



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Modernising the *Environmental Protection Act*

Consultation summary report

May 2020





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Executive summary

The *Environmental Protection Act 1986* (EP Act) establishes the state's primary legislative framework for protecting our environment. Although the EP Act has been effective in ensuring the impacts of significant proposals, native vegetation clearing and from industry emissions and discharges are assessed and properly managed, it now is timely to modernise the Act. This will ensure it can meet future challenges and the expectations of the community and industry in promoting sustainable development.

The Department of Water and Environmental Regulation (the department) has been working with stakeholders to identify regulatory and environmental protection improvements, reduce regulatory duplication and recognise new technology. The McGowan Government proposed a range of legislative amendments to deliver better regulation to protect our environment. The proposed amendments broadly address the following matters:

- Improving regulatory processes under Part IV to streamline the administrative efficiency of the environmental impact assessment process, and reducing duplication of assessments and approvals.
- Introduction of cost recovery provisions relating to Part IV.
- Clarification of provisions dealing with strategic assessments to use terminology consistent with Commonwealth legislation.
- Amending Part V Division 2 to ensure the clearing provisions are efficient, targeted, flexible and transparent while ensuring protection of native vegetation with important environmental values.
- Amending Part V Division 3 to improve the efficiency and effectiveness of the regulation of emissions and discharges.
- Modernising and improving defences, and investigation and enforcement powers, and providing for enhanced modified penalties.
- Introducing a new Part to provide for environmental protection covenants to which the CEO may enter under conditions made for Part IV (proposals) and Part V Division 2 (clearing permits).
- Facilitating and streamlining the implementation of bilateral assessment and approval agreements under the *Environmental Protection and Biodiversity Conservation Act 1999*, including fees for cost recovery.
- Amending appeal provisions to improve consistency and efficiency.
- Imposing consistent transparency and publication requirements throughout the EP Act, providing a head of power for a system for the accreditation of environmental practitioners and increasing penalties for certain environmental offences.

The proposed amendments to the EP Act were outlined in a discussion paper and the Environmental Protection Amendment Bill 2019 (Exposure draft Bill), which were released for public comment on 28 November 2019 for a three-month period, closing on 28 January 2020.

A total of 101 submissions were received from across industry, community groups, individuals and government agencies. There was broad support for the proposed amendments but some stakeholders did make suggestions on further changes or detailed their concerns on specific amendments or how these will be implemented.

The department thanks all those who sent submissions and provided comments on the proposed amendments. These have been considered in the preparation of the final Bill.

1 Introduction

This paper summarises submissions received as a result of public consultation on the discussion paper *Modernising the Environmental Protection Act*.

The comments received during the consultation process will inform the development of the final proposed amendments to the *Environmental Protection Act 1986*.

1.1 Consultation

The development of the proposed new areas of environmental reform and amendments to various parts of the EP Act contained in the discussion paper is the result of more than a decade of debate and consultation on reviewing environmental management legislation in Western Australia. There has been extensive consultation with industry, peak representative organisations, interest groups and government agencies.

The discussion paper was released for public comment on 28 October 2019 for a three-month period, closing on 28 January 2020.

To support consultation on the discussion paper, a public forum was held in Perth and presentations were given and discussions held with various stakeholder groups, industry representatives and government agencies. A list of these briefings and presentations is included in Appendix A.

1.2 Submissions

The discussion paper generated 101 written submissions from respondents representing government, industry, industry groups, community groups, local government, consultants and members of the public. Appendix B provides a list of respondents.

2 Key areas of reform in the Environmental Protection Act 1986

2.1 New areas of environmental reform

2.1.1 Bilateral agreements with the Commonwealth

The Bill proposes amendments to the EP Act which will ensure the State Government has the ability to fully implement bilateral agreements while also removing duplication of the Commonwealth's and the State Government's environmental assessment and approval processes.

These proposed amendments were supported by most respondents from industry, State and local government. Select respondents representing community groups, and individuals expressed their concern that the loss of Commonwealth oversight may impact environmental regulatory management standards.

Response:

The department supports a regulatory framework which reduces regulatory duplication while maintaining high environmental management standards. Under the proposed amendments, the State Government will have to regard guidelines or policies established under the bilateral agreement and will exercise its powers and functions in a manner consistent with the Commonwealth's *Environmental Protection and Biodiversity and Conservation Act 1999*. This approach will ensure the high standards associated with environmental management are maintained. There is already a bilateral agreement for assessments in place, and the capacity to enter into bilateral agreements has been in the EP Act for many years. The proposed amendments will ensure bilateral agreements are implemented more effectively.

2.1.2 Modernise requirements for advertising, publishing and confidentiality

An important part of the proposed amendments is to increase transparency of the decisions made under the EP Act by updating advertising and publishing requirements while maintaining confidentiality where necessary.

Stakeholders who responded to the department's proposal to promote greater transparency and accountability supported the modernisation of advertising and publishing requirements.

Response:

The proposed amendments will be progressed ensuring the EP Act can adopt modern publishing practices and meet the transparency and accountability expectations of the community. A new head power will allow for regulations to be drafted for publishing requirements. Decisions will continue to be advertised in newspapers as appropriate.

2.1.3 Environmental protection covenants

The Bill provides for statutory environmental protection covenants as a condition of a clearing permit or Ministerial statement. The 14 responses received supported the provisions. Some respondents requested more information on the likely processes.

Response:

Provisions for environmental protection covenants will be included in the amendment Bill. The department will consult with stakeholders to develop guidelines on how these provisions will best be implemented.

2.1.4 Environmental monitoring programmes

The Bill includes a head power to enable cost recovery for programmes which will monitor the cumulative impacts on the environment and public health from industrial operators that contribute to those impacts.

There was significant support for the inclusion of these powers in the Bill. Some respondents were unsure how these provisions will be applied, or how such programs will complement existing monitoring programmes.

Several respondents indicated such programmes should focus on issues of state significance, and that the recovery of costs should be from significant polluters rather than smaller operators which may not have the funds to support such programs. To increase transparency it was suggested that the department report annually on the collection and use of the funds used for environmental monitoring programmes.

Response:

Environmental monitoring programmes, and specific cost-recovery provisions for those programmes, will be established under new regulations, after consultation with industry stakeholders. Each programme will be established under its own regulations. It is proposed that environmental monitoring programmes be established for state-significant issues such as the examples provided of Port Hedland air quality and Murujuga rock art.

The cost recovery framework will require specified licence holders to contribute to the costs of the environmental monitoring programmes consistent with the principle of 'polluter pays'. Small businesses and landowners will not be impacted as the levy will only be charged to Part V licensees.

Provisions in the Bill also specify that funds received will be used only for the purposes related to environmental monitoring programmes. The regulations regarding each programme are likely to contain specific reporting obligations.

2.1.5 Provide a head power for certified environmental practitioners

A new initiative proposes to provide for the certification of environmental practitioners. These practitioners can work with industry to ensure the environmental issues of new or amended proposals are identified and properly addressed before

the proposals are submitted to the EPA for assessment or an application is made under Part V for a clearing permit or licence.

This proposal was supported by many respondents. Other respondents questioned how such a system would work, particularly whether it could increase costs. There was also concern that the introduction of certification for environmental practitioners would add another quasi approval process, increasing the timelines of the environmental assessment process.

Response:

The department will proceed with amending the EP Act to establish a head power to make regulations establishing a certification scheme for environmental practitioners.

After considering the submissions received, the scheme will be voluntary. The scheme will provide a form of recognition for experienced and qualified practitioners. It is aimed at increasing professional standards through recognition of experts and specialists and providing a forum for professional development and knowledge-sharing. Proponents can use accredited environmental practitioners to develop their proposals.

2.1.6 Injunction to apply to a broader range of matters

The Bill proposes to broaden the powers of the CEO to apply for an injunction to a broader number of environmental breaches than is currently possible. All responses received supported this proposal.

Response:

It is proposed to amend the EP Act to broaden the powers of the department's CEO to apply for an injunction from the Supreme Court to restrain breaches of offences under Part IV and Part V.

2.1.7 Offsets

The department received numerous submissions suggesting that the EPA's policies and guidelines be amended with the aim of regulating and minimising the use of offsets and making explicit the circumstances under which offsets can be applied.

Other respondents considered that offsets will never replace the loss of high conservation value native vegetation, and therefore did not support their use. Several respondents suggested the development of guidelines setting out the criteria under which offsets may be considered.

Response:

The use of offsets is supported by an offsets framework that applies to both environmental impact assessment and clearing permits. It has been subject to a review undertaken in consultation with stakeholders. The Bill includes an express power to impose offset conditions under Part IV. An additional power to make regulations for the governance, financial accounting for, and use of offset funds has also been included.

2.2 Improvements to administrative efficiency

A driver for amending the EP Act is improving the efficiency of existing licensing, permitting and assessment processes throughout the Act, by reducing regulatory requirements on proponents without impacting on the quality of decision making or environmental protection.

Respondents acknowledged the need for amendments to improve the efficiency of existing processes under the EP Act, including during impact assessment, the approval and the licensing and permitting processes under Part IV and Part V. Respondents also indicated any improvements in regulatory and administrative efficiency should not come at the expense of environmental outcomes.

Response:

Amendments to promote regulatory efficiencies have been incorporated throughout the Bill, including for example simplifying the processes of environmental impact assessment and identifying administrative steps that do not contribute to environmental protection or community transparency. Further detail was provided in the issues paper. The proposed amendments will be progressed.

2.3 Part I - Preliminary

2.3.1 Objects/principles of the Act

The department received many responses suggesting changes to the objects and principles of the EP Act. This included requiring any decisions made under the Act to give effect to the objects and principles. A number of respondents suggested that climate change should be incorporated in the objects and principles.

Response:

The Supreme Court has found that the objects in the EP Act are relevant considerations when making decisions under the Act and in interpreting the provisions of the Act. The principles reflect the Intergovernmental Agreement on the Environment. These principles and the objects of the Act are sufficiently broad to encompass the assessment of climate change, both greenhouse gas emissions and adaptation to its effects. It is therefore not proposed to change the objects and provisions included in the Bill at this time.

2.3.2 Decisions to be made public

Numerous respondents suggested a requirement for publishing the reasons why decisions were made.

Response:

The Bill proposes a broad power to make regulations for publication, and the detail of public records will be included in these regulations. It is current practice to publish reasons for the majority of EP Act decisions.

2.3.3 Use of gender-neutral terminology

Many respondents suggested the move away from gender-specific terminology within the Act to gender-neutral terminology.

Response:

The amendment Bill now amends provisions throughout the Act to incorporate gender neutral terminology.

2.4 Part II - Environmental Protection Authority

2.4.1 EPA Chair to be either full-time or part-time

The Bill incorporated a proposed amendment for the Chair of the EPA to be either full-time or part-time to allow greater flexibility to accommodate other roles and duties and to allow the use of flexible working arrangements.

Although respondents acknowledged the flexibility provided by having the EPA Chair undertaking their tasks either on a full-time or part-time basis, most respondents expressed the view that a part-time Chair may constrain the ability of the EPA from achieving its objectives under the Act and that the appointment should always be on a full-time basis.

Response:

The department acknowledges the respondents' views and the final Bill has removed the amendment for the Chair to be part-time.

2.4.2 Include eligibility criteria for EPA members

Some respondents suggested the inclusion of eligibility criteria for EPA members.

Response:

The appointment of EPA members is a matter for government based on account of their interest in and experience of matters affecting the environment. Guidelines may be developed to assist government in the selection process; however, there is no intention of including eligibility criteria in the Bill as these criteria may need to be reviewed from time to time.

2.4.3 Independence of EPA

Although there is no intention to reduce the EPA's independence when making decisions under the Bill, several respondents reiterated the need to maintain the independence of the EPA and for any political interference on the EPA's decisions to be eliminated.

Response:

The EP Act establishes the independence of the EPA. There is no proposal to change the provisions relating to the independence of the EPA.

2.4.4 Use of modern technology for EPA meetings

The Bill proposed the inclusion of provisions which will enable the EPA to use modern technology such as web-based applications for their meetings.

All respondents supported the use of modern technology for meetings of the EPA.

Response:

Noted.

2.4.5 Functions and role of the EPA

Several respondents suggested changes to the EPA's role such as the inclusion of a statutory requirement to undertake state of the environment reporting.

Response:

There is no proposal to alter the functions and role of the EPA in this Bill. The EPA currently has broad powers to provide advice to the Minister and publish information on any environmental matter to the community.

2.4.6 Remove duplication between the EP Act and the Heritage Act

Some respondents suggested the Bill removes duplication between the EP Act and the new Heritage Act. Others noted the close links between culture and heritage, especially Aboriginal heritage, and the environment and supported maintaining the current role of the EPA in assessing impacts on Aboriginal heritage as part of its assessment of environmental impacts.

Response:

The department acknowledges the close links between culture, heritage and the environment. The department is working with the Department of Planning, Lands and Heritage in the development of new heritage legislation to improve the protection and management of Aboriginal heritage matters, and aims to avoid regulatory duplication where this is possible.

2.4.7 Delegations

The EP Act currently provides for the delegation of some or all of the powers of the Minister, CEO or Chair of the EPA. Some respondents sought to constrain delegations to non-environmental agencies or officers to ensure these powers are exercised to protect the environment. Others wanted to provide for local government officers to initiate legal action without CEO approval.

Response:

There is no change to the delegation powers under the EP Act. Delegates will continue to be required to exercise their powers in accordance with the objects and requirements of the EP Act.

2.5 Part III - Environmental Protection Policies

Respondents noted that no changes are proposed to Part III of the EP Act at this time.

Some respondents made suggestions on how this section may be amended in the future, including amending the EP Act to require public input before revoking Environmental Protection Policies (EPPs) and reviewing the effectiveness of EPPs.

Response:

Amendments to Part III of the EP Act were not considered in this Bill. The comments received will be considered as part of any future reviews.

2.6 Part IV - Environmental Impact Assessment

2.6.1 Streamlined provisions and the use of simplified language

The proposed use of simplified language and the streamlining of the provisions under Part IV of the EP Act will improve regulatory efficiency.

This was welcomed by respondents.

Response:

The language in Part IV has been further revised to improve clarity.

2.6.2 Defining decision-making authorities

Three respondents suggested that ‘key decision-making authorities’ (DMAs) be clearly defined in the Bill as DMAs have a role in environmental management. Updated definitions for social surroundings, environmental harm and pollution amongst others were also suggested.

Response:

Following the comments received, the definition of key decision-making authorities was slightly amended to make it clear that it was the decision itself that had to be a major one, rather than the role of the decision-making authority.

The definitions of a number of terms used in the Bill have been revised to better relate to the new provisions included in the Bill and after considering comments received.

2.6.3 Interpreting the term ‘significant’

Some respondents suggested the term ‘significant’ needs to be defined in legislation. Another approach suggested was the removal of the term ‘significant’ altogether and instead allowing referral of all proposals other than trivial proposals.

Response:

The term 'significant' varies in time and context, and with scientific knowledge. It is therefore most appropriate to provide guidance on how the term is to be considered in policy, which is the EPA's current approach, rather than defining it in the Act.

2.6.4 Defining the term 'strategic assessments'

The Bill proposed to use similar terminology as in the EPBC Act, to improve the definition of 'strategic assessments'.

Respondents supported the proposed amendments and suggested that strategic assessments can lead to better environmental outcomes, especially in considering cumulative assessments.

Response:

The proposed changes have been included in the final Bill.

2.6.5 Referral of proposals to EPA

Currently the EPA has regard to the role of other decision-makers when making decisions on proposals. The Bill proposes for this practice to be made explicit.

Some respondents did not support the proposal for the EPA to have regard to other decision-makers in deciding whether to assess a proposal. There was some concern that a decision not to assess implied that environmental matters have been addressed. It was suggested that in cases where the EPA does not assess, the EPA should provide advice on how matters raised should be dealt with and which the agency should be responsible for having oversight of these matters.

Response:

It is proposed to progress with these amendments, which will clarify the current practice of the EPA to have regard to other decision-makers, reducing unnecessary regulation. In making these decisions, the EPA will consider the objects and principles of the EP Act.

The EPA currently provides advice related to environmental matters, in some cases, where it determines to not assess a proposal.

2.6.6 Addition of statutory criteria for decision-making

Several submissions recommended the inclusion of statutory criteria for which the EPA should have regard when making recommendations and decisions.

Response:

The department does not believe there is a need to include additional statutory criteria for consideration by the EPA when making recommendations or decisions on proposals. Instead, the EPA is required to consider the objects and principles of the EP Act and may publish policies to guide its decision-making.

2.6.7 EPA to consider cumulative impacts

There was strong support by respondents to amend section 38A of the EP Act to make it mandatory for the EPA to explicitly consider and report on the cumulative impacts of every proposal it receives.

Response:

Although not explicitly provided under the EP Act, the cumulative impacts of proposals are currently assessed as part of many environmental impact assessments. An amendment has been made to the Bill to clarify that the assessment of impacts includes cumulative impacts.

2.6.8 Request further information within a specified timeframe

The Bill proposed the inclusion of specified timeframes for proponents to provide any further information requested by the EPA on a proposal.

Although these amendments were supported, several respondents noted the timeframes may be too short and were concerned about the possibility of declaring a referral withdrawn if the timeframes were not met.

Response:

The department acknowledges that in some cases the proponent may not be able to meet the specified timeframe when requested to provide further information. However, there is no automatic withdrawal of the referral if the timeframe is not met. Also, the stop-the-clock capacity has been clarified to allow for more flexibility, while the option for indefinite pausing of the statutory timeframe has been removed.

2.6.9 Proponent may amend or withdraw referral prior to a decision being made

One of the shortcomings of the EP Act is that it does not allow proponents to amend or withdraw a proposal which was referred to the EPA before a decision is made. The Bill proposes to address this shortcoming.

This proposal was supported by all respondents.

Response:

This amendment has been included in the final Bill.

2.6.10 EPA discretion on which decision-making authorities it will notify

The Bill includes an amendment allowing the EPA to use discretion when determining which decision-making authorities it will notify of its decision to assess a proposal, rather than having to notify all decision-making authorities, even those with a minor role in relation to the proposal. This amendment intends to improve administrative efficiency and streamline the process of assessing proposals.

This proposed amendment was supported by most respondents.

Response:

It is proposed to proceed with providing the EPA with the power to use its discretion on which decision-making authorities it will notify.

2.6.11 EPA to consider other decision-making authorities' processes

The department received mixed support for the proposal for the EPA to consider the processes of other decision-making authorities in the assessment process. Those who did not support the proposal were concerned about the potential of the processes of other decision-making authorities not to consider the objectives of the EP Act.

Response:

It is a longstanding practice for the EPA to take into account the processes of other statutory decision-making authorities. The proposed amendment clarifies this longstanding practice in the Bill.

As part of the EPA's deliberations, the EPA considers the capacity of decision-making authorities to achieve the environmental objectives of the EP Act.

2.6.12 Derived proposals

The Bill retains the EP Act provisions which allow the EPA to declare a referred proposal as a derived proposal.

Respondents suggested the inclusion of a timeframe for the EPA to declare a referred proposal a derived proposal.

Response:

Given the range in complexity for strategic assessments and consequential derived proposals, any timeframes related to the EPA declaring a referred proposal as a derived proposal are more appropriate to be non-statutory.

2.6.13 Approval of significant amendments

A new provision clarifies the process and assessment approach where an amendment to an approved proposal is referred for assessment.

Although several respondents supported the proposed amendment, there was concern about what constitutes a significant amendment which will require assessment. Also, that previously approved proposals were approved based on the information and standards of that time and any significant amendments may result in a reassessment of the whole project under a different set of environmental criteria.

Response:

There is no power included in the Bill to reassess an approved proposal where an amendment to that proposal is referred for assessment. Only the conditions imposed on the approved proposal can be reassessed.

The Bill also now clarifies that the referral of a significant amendment cannot result in the existing approval being removed even where the amendment is not approved.

2.6.14 Proponents able to terminate assessment

Respondents supported the proposed amendments allowing proponents to withdraw a referred proposal before the EPA makes a decision.

Response:

The proposed amendment has been included in the final Bill.

2.6.15 Decision-making authorities constrained from making decision

The Bill highlights the existing powers under the EP Act that constrain other authorities from making decisions on a proposal under assessment by the EPA.

Respondents highlighted their concern that current constraints on making decisions may result in sequential approval processes and increased assessment timeframes.

Response:

The structure of Part IV is that it is a whole-of-government approval process for major proposals. The proposal should not commence until the environmental assessment is complete and the agreement is reached under section 45. While other decision-makers cannot grant approvals during this process, this does not prevent parallel processing of applications, and the environmental assessment of the EPA is often relevant to the outcome of other approvals.

Section 41(3) allows for minor and preliminary work to proceed in advance of the project's environmental assessment.

The new ability for the EPA to exercise discretion in which decision-makers it provides with a notice of its decision to assess may also allow for some minor approvals to be granted before the assessment is complete.

2.6.16 Proponent not constrained from implementing an approved proposal if there is a revised proposal

Amendments incorporated in the Bill do not constrain a proponent from implementing an approved proposal if a revised proposal is being assessed by the EPA.

These proposed amendments were supported by respondents.

Response:

This amendment has been included in the final Bill.

2.6.17 Ministerial power in relation to assessment to direct EPA to assess proposal

The Bill includes an amendment allowing the Minister for Environment to direct the EPA to assess or further assess a proposal after the EPA has decided against the assessment and the Minister has dismissed an appeal against this decision.

Many respondents supported this amendment but some respondents were concerned this may lead to decisions being made on political grounds.

Response:

The proposed amendment ensures that EPA decisions made to not assess could be reconsidered by the Minister.

2.6.18 EPA to decide whether an amended proposal would require further assessment

Under the Bill there is now only one process for changing a proposal during assessment. The EPA will determine whether the changes justify any further assessment or public review and if further information is required from the proponent.

Respondents supported this approach, commenting that the proposed legislative amendments will provide more flexibility.

Response:

The respondents support for the proposed amendment is noted.

2.6.19 EPA to impose clear and objectively verifiable conditions for compliance to be assessed

Respondents supported the imposition of clear enforceable conditions.

Response:

Noted. As part of the department's continuous improvement process, it will consider how to improve the clarity and enforceability of conditions.

2.6.20 Government may not request or direct EPA to alter content of reports

There was strong support from respondents for ensuring the Government may not request or direct the EPA to alter the content of any of its reports before publication.

Response:

The Government supports the continued independence of the EPA under the EP Act.

2.6.21 Power of the Minister to overturn EPA advice

The Act allows for the Minister for Environment to make the final decision on a proposal after considering the advice of the EPA. The Minister may make a decision contrary to the EPA advice.

Some respondents were concerned that the EPA's advice may not be followed in the final decision under section 45 and that decisions may not be in the best interest of the environment. Some respondents suggested that the EPA's recommendations should be followed in every instance.

Response:

Under the EP Act, the EPA advises the Minister on the environmental acceptability of a proposal. The EPA's advice is only one of the matters considered by the Minister before making a final determination on a proposal. Other matters considered by the Minister include social and economic matters, which may lead to a different decision from that recommended by the EPA.

2.6.22 Minister only required to consult with key decision-makers

The proposed amendments to section 45 to limit consultation requirements only to key decision-making authorities identified by the Minister for Environment was supported by the majority of respondents.

Response:

Noted.

2.6.23 Ministerial statement for revised proposal can be amalgamated with previous statement

The Bill provides for the Minister for Environment to consolidate previous Ministerial statements.

Respondents supported the inclusion of express powers to supersede, combine and/or split Ministerial statements. Some respondents also suggested incorporating Ministerial statement conditions in licences to reduce the number of instruments and include a sunset clause in Ministerial statements.

Response:

The suggested power to consolidate Ministerial statements has been incorporated into the amendment Bill.

2.6.24 Implementation conditions

Respondents generally supported the proposed amendments to implementation conditions. Some respondents suggested that conditions requiring compliance with an environmental management system may raise compliance and enforcement issues. The adoption of clearly auditable conditions linked to environmental outcomes was the preferred option.

Response:

The department agrees that the imposition of verifiable conditions clearly related to environmental outcomes are preferred.

2.6.25 Where significant amendments to a proposal are referred, implementation conditions continue to apply

A new section, 40AA, clarifies that the implementation conditions of an approved proposal will continue to apply when significant amendments to the proposal are referred to the EPA for assessment.

Respondents supported the proposed amendments.

Response:

The support of respondents to the proposed amendments is noted.

2.6.26 Minister may approve minor amendments to proposals and can require further information if a change is proposed

The Bill proposes to provide the Minister for Environment with the power to approve minor amendments to proposals and their conditions, without referring the proposal to the EPA for assessment and advice. The Minister may also request additional information from the proponent to assist with the assessment process.

Most respondents supported this proposed amendment. Some respondents did not support this amendment, concerned the Minister may amend conditions without a robust environmental assessment and the removal of the EPA's and public's oversight will limit the scrutiny of such changes. To limit these risks, it was suggested guidelines be developed to better define the criteria the Minister will apply when considering making changes to conditions under this provision.

Some respondents suggested that public records be kept of the decision to approve minor amendments.

Response:

The process for making a minor change to conditions or the definition of a proposal has now been combined into a single section and process. In response to submissions, section 45C now requires the Minister's decision to be published.

2.6.27 Conditions for staged implementation

Respondents supported amendments to impose conditions to provide for staged implementation of a proposal. It was noted that this will provide greater flexibility for proponents to proceed with the project over a period of time.

Response:

Noted.

2.6.28 Allow Minister to revoke environmental approval if project has not substantially commenced

There was general support for amending the EP Act to allow the Minister for Environment to revoke an environmental approval where the proposal has not commenced within the time limit, has been fully implemented or can be managed

using another statutory process. Some respondents suggested that the application of this provision is too subjective.

Response:

The new provisions have been included in the final Bill.

2.6.29 Other regulatory agencies may monitor and enforce compliance with implementation conditions

A proposed amendment included in the Bill enables other regulatory agencies to monitor and enforce compliance with environmental implementation conditions to increase regulatory efficiency.

Respondents requested that these powers need to be clarified, including that the EPA should verify the level of environmental protection to be achieved by these regulatory authorities.

Response:

Implementation conditions will be set to be clearly enforceable. This will clarify any monitoring and enforcement-compliance work undertaken by other regulatory agencies.

2.6.30 EPA to decide whether or not to assess schemes

The Bill includes amendments to bring the assessment of schemes more into line with the assessment of major proposals by allowing the EPA to request further information before making a decision about whether to assess. It also allows the Ministers for Planning and Environment to agree that a scheme cannot be implemented.

There was significant support for these proposed amendments. Some respondents suggested the 28-day timeframe for local governments to respond to the EPA's assessment of a scheme may in some cases be insufficient.

Response:

The support of respondents for the proposed amendments is noted. The 28 days is the EPA's statutory timeframe and is not a restriction on local governments to respond to the EPA as a stop-the-clock mechanism for assessing proposals exists.

2.6.31 Cost recovery - Fees and charges related to the referral and assessment of proposals under Part IV

A key amendment to the EP Act is the inclusion of a head of power to recover the costs from proponents associated with the referral and assessment of proposals under Part IV of the Act.

Most respondents gave in-principle support to the proposed amendment. They also sought more detail on the cost model. Some respondents suggested that the imposition of cost recovery to smaller industries may be cost prohibitive. Others

pointed out that as local governments have limited ability to pass on the costs, consideration should be given to excluding local governments from these fees and charges. Moneys received should be directed towards supporting robust and efficient assessments and not be applied to general Government revenue. Some respondents stated their opposition to cost recovery of 'core' Government statutory-based activities.

Response:

The proposed amendment to include a head of power to recover the costs of assessing proposals under Part IV of the EP Act is included in the final Bill.

Regulations will be developed in consultation with stakeholders, having regard to cost modelling being undertaken.

As suggested by respondents a new section has been included in the Bill to ensure all funds received must be applied towards assessment and overseeing the implementation of proposals assessed under Part IV.

2.7 Part V - Division 2 - Clearing of Native Vegetation

2.7.1 Clearing provisions to be a standalone part of the Act or a new Act

Some respondents suggested that a new Act or a new Part within the EP Act be developed to regulate native vegetation clearing.

Response:

The creation of a new Act or a new Part in the EP Act to regulate native vegetation clearing would require significant legislative development, and take a long period of time. Neither the creation of a new Act nor the development of a new Part within the EP Act would materially change the regulation of native vegetation clearing. Therefore these suggestions will not be progressed.

2.7.2 General comments on proposed amendments to Part V Division 2

There was support for improving administrative efficiency without negatively affecting environmental outcomes and for increasing transparency by publishing clearing applications and the decisions on these applications. Respondents noted the need to review regulations, including exemptions.

There was also feedback on policy approaches including the development of regional plans to guide decision making.

Response:

The department has noted the support and the comments from stakeholders, which will be considered in the development of the native vegetation policy, the provision of better information such as improved data and mapping systems and improving the efficiency and effectiveness of regulatory processes.

2.7.3 Declaration of Environmentally Sensitive Areas

It is proposed to simplify the current process for prescribing environmentally sensitive areas (ESAs) by having ESAs prescribed through regulations.

Many respondents supported the proposed amendment. Respondents commented on the need to maintain current and accurate mapping for ESAs. Respondents also indicated their preference for the Minister to consult with relevant parties on significant changes to ESAs. Several respondents stated their concerns regarding the impact of prescribing areas as ESAs will have on property rights and the potential for compensation.

Response:

Current ESAs are predominately adopted from government policy and it is anticipated that this will not change. The more efficient process of prescribing ESAs under the Bill by regulations will allow ESAs to be updated regularly. The making of regulations will allow stakeholder consultation to be tailored, depending on the nature of changes to ESAs.

2.7.4 Referral process of proposed clearing to CEO for a decision whether a clearing permit is needed

To increase regulatory and administrative efficiency, the Bill proposed providing the CEO with the power to make a determination whether a clearing permit is required.

There was general support for the proposed amendments. However, respondents also stated there was too much discretion provided to the CEO. There was concern related to the definition of 'small' or 'trivial' and that there is no provision for public comments. It was suggested clear rules and the introduction of statutory timeframes for the clearing permit process will address most of these issues.

It was also suggested that proponents be given the opportunity to proceed straight to a permit application without waiting for the CEO to make a decision on whether or not a permit is required. Some respondents did not support the proposed process concerned as it may result in increased clearing.

Response:

The proposed amendments will be progressed. In making a decision whether or not a clearing permit is required, the CEO must have regard to statutory criteria. The department will also develop a guideline for the CEO's decision-making in consultation with stakeholders. The CEO will have 21 days to decide whether a permit is required.

The capacity to proceed straight to an application has been included in the Bill in response to the submissions received.

2.7.5 How applications for clearing permits are made and dealt with

Respondents suggested the expansion of publication requirements and to clarify the information required for a decision to be made on clearing permits.

Response:

The requirements for prescribing the publishing of records for clearing permits are in section 51Q of the EP Act. The Bill also proposes a broad power to make regulations for publication.

2.7.6 Effect of referral proposal on decisions about clearing

The Bill proposes to limit the CEO from making a decision on a clearing permit application which has the effect of leading a proposal towards implementation while it is under assessment by the EPA or before the Minister's decision.

This proposed amendment was supported by respondents, but they noted that further clarification may be needed.

Response:

Noted. Further clarification may be included in guidelines if needed.

2.7.7 Duration of clearing permits

Several respondents suggested the inclusion of time limits for the duration of clearing permits to account for changes to environmental circumstances.

Response:

The duration of clearing permits is a default of two years for an area permit and five years for a purpose permit under the current provisions but these periods may be varied by the CEO.

2.7.8 Conditions on clearing permits

Respondents suggested providing more clarity for preventing duplication in the setting of conditions for clearing permits.

Response:

The respondents' suggestions have been noted and will be considered when setting conditions as part of the department's continuous improvement process.

2.7.9 Procedure for amending, revoking or suspending clearing permits

Respondents provided some suggestions on word changes and the need for publishing CEO-initiated amendments.

Response:

Noted. CEO-initiated amendments will be subject to the same publication requirements as all decisions.

2.7.10 Principles to be considered when making decisions on clearing permits

Some respondents were of the view that the clearing principles should be mandatory considerations regardless of their relevance, and that the CEO should not make a decision that is at variance or seriously at variance to the clearing principles.

Response:

It is not proposed to change the requirements for the CEO's consideration of clearing principles.

2.7.11 CEO to keep and publish records of clearing permits

Respondents supported the need for the CEO to publish information on clearing permits.

Response:

Noted.

2.7.12 Use of remotely sensed images

The Bill updates the existing provisions of the EP Act allowing the use of remotely sensed images, such as satellite imagery, as evidence for compliance and enforcement purposes.

There was general support for this proposed amendment. Respondents raised the issue that digital imagery may not capture species composition or allow for an accurate estimation of cover.

Response:

Noted. The department intends to progress with the proposed amendment. The amendment does not include interpretation of imagery such as species composition or cover, but ensures that remotely sensed images are accepted as evidence. The provision now applies to all offences in the Act involving clearing, not just those in Part V Division 2.

2.8 Part V - Division 3 - Industry Regulation

2.8.1 Terms used - Controlled works replacing works approvals

The Bill replaces works approvals with controlled works.

There was general support for this proposed amendment. Some respondents suggested the need to exclude maintenance from the definition of controlled works and to consider only works which increase emissions rather than decreasing emissions.

Response:

It is intended to progress with the proposed amendments which will provide the head power for licensing of controlled works. Regulations are better placed to include additional details such as exclusions. Regulations will provide the flexibility of

including any additional exclusions or other matters without having to amend the EP Act in the future.

2.8.2 Purpose of licence - Regulating prescribed activities rather than prescribed premises

A key initiative of the Bill is to regulate prescribed activities rather than regulating prescribed premises. These proposed changes focus the effort to regulating emissions and discharges from polluting activities rather than regulating emissions and discharges from specific locations, thereby improving environmental outcomes.

Most respondents supported the proposed change and also made some observations. Most requested additional information on how the proposed change will work, prescribing thresholds, how multiple activities within the same area would be treated, and information on transitioning arrangements. A few respondents did not support the change considering that it may increase regulatory burden and introduce uncertainties.

Response:

The proposed amendments will be progressed providing a head power for the licensing of 'prescribed activities'. Regulations will be developed to detail how prescribed activities will be regulated. The department will consult on the development of the regulations.

As the amendments remove the need for a separate approval for works, and allow for a more flexible approach to licensing of activities, the amendments will reduce regulatory burden significantly.

2.8.3 Voluntary licences

It is proposed to include amendments allowing a person who carries out an activity that does not meet the threshold for a 'prescribed activity' to apply for and hold a licence.

Respondents supported this proposed amendment. Some respondents were unclear what benefits this will provide the person undertaking the activity.

Response:

The proposed amendments will be progressed as a voluntary licence provides a defence to offences under the EP Act, and therefore is of benefit to those near the threshold.

2.8.4 Occupier not required to hold a licence for a prescribed activity

Proposed amendments enable the person who has care and control of a prescribed activity to hold the licence regardless of whether that person is the occupier of the premises on which it takes place, as is currently the case. This focuses the responsibility for complying with the conditions of the licence on the person who has day to day oversight of that activity.

Respondents supported this amendment in principle. Some respondents questioned the level of oversight that person may have and issues related to compliance and enforcement.

Response:

Noted. The proposed amendments for the licence to be held by the person having care and control of the prescribed activity, regardless of whether this person is the occupier of the premises, will be progressed.

It is the responsibility of the person who has day-to-day oversight of the activity to also be aware of the licence conditions and the need to comply with the conditions.

2.8.5 Factors the CEO must consider when granting or refusing an application

The Bill requires the CEO to consider mandatory matters when making decisions on a licence application.

The inclusion of mandatory relevant considerations for decisions on an application was supported. It was also suggested that the CEO should refuse an application if the prescribed activity undermines the outcomes and targets of the Waste Avoidance and Resource Recovery Strategy.

Response:

The department has noted the respondents' suggestions. Separate amendments relating to the objects of the *Waste Avoidance and Resource Recovery Act 2007* are being progressed through the *Closing the loop: waste reforms for a circular economy consultation paper*.

2.8.6 Suspension/revocation of licence for non-payment of fees

A proposed amendment allows for the suspension or revocation of a licence for non-payment of prescribed fees instead of the licence automatically lapsing as is currently the case.

Respondents supported the proposed amendment.

Response:

Noted.

2.8.7 Surrender of a licence

Respondents supported the amendment to the process for surrendering a licence initiated by the licence holder, such that notice need not be given.

Response:

Noted.

2.8.8 Effect on referred proposals on decisions about licences

The proposed amendment to constrain the grant, amendment or transfer of a licence related to a 'referred proposal' was generally supported. Respondents questioned its application to a strategic proposal that is under assessment.

Response:

The proposed amendment will be progressed. Section 41 does not apply to strategic proposals and therefore this amendment is not relevant to strategic proposals.

2.8.9 Licence conditions

The Bill includes amendments providing the head of power to impose conditions related to addressing a number of environmental impacts.

The proposed amendments relating to licence conditions were generally supported. Some respondents suggested using the financial assurance provisions which exist within the Act rather than creating a new head power for the payment of waste levies. Some respondents sought clarity around the drafting of certain conditions.

Response:

The CEO will draft enforceable and clear conditions. The condition for payment of a waste levy is unrelated to financial assurances and applies to certain waste categories. It is important that payment of levies is a licence condition subject to the remedies for non-compliance available under the EP Act.

2.8.10 Offences by persons carrying out activity on behalf of licensee

Amendments to the EP Act propose broadening the liability for breaching licence conditions to any person who carries out a prescribed activity.

Respondents generally supported these amendments. Several respondents indicated this has the potential to apply to inexperienced employees or contractors who may not know of the licence conditions.

Response:

The Bill includes a defence for a lack of knowledge of the effect of a licence, where a person could not be reasonably expected to know. However, the licence holder is responsible for informing employees or contractors who undertake work of their obligations.

2.8.11 Licensing of mobile plant

The Bill proposes to allow for the licensing of mobile plants as part of regulating prescribed activities.

The proposed amendments which will allow the licensing of mobile plant were generally supported by respondents. Several of the respondents requested more information on the details and how mobile plant will be licensed within a defined boundary.

Response:

Noted. Most licences will apply to a specified area and details of licensing of mobile prescribed activities will be developed in regulations and be subject to consultation.

2.9 Part V - Divisions 1, 4, 5 and 6

2.9.1 Division 1 - Pollution and environmental harm offences

The department received suggestions for including greenhouse gas emissions in the definition of pollution or environmental harm.

Response:

Greenhouse gas emissions could be prescribed as pollution (or environmental harm if it altered the environment, noting the threshold issues for material or serious environmental harm offences) under current legislation.

2.9.2 Division 4 - Vegetation conservation notices

Respondents supported the inclusion of provisions allowing the CEO to impose measures in vegetation conservation notices, specifying monitoring, record-keeping and reporting.

Response:

Noted.

2.9.3 Division 5 - Defences

The Bill includes a new defence for clearing to prevent danger to human life or health or irreversible damage to a significant portion of the environment. It narrows the scope of defences offered to an offence involving pollution, an emission, or waste, or for trivial polluting.

The majority of the respondents supported these amendments. Some respondents were concerned that the restriction of the defence for pollution to those emissions that are expressly regulated by the licence may not capture all fugitive emissions and therefore increase potential liability.

Response:

The previous provision in the EP Act did not allow a broad defence for all emissions not mentioned in a licence. Pollution, material and serious environmental harm, and unreasonable emissions are significant offences. They do not apply to trivial emissions.

Based on stakeholder feedback, the threshold for material environmental harm is proposed to be increased.

2.9.4 Division 5 - Other defences

Two respondents expressed the view that section 74B undermines the primacy of the EP Act as activities authorised by other written laws or powers are defences from material or serious environmental harm offences.

Response:

The scope of this defence was discussed during debate in 2003 and a provision was drafted to address concerns about lawful activities under the new offences for environmental harm. Other Tier 1 offences including pollution, unreasonable emissions and unlawful clearing are not affected by this defence.

2.9.5 Division 6 - Installing equipment making unreasonable noise

Two respondents suggested simplifying the wording of section 80 of the EP Act to clarify the elements of the offence.

Response:

The respondents' suggestions were noted.

2.10 Part VA - Financial assurances

Respondents indicated their general support for the amended EP Act to require financial assurances to be imposed on approvals under the Act. Several respondents indicated that financial assurances should be commensurate with the impact or the risk to the environment.

Response:

It is proposed for these powers to only be exercised on a case-to-case basis having regard to risk and impact.

2.11 Part VI - Enforcement

2.11.1 General comments

Most submissions supported the proposed amendments to Part VI of the EP Act.

Response:

Noted.

2.11.2 Enhanced entry powers for inspectors

The Bill provides for enhanced powers of entry to inspectors allowing the use of reasonable force when entering premises, mainly in situations where there is a need to investigate suspected unlawful clearing and the owner of the property has not allowed access to an inspector.

Many respondents supported the amendments to powers of entry using reasonable force by inspectors. They also indicated these powers should only be used where they are reasonable or necessary.

Response:

The proposed amendments provide the power required by inspectors to enter premises, and will be exercised in accordance with department policies and only as necessary. Where the use of force is likely to result in significant damage, for example breaking a door to enter premise, prior consent of the CEO will be required. No prior consent will be needed if the use of force is cutting a padlock to open a gate. The use of reasonable force is limited to use against property and does not include use of force against persons.

2.11.3 Inspectors to require production of books and other sources of information

Proposed amendments provide inspectors with the power to require the production of books and other sources of information relating to environmental harm, clearing of native vegetation or other potential breaches of the EP Act.

Respondents generally supported these proposed amendments. Respondents also suggested that this should not cover information provided by legal professional privilege and requested the status of self-incrimination be clarified.

Response:

The proposed amendment corrects an oversight of the EP Act and will be progressed. The EP Act currently provides under section 112A that information required to be given (including that for which legal privilege is claimed) may not be used in evidence against the individual.

2.11.4 Inspectors' powers to compel to attend meetings and answer questions

Respondents supported providing the inspectors with enhanced powers to require a person to attend a meeting and answer questions.

Response:

Noted.

2.11.5 Inspectors' powers to obtain information by electronic statements

The Bill updates the EP Act by allowing the use of electronic statements which is considered as best practice.

Respondents supported the proposed amendments to the EP Act allowing inspectors to electronically record interviews.

Response:

Noted.

2.12 Part VIA - Legal proceedings and penalties

2.12.1 Consideration of criteria for modified penalties

The Bill proposes amendments for modified penalties which will apply not only to all Tier 2 offences but also to non-intentional Tier 1 offences.

The proposed amendments were supported by the majority of respondents. It was also suggested that penalties should be linked to CPI.

Response:

The department will progress the amendments to the modified penalties. As penalties are set through the EP Act they must therefore be reconsidered through Act amendments rather than automatic CPI increases.

2.12.2 Timeframe for issuing infringement notices

The proposal to increase the timeframe for issuing an infringement notice was supported by most respondents.

Response:

Noted.

2.12.3 Order regarding monetary benefits

The Bill amends the definition of 'monetary benefits' to include any profits which would not have been accrued had the offender not committed the offence.

Respondents supported this amendment.

Response:

The definition of 'monetary benefits' will be amended.

2.12.4 Third-party enforcement

Several respondents suggested the Act should be amended to provide for third-party enforcement of environmental offences.

Response:

The department does not support this suggestion as private prosecution would not be subject to the department's Compliance and Enforcement Policy or public interest considerations. Although the EP Act and the Bill provide for a capacity to delegate the power to initiate prosecutions, these delegations are targeted, for example the power to undertake prosecutions is delegated to local government officers for noise offences.

2.12.5 Prosecution of unlawful clearing

Many respondents suggested that current penalties are not sufficient to deter unlawful clearing of native vegetation. Additional suggestions included on-the-spot

finer, greater penalties for repeat offenders and the inclusion of a requirement to revegetate illegally cleared areas.

Response:

The broadening of modified penalties, and the use of vegetation conservation notices to require revegetation as well as Court imposed orders to restore damage, are all approaches to deterring unlawful clearing.

2.12.6 Averment for appointment of an inspector

Respondents supported the inclusion of an averment for inspectors similar to section 41 of the *Evidence Act 1906* for customs officers.

Response:

Noted.

2.12.7 Recovery costs for inactivating auditable alarms

Under the Bill, the department will no longer be able to pass the cost of any fees incurred to inactivate auditable alarms, to the owner of the premises.

Respondents supported this proposal.

Response:

Noted.

2.13 Part VII - Appeals

2.13.1 Submissions proposing the establishment of an Environmental Court

A number of submissions requested consideration be given to establishing an Environmental Court to hear and assess appeals related to environmental issues, similar to the courts established in other Australian states.

Response:

The establishment of an Environmental Court will require significant additional legislative amendments not only to the EP Act but possibly also in other Acts. This proposal is not being considered in this Bill.

2.13.2 Third-party appeals

The department received submissions suggesting the expansion of third-party appeal rights for decisions under Parts IV and V.

Response:

No changes to the scope of appeals are proposed in this Bill.

2.13.3 General suggestions on proposed changes to Part VII

Respondents generally supported the proposed amendments to Part VII, and also suggested that a more detailed review of the appeals process be undertaken with the inclusion of timeframes for determinations of appeals.

Response:

Statutory timeframes for determinations on appeals have not been included in these amendments as the timeframes vary significantly depending on the nature of the appeal.

2.13.4 Implementation to continue when implementation conditions are subject to appeal

The Bill includes an amendment allowing for an approved proposal to continue to be implemented while a change to conditions is under appeal.

Respondents supported the proposed amendment.

Response:

It is intended to progress this amendment.

2.13.5 Appeals Convenor not required to report to Minister where a committee has been appointed

The Bill proposes to amend the EP Act for the Appeals Convenor to not be required to report to the Minister where a committee has been appointed and instead for the committee to report to the Minister.

Respondents supported the proposed amendment.

Response:

Noted.

2.13.6 Appeals Committee to consider submissions received by Minister from decision-making authority

Under the Bill, the Appeals Committee will be required to consider submissions received by the Minister for Environment from a decision-making authority for the proposal.

Respondents supported the proposed amendments.

Response:

The proposed amendments will be progressed.

2.13.7 Appeals can be lodged with Appeals Convenor

Respondents supported the proposed amendment to allow appeals to be lodged directly with the Appeals Convenor improving administrative efficiency.

Response:

Noted.

2.14 Schedules

2.14.1 Schedule 1 - Penalties

Several respondents suggested that penalties are still low and should be increased further to deter unlawful practices.

Response:

In response to feedback, the maximum penalty for an offence under regulations has been increased from \$5,000 to \$20,000.

2.14.2 Schedule 2 - Matters in respect of which regulations may be made

A respondent suggested the inclusion of greenhouse gases as one of the matters for which regulations may be made.

Response:

Greenhouse gases will be addressed in the Government's policy on climate change.

2.14.3 Schedule 5 - Clearing Principles

There was support for the proposed amendment to the definition of 'threatened ecological community'.

Some respondents suggested the clearing principles be rewritten as duties rather than principles, and that no clearing should be permitted where it is at variance with the clearing principles.

Response:

Noted.

It is not appropriate to remove discretion from the decision-maker by rewriting the principles as duties. The clearing principles are already a key decision-making framework under section 51O.

2.14.4 Schedule 6 - Exemptions from clearing

Stakeholders from industry and local government supported the amendments to the clearing exemptions.

Respondents on behalf of community groups or individuals supported further limiting exemptions. Some respondents did not support any exemptions.

Response:

There is no proposal to change the fundamental approach to exemptions under written laws.

Appendix A Consultation forums

Consultation briefings / presentations held during the consultation period.

Stakeholders	Date	Presentation / Briefings
Waste Reference Group	29 October 2019	Briefing
Department of Treasury	6 November 2019	Briefing
Department of Mines Industry Regulation and Safety	13 November 2019	Briefing
Department of Transport	19 November 2019	Briefing
Department of Primary Industry and Regional Development	27 November 2019	Briefing
Water Resources Reform Reference Group Regulatory Systems Stakeholder Reference Group Environmental Protection Authority Stakeholder Group	27 November 2019	Presentation
Department of Planning Lands and Heritage	4 December 2019	Briefing
Waste Management and Resource Recovery Association of Australia	4 December 2019	Briefing
Public information session	9 December 2019	Presentation
Department of Transport - Maritime	18 December 2019	Briefing
Chamber of Minerals and Energy	7 January 2020	Briefing
Chamber of Minerals and Energy (Kalgoorlie)	22 January 2020	Presentation
Metropolitan Environmental Health Managers Group (Local Governments)	22 January 2020	Briefing

Appendix B Submissions received

Hon Diane Evers MLC	State Government
Department of Mines Industry Regulation and Safety	State Government
Department of Transport	State Government
Department of Communities	State Government
Environmental Protection Authority	State Government
Development WA	State Government
Department of Fire and Emergency Services	State Government
Town of Port Hedland	Local government
City of Rockingham	Local government
City of Armadale	Local government
City of Belmont	Local government
WA Local Government Association (2 submissions)	Local government
Metropolitan Environmental Health Managers Group	Local government
Shire of Mundaring	Local government
City of Vincent	Local government
Shire of Kent	Local government
City of Kwinana	Local government
City of Gosnells	Local Government
Shire of Serpentine- Jarrahdale	Local government
Shire of Northam	Local government
Waste Management and Resource Recovery Association of Australia	Industry group
Association of Mining and Exploration Companies	Industry group
Chamber of Minerals and Energy	Industry group
Forest Industries Federation of WA	Industry group

Australian Petroleum Production and Exploration Industry Association	Industry group
Rio Tinto	Industry
Alinta Energy	Industry
Cement Concrete @ Aggregates Australia	Industry
WA Property Rights Association Inc	Industry
Australian Rail Track Corporation	Industry
Western Power	Industry
Woodside	Industry
Roy Hill	Industry
Synergy	Industry
CBH Group	Industry
Mid West Ports	Industry
Holcim (Australia)	Industry
Water Corporation	Industry
Environmental Consultants Association	Consultants
Civil Contractors Federation	Consultants
MBS Environment	Consultants
National Environmental Law Association	Consultants
Environmental Institute of Australia and New Zealand	Consultants
Katanning Landcare	Community group
Friends of Underwood Avenue Bushland	Community group
Urban Bushland Council	Community group
Gingin Private Property Rights Group (Inc)	Community group
Friends of Mosman Park Bushland	Community group
South East Regional Centre for Urban Landcare	Community group

Friends of Allen Park Bushland Group	Community group
Windflower Society of WA	Community group
The Beeliar Group	Community group
Friends of Wireless Hill	Community group
Nature Reserves Preservation Group	Community group
Conservation Council of WA	Community group
Leeuwin Group of Concerned Scientists	Community group
Mullaloo Beach Community Group Inc	Community group
Quinns Rocks Environmental Group Inc	Community group
Environmental Defenders Office	Community group
South-West Forests Defence Foundation	Community group
Michael Dufour	Individual
Stan Scott	Individual
Bronwyn Humphreys (2 submissions)	Individual
Peter Halliday (2 submissions)	Individual
Katie Goble	Individual
Leonie Stubbs	Individual
Daniel Morey	Individual
Dr Eddy Wajon	Individual
Dr Elizabeth Sanderson	Individual
Dr Chrissy Sharp (2 submissions)	Individual
Dave Blackburn	Individual
Steve Dreher	Individual
David Winstanley	Individual
Colin Nicholl	Individual
Theres Dreher	Individual

Warwick Boardman	Individual
Alex Chapman	Individual
Garry Mulder	Individual
Theresa Miller	Individual
Lucia Quearry	Individual
Dr Keira McKenzie	Individual
Aileen Walsh	Individual
Liz Penter	Individual
Dr Garry Middle	Individual
Carolyn Bloye	Individual
Annie van Poppel	Individual
Patricia Parker	Individual
George Brown	Individual
Tamar Sofair	Individual
Dr Graham Zemunik	Individual
Meg Wilson	Individual
Heather Dewar	Individual
Palenque Blair	Individual
Dr Moira Maley	Individual
Heidi Hardisty	Individual
Paul Desmond	Individual
Rowena Walsh	Individual

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