning for cities and towns for future communities and the transport routes to connect these communities.

Under the *Planning and Development Act 2005*, the *Metropolitan Redevelopment Act 2011* and the *Hope Valley Wattleup Redevelopment Act 2000*, all proposed schemes and scheme amendments must be referred to the EPA by the authority responsible for the scheme. Referrals under this process are managed under s48A of the EP Act and are not subject to public comment.

The EPA will decide whether the referred scheme or scheme amendment:

- a) should not be assessed (advice and recommendations may be provided); or
- b) should be assessed; or
- c) is incapable of being made environmentally acceptable.

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This decision must be made within 28 days of referral of the scheme or scheme amendment, subject to sufficient information being available to the EPA, to enable the EPA to comply with section 48A of the EP Act.

The department is headed by a Director General and is responsible to the Minister for Planning.

Department of Mines and Petroleum

www.dmp.wa.gov.au

The Department of Mines and Petroleum (DMP) is charged with ensuring the responsible development of mineral and energy resources, and for encouraging exploration and discovery of mineral and energy resources.

Under a MOU between the DMP and the OEPA, the DMP will consult with the Office of the EPA on mineral, petroleum or geothermal proposals considered likely to have a significant impact on the environment, and will refer a proposal to the EPA in accordance with s38(5) of the EP Act if it meets circumstances detailed in the MOU.

The department is headed by a Director General and is responsible to the Minister for Mines and Petroleum.

Department of the Environment

www.environment.gov.au

Under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), actions that have, or are likely to have, a significant impact on a **matter of national environmental significance (MNES)** require approval from the Australian Government Minister for the Environment. The Minister will decide whether assessment and approval is required under the EPBC Act.

An assessment bilateral agreement between the Commonwealth and Western Australia accredits the EPA's Public Environmental Review (PER) and Assessment on Proponent Information - Category A (API-A) levels of assessment. This means that the Commonwealth can rely on environmental assessments undertaken by the EPA for the purpose of its approval decisions under the EPBC Act on proposals that are likely to have a significant impact on MNES. If the EPA assesses a proposal at the level of PER or API-A under the agreement, separate assessment by the Commonwealth is not required.

The agreement also accredits the clearing permit assessment process under Part V Division 2 of the EEP Act. More detail on how the assessment bilateral agreement works is provided in a separate [information sheet here](#).

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		Environment				Mines and Petroleum	Planning	Water	Local Government	
Authority	Environmental Protection Authority	Western Australian Government departments							Local Government Authorities	Commonwealth
		Appeals Convenor	Office of the EPA	Department of Environment Regulation	Department of Parks and Wildlife	Department of Mines and Petroleum	Department of Planning	Department of Water	Councils and Shires	Department of the Environment
		<i>Environmental Protection Act 1986</i> Parts II, III & IV <i>Environmental Protection Act 1986</i> Part VII	<i>Environmental Protection Act 1986</i> Parts III & IV	<i>Environmental Protection Act 1986</i> Parts V & VI; <i>Contaminated Sites Act 2003</i>	<i>Environmental Protection Act 1986</i> ; <i>Wildlife Conservation Act 1950</i> ; <i>Conservation and Land Management Act 1984</i>	<i>Mining Act 1978</i> ; <i>Petroleum and Geothermal Energy and Resources Act 1967</i> ; <i>Petroleum Pipelines Act 1969</i> ; <i>Petroleum and Submerged Lands Act 1982</i>	<i>Planning and Development Act 2005</i> ; <i>Metropolitan Redevelopment Act 2011</i>	<i>Rights in Water and Irrigation Act 1914</i> ; <i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i> ; <i>Country Areas Water Supply Act 1947</i> ; <i>Water Agencies (Powers) Act 1984</i> ; <i>Waterways Conservation Act 1976</i>	<i>Environmental Protection Act 1986</i> ; Local laws	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Roles and responsibilities	Environmental impact assessment of significant proposals, schemes and scheme amendments. Provision of advice on environmental matters to the Minister for Environment.	Investigates and provides advice to the Minister on appeals made under the EP Act, including appeals on EPA reports and recommendations.	Supports the EPA in conducting environmental impact assessments and policy development. Monitors and audits compliance with Ministerial approval statements.	Industry licensing and regulation; pollution; illegal dumping; contaminated sites; controlled waste; native vegetation and clearing permits.	Protection of native flora and fauna; flora and fauna licensing; management of national, regional and marine parks, etc; prescribed burning.	Mine closure; hydraulic fracturing.	Subdivision and planning applications; schemes and scheme amendments.	Water licensing and regulation; abstraction and allocation of surface water and groundwater; water resource planning and protection; water quality protection.	Dust; noise (not transport-related); odour; asbestos; light; refuse, local planning approvals, etc.	Matters of national environmental significance (MNES)

* The legislation shown for each entity is not comprehensive, but is the primary legislation relating to environmental management

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