

City of Vincent

Good Afternoon,

The City appreciates the opportunity to provide comment on the discussion paper [‘Modernising the Environmental Protection Act’ and ‘Exposure draft bill’](#) and note them as follows:

1. **With regard to Section 4A of the *Environmental Protection Act 1986*** setting out the Object and Principles of the Act.

That the Department have consideration to how the Act can appropriately capture the impacts on human health with regard to the pollution of an environment. A clear definitive statement in the Object and Principles as to the importance of public health would assist.
2. In relation to the statement in the paper “*Part IV of the EP Act provides for the EPA to assess the environmental impacts of proposals and planning schemes, which are likely, if implemented, to have a significant effect on the environment*”, it is considered this should include reference to the impacts on human health – and therefore complement the requirements of the *Public Health Act 2016* in relation to the requirement for Health Impact Assessment to occur at a Development Application stage.
3. **Section 51 of the Act should be retained.** This provision has not been delegated to Local Government CEOs under the Act in the past and has therefore not been an enforcement option available. Whilst it is understood there has been limited application of this Section, it is still seen as an important Section of the Act and one which could have a number of ‘appropriate enforcement agencies’ if retained (i.e CEO of DWER **and** CEO of Local Government).
4. That consideration be given to **expanding the application of Section 65 concerning Environmental Protection Notices**, to have regard to the potential harm to public health as a consequence of an emission.
5. That the Department consider **amendments to Section 114 of the Act and remove the need to seek the consent of the CEO of DWER** to enable Local Governments to pursue efficient enforcement action in the event of an offence being committed under the Act pertinent to this Section. For example – Local Government must currently seek the written consent of the CEO of the Department to pursue prosecution for a breach of a Noise Abatement Direction. Local Governments have a demonstrated ability to undertake legal proceedings in respect to offences at this level (see prosecutions under the *Food Act 2008*), and consider that we could be afforded an equivalent delegation in the Act.

6. That the Department consider **revisiting the wording of Section 80 of the Act** to ensure it is simplified to clearly state the elements of the offence.
7. That the Department **review the penalties associated with Tier 2 and 3 offences**. In respect to the application of the Act for an offence regarding noise emission, these remain unchanged in the Exposure Bill. It is requested that the Department investigate increasing penalties for an offence under Section 79(1) and 80 of the Act, commensurate to the impact of the offence. Furthermore, that consideration is given to penalties afforded to individuals vs corporations (companies) when an offence is committed.
8. That further clarification is required in respect to the implications for Local Government Authorised Persons with the change in the act to license 'activities' rather than 'premises'.

Should you have any question, please don't hesitate to contact me.

Thanks and Kind Regards,

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The City of Vincent acknowledges the traditional lands of the Whadjuk Noongar people.

We pay our respect to their Elders, past, present and emerging and we recognise their strength and resilience.

