

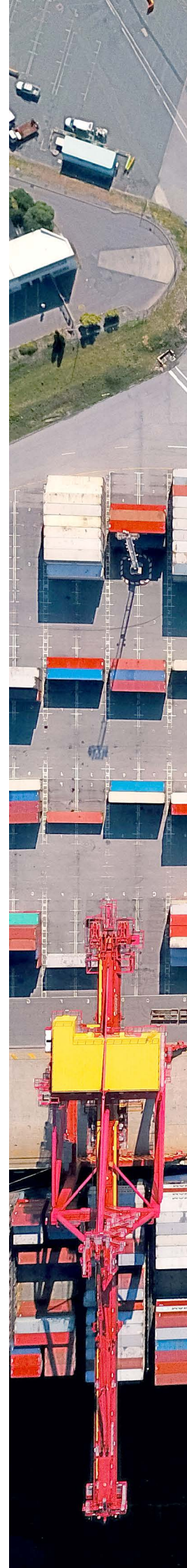
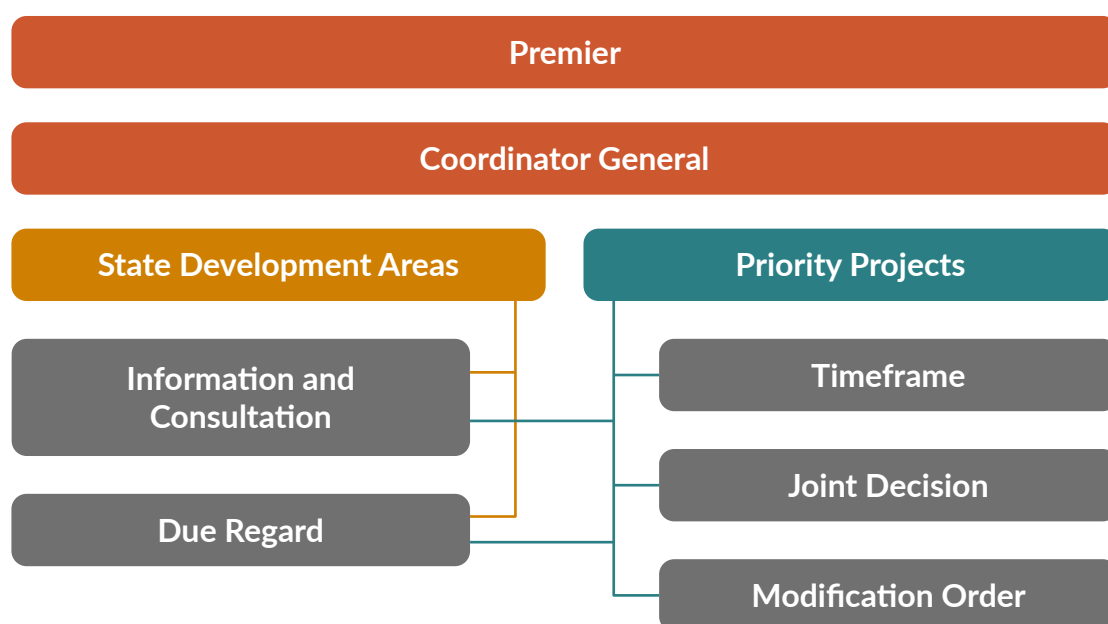
## FACT SHEET

# Notices and powers

The powers of the *State Development Act 2025* are exercised through notices issued by the Minister or Coordinator General to public authorities designated under prescribed Acts.

The legislation introduces five distinct powers, enabling coordinated action across government to support the delivery of Priority Projects and the effective management of State Development Areas (SDAs).

Priority Projects are subject to all five powers. Not all powers apply to SDAs, which can only be coordinated using the Information and Consultation Notice and the Due Regard Notice.



# Information and Consultation Notices

An Information and Consultation Notice enables the Minister or Coordinator General to request information from, or consult with, a public authority in relation to a State development matter. This supports engagement and coordination across government and facilitates the sharing of relevant information, ensuring that Coordinator General can make informed decisions and deliver the objectives of the Act.

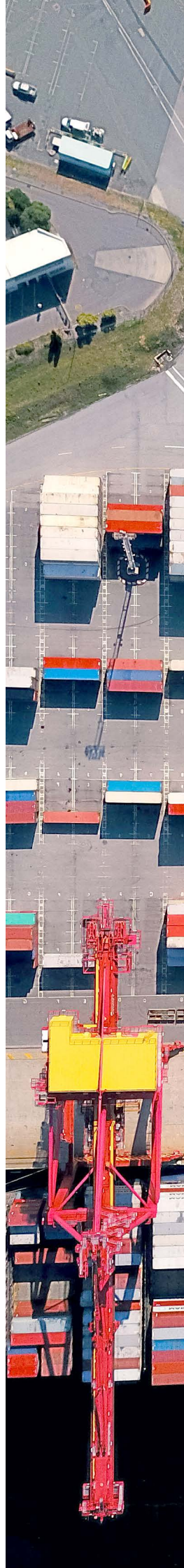
## Due Regard Notices

A Due Regard Notice sets out specific matters that a decision-maker must consider when making a decision under a designated Act.

A Due Regard Notice will set out the considerations that a decision-maker needs to have regard to when making a decision under the designated Act. This elevates the importance of these matters in a public authority's decision-making process, enabling a more coordinated, consistent approach to development across Government.

A Due Regard Notice does not require or permit a decision-maker to consider matters it is not allowed to have regard to under the designated Act.

The Environmental Protection Authority and the Heritage Council of Western Australia are also excluded from being issued with a Due Regard Notice as they are independent advisory bodies. This power is similar to existing provisions in the *Planning and Development Act 2005*.



# Timeframe Notices

A Timeframe Notice requires a public authority to perform a designated function within a specified period, which cannot be less than 20 business days.

This power is intended to provide proponents with certainty around project management milestones and enable strategic approvals to be prioritised across government.

Issuing a Timeframe Notice does not guarantee a particular outcome. Instead, it ensures that a decision is made within the issued timeframe. The Coordinator General will engage with public authorities to ensure that any time period set under a Timeframe Notice is reasonable and deliverable.

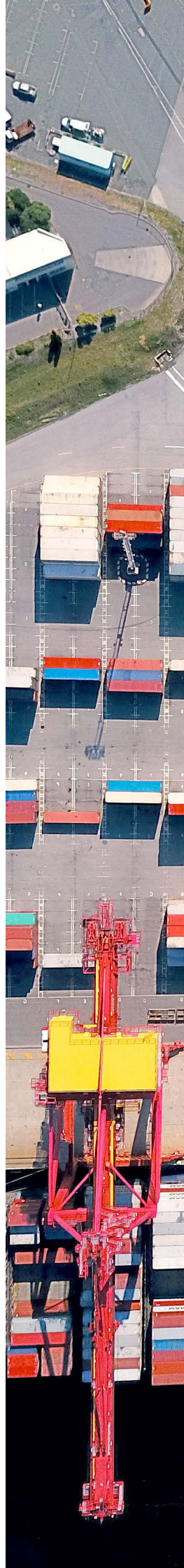
Timeframe Notices are similar to statutory timeframes that already exist in various WA laws and regulations.

## Joint Decision Notices

A Joint Decision Notice requires a decision to be made jointly by the public authority and the Minister or Coordinator General. A Joint Decision Notice empowers a decision-maker to have regard to the objects of the Act, in addition to any relevant provisions of the designated Act, expanding the scope of matters that a decision-maker can consider.

However, this expanded scope of consideration does not mean that decision maker can ignore the requirements of the designated Act. The requirements of the designated Act must still be met, and responsibility for the decision remains with the relevant public authority. As such, review rights are preserved, and decisions must be legally defensible under the provisions of the designated Act.

This is similar to Section 45 of the *Environmental Protection Act 1986*.





# Modification Orders



A Modification Order modifies how certain provisions, or aspects of provisions, of a designated Act apply to a Priority Project.

Modification Orders will streamline approvals and reduce duplication while still ensuring that Priority Projects are effectively regulated.

This power is similar to Section 6 of the *Environmental Protection Act 1986*.

While this is a significant and important power, the Act includes several checks and balances to ensure it is used appropriately and with proper oversight. These safeguards include:

- A Modification Order can only be issued in relation to a Priority Project and provisions under a designated Act.
- Modification Orders are subject to appropriate review mechanisms as it must be tabled in both Houses of Parliament within 6 sitting days of publication and can be disallowed by either House. If a Modification Order is disallowed it ceases to be in effect.
- Restrictions on the use of Modification Orders prevent it being used to remove key regulatory authorisations or to modify Commonwealth processes or bilateral agreements.
- There are jurisdictional requirements that must be met before an order can be issued.

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