



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

ANNUAL REPORT
2017-18

Department of Water and Environmental Regulation

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Statement of compliance

For the year ended 30 June 2018

Hon. Dave Kelly, MLA
Minister for Water

Hon. Stephen Dawson, MLC
Minister for Environment

In accordance with section 63 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament, the *Annual report* for the Department of Water and Environmental Regulation for the financial year ended 30 June 2018.

The *Annual report* has been prepared in accordance with the provisions of the *Financial Management Act 2006*.

A handwritten signature in black ink, appearing to read 'Mike Rowe'.

Mike Rowe
Director General
9 October 2018

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From the Director General



This report marks the close of a busy and productive first year of operations for the Department of Water and Environmental Regulation (the department).

The agency was established on 1 July 2017 following the Machinery of Government announcement, amalgamating the former Department of Environment Regulation, Office of the Environmental Protection Authority and Department of Water to provide a coordinated approach to water and environmental regulation and become the 'one-stop shop' for our regulatory approvals service.

We have accomplished a huge amount in the last year, and I am extremely proud of the way our staff have adapted to the changes to form a cohesive, capable and united agency that builds on the best aspects of our predecessor agencies.

I am also very appreciative of the generosity of our industry and community stakeholders who have met with us to discuss their priorities and where we can work together better and differently.

In our first five-year strategic plan, we agreed our mission is to work to ensure the state's water resources and environment are healthy and able to support a liveable and prosperous Western Australia, now and in the future.

Our broad responsibilities have seen us operate from the Great Southern to the Kimberley to deliver government priorities, election commitments and our regulatory responsibilities.

We have advanced planning for sustainable groundwater management for the next decade and beyond from the Gnangara groundwater system – an essential source of drinking water for Perth which also supports our public open space, gardens, amenity and liveability. In partnership with the Water Corporation, we launched an expansion of the Waterwise Council Recognition Scheme, which will allow us to highlight the great work councils are doing to use water efficiently and plan for the whole water cycle to create sustainable and liveable communities.

The department has also worked to support the government's commitment to reducing waste and improving recycling, introducing a number of strategic waste reforms. We have worked with the Waste Authority in its review of the government's waste strategy and also implemented Western Australia's lightweight plastic bag ban. We have made good progress on delivering the government's election commitment to introduce a Container Deposit Scheme, which will reduce litter, increase recycling, protect the environment and create jobs.

Through the Regional Estuaries Initiative, we have worked to improve the health of six of the most at-risk South West estuaries.

We have also assisted with significant and iconic urban development projects such as planning for METRONET, and supported the Waste Authority, Environmental Protection Authority, Keep Australia Beautiful Council and Cockburn Sound Management Council in their key roles.



We have applied cutting edge technologies such as using Light Detecting and Ranging (LiDAR) and Remote Air Pollution Infrared Detectors (RAPID) to investigate air pollution and drones to observe the Wilson Inlet. We have also moved to protect Aboriginal rock art at the Burrup Peninsula.

We are transforming how we do business in the digital age through initiatives such as our online one-stop shop – which brings together all environment and water assessment, approval applications and enquiries under a single contact point. We have also implemented the Index of Biodiversity Survey Assessments, developed in partnership with the Western Australian Biodiversity Science Institute.

The next financial year promises to be another exciting and challenging 12 months for the department as we bed down our new organisational structure and move our head office to Joondalup.

We will continue to drive our digital transformation initiatives, resulting in better services and greater

responsiveness and timeliness for industry and other stakeholders.

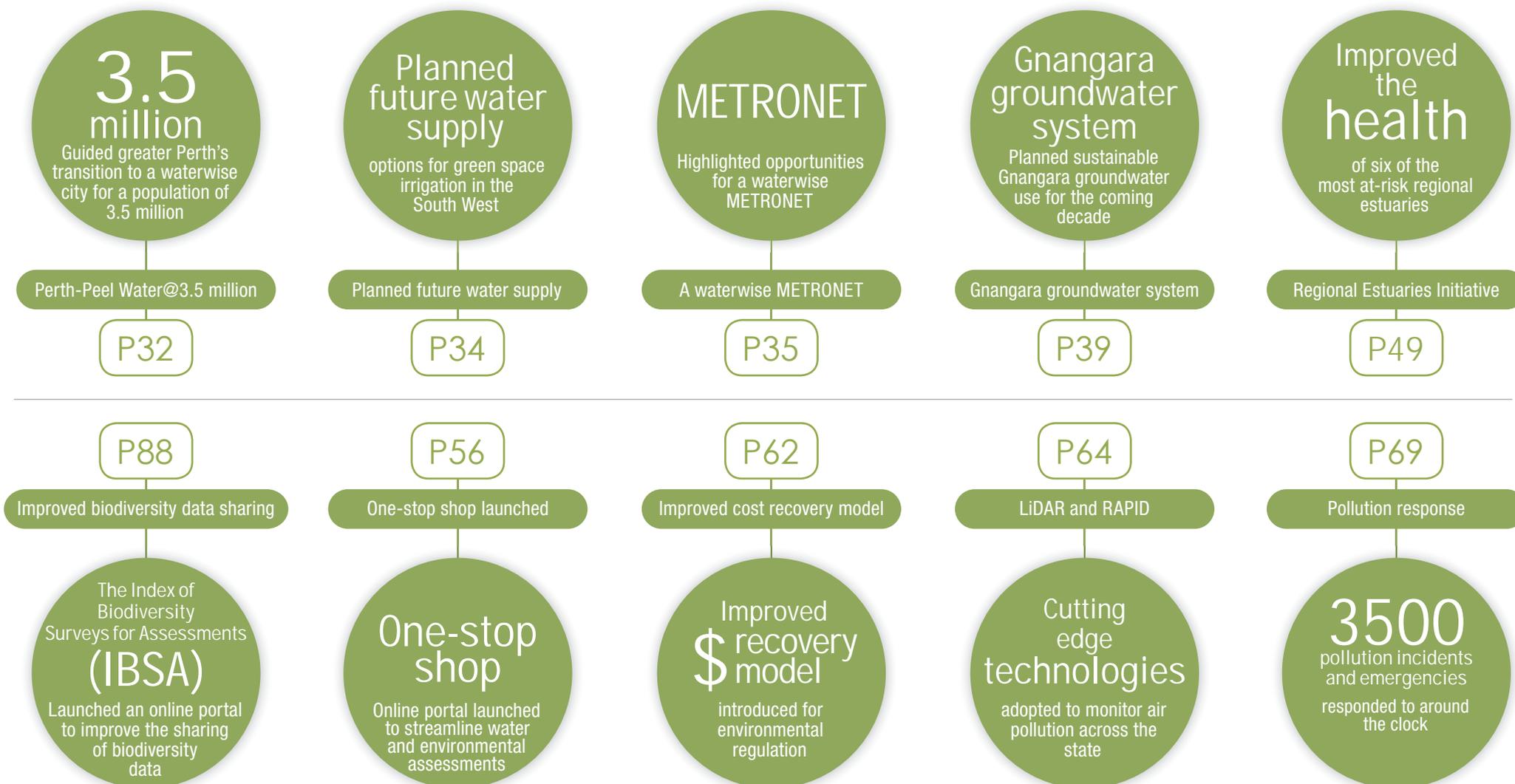
I thank our partners across state and local government, industry, academia and the community who have continued to work with us to find innovative solutions to the state's environmental and water challenges.

Finally, I congratulate and thank the department's executive and staff for their public service, dedication, talent and commitment over the year, and their contribution to the wellbeing of all Western Australians.

A handwritten signature in black ink, appearing to read 'Mike Rowe'.

Mike Rowe
Director General
9 October 2018

2017–18 at a glance



Investments



Regional water planning

P45



Moving water in the landscape

P49



Container deposit scheme

P71



Household Hazardous Waste

P71

Partnerships

P75

Rock art on the Burrup Peninsula



P84

Increase in proposals received



P72

Countdown to the plastic bag ban



Operational structure

Responsible Ministers

The department's responsibility from 1 July 2017 to 30 June 2018 was to the:

- Minister for Water; Fisheries; Forestry; Innovation and ICT; Science; the Hon. Dave Kelly MLA, and
- Minister for Environment; Disability Services; the Hon. Stephen Dawson MLC.

Administered legislation

Legislation administered by the Department of Water and Environmental Regulation as at 30 June 2018:

- *Carbon Rights Act 2003*
- *Contaminated Sites Act 2003*
- *Country Areas Water Supply Act 1947*
- *Environmental Protection Act 1986*
- *Environmental Protection (Landfill) Levy Act 1998*
- *Litter Act 1979*
- *Metropolitan Arterial Drainage Act 1982*
- *Metropolitan Water Supply, Sewerage and Drainage Act 1909*
- *National Environmental Protection Council (Western Australia) Act 1996*
- *Plumbers Licensing Act 1995 (except part 5A which is administered by the Minister for Commerce and Industrial Relations, assisted by the Department of Mines, Industry Regulation and Safety)*
- *Rights in Water and Irrigation Act 1914*

- *Waste Avoidance and Resource Recovery Act 2007*
- *Waste Avoidance and Resource Recovery Levy Act 2007*
- *Water Agencies (Powers) Act 1984*
- *Water Corporations Act 1995*
- *Water Efficiency Labelling and Standards Act 2006*
- *Water Services Act 2012*
- *Waterways Conservation Act 1976*

Regulations and by-laws administered by the Department of Water and Environmental Regulation as at 30 June 2018:

- Clean Air (Determination of Air Impurities in Gases Discharged to the Atmosphere) Regulations 1983
- Contaminated Sites Regulations 2006
- Country Areas Water Supply By-laws 1957
- Country Areas Water Supply (Clearing Licence) Regulations 1981
- Environmental Protection Regulations 1987

- Environmental Protection (Abattoirs) Regulations 2001
- Environmental Protection (Abrasive Blasting) Regulations 1998
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004
- Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998
- Environmental Protection (Controlled Waste) Regulations 2004
- Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998
- Environmental Protection (Fibre Reinforced Plastics) Regulations 1998
- Environmental Protection (Goldfields Residential Areas) (Sulfur Dioxide) Regulations 2003
- Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992
- Environmental Protection (Metal Coating) Regulations 2001
- Environmental Protection (NEPM-NPI) Regulations 1998
- Environmental Protection (NEPM-UPM) Regulations 2013
- Environmental Protection (Noise) Regulations 1997
- Environmental Protection (Packaged Fertiliser) Regulations 2010
- Environmental Protection (Petrol) Regulations 1999
- Environmental Protection (Plastic Bag) Regulations 2018
- Environmental Protection (Recovery of Vapours from the Transfer of Organic Liquids) Regulations 1995
- Environmental Protection (Rural Landfill) Regulations 2002
- Environmental Protection (Unauthorised Discharges) Regulations 2004
- Litter Regulations 1981
- Metropolitan Water Supply, Sewerage and Drainage By-laws 1981
- Noise Abatement (Noise Labelling of Equipment) Regulations (No. 2) 1985
- Rights in Water and Irrigation Regulations 2000
- Waste Avoidance and Resource Recovery Regulations 2008
- Waste Avoidance and Resource Recovery Levy Regulations 2008
- Water Agencies (Charges) By-laws 1987
- Water Agencies (Entry Warrant) Regulations 1985
- Water Agencies (Infringement) Regulations 1994
- Water Agencies (Water Use) By-laws 2010
- Water Services Regulations 2013
- Water Services (Water Corporations Charges) Regulations 2014
- Waterways Conservation Regulations 1981

Changes in 2017–18 to the legislation we administer

The new Environmental Protection (Plastic Bags) Regulations 2018 banning the supply of plastic bags with a thickness of 35 microns or less came into effect on 1 July 2018.

Amendments to the Environmental Protection Regulations 1987 to increase pollution licence, works approval and registration fees by 14 per cent came into effect from 1 July 2018.

The Rights in Water and Irrigation Regulations 2000 were amended to introduce metering requirements for water licence holders. Metering requirements will be introduced in a staged implementation schedule.

Amendments to the Environmental Protection Regulations 1987 were gazetted on 27 April 2018 to ensure that the licensing and waste levy regime do not apply to the use of clean fill and uncontaminated fill on sites that have not previously been landfill premises following the decision of Justice Beech in *Eclipse Resources Pty Ltd v The State of Western Australia [No. 4]* (2016) WASC 62.

The Water Services (Water Corporations Charges) Regulations 2014 and Water Services Regulations 2013 were amended to implement price increases levied by the state's three water corporations (Busselton Water Corporation, Bunbury Water Corporation and the Water Corporation) for the provision of water supply, sewerage, drainage and irrigation services as approved by the state government from 1 July 2018.

Other key legislation affecting our activities

In the performance of our functions, the department complied with the following written laws:

- *Aboriginal Heritage Act 1972*
- *Auditor General Act 2006*
- *Corruption and Crime Commission Act 2003*
- *Disability Services Act 1993*
- *Equal Opportunity Act 1984*
- *Financial Management Act 2006*
- *Freedom of Information Act 1992*
- *Government Employees Housing Act 1964*
- *Industrial Relations Act 1979*
- *National Environmental Protection Council Act 1997 (Cth)*
- *Long Service Leave Act 1958*
- *Minimum Conditions of Employment Act 1993*
- *Native Title Act 1993 (Cth)*
- *Occupational Safety and Health Act 1984*
- *Public Interest Disclosure Act 2003*
- *Public Sector Management Act 1994*
- *Salaries and Allowances Act 1975*
- *State Records Act 2000*
- *State Supply Commission Act 1991*
- *Workers' Compensation and Injury Management Act 1981*

Who we are

Vision

A healthy environment and secure water resources, valued by all, to support a liveable and prosperous Western Australia.

Mission

To lead and excel in the sustainable management and protection of Western Australia's water and environment.

Strategic directions

In December, the department celebrated the release of a new strategic plan. Our strategic directions were developed in consultation with our staff and stakeholders.

Share responsibility for water and the environment

We support integrated environmental and water planning to deliver whole-of-government goals, involving the community and industry.

By collaborating effectively and engaging openly, we establish partnerships with stakeholders and build a shared understanding of Western Australia's environmental and water issues.

Deliver effective legislation and policy

We deliver legislative reform to enhance collaborative cross-government outcomes and reduce unnecessary regulation.

Our policy and legislative framework support good performance and encourage continuous improvement.

Be a responsive and credible regulator

We streamline our approach to regulatory assessments and advice, to provide consistency and certainty for stakeholders.

Our internal practices, online systems and resources deliver good customer service, and we apply regulatory best-practice principles.

We ensure regulated stakeholders meet their commitments and we undertake appropriate compliance and enforcement.

Deliver trusted information, science and evidence-based advice

We are recognised as leaders and experts in water and environmental information, science and evidence-based advice, collaborating with trusted partners to create a shared science and knowledge base and to foster innovation.

We communicate and share knowledge in a timely, transparent and stakeholder-focused way to build understanding and support for sound decision-making.

Build organisational excellence

We deliver integrated services and online systems that are easy to use.

Our people are knowledgeable, flexible and focused on delivering the best-possible outcomes for Western Australia's community, economy and environment.



Values

Following the state government's Machinery of Government changes in 2017, the newly formed Department of Water and Environmental Regulation undertook extensive internal consultation, staff engagement and focus groups to identify and establish a new set of values.



We build trust
How we do our work



We serve to make a difference
What we do and why we do it



We care
How we feel about our work



Open minds
How we approach our work



Better together
How we connect



A focus on our values

The department prides itself on living its values in the work we do, both within the department and for the broader Western Australian community.

During 2017–18, we celebrated our achievements against the following values:



We serve to make a difference

Many local government environmental health officers are appointed as 'Authorised Officers' under

the *Environmental Protection Act 1986*, providing them with additional powers to investigate and manage health and environmental risks in their communities.

On 2 August 2017, the relationship between state and local government was clarified and fortified when both parties entered into the Western Australian State Local Government Agreement.

The department published the new *Authorised Officers training manual* which contains built-in assessments. To date 67 local government officers have been appointed under the new Authorised Officer policy, with further applications being received every week.



We care

The department recognises the importance of workplace well-being, and in the 2017–18 year we engaged, consulted and delivered a broad range of programs, celebrations and events, supporting diversity, resilience, inclusivity and healing including:

- Harmony Day
- International Women's Day
- Flexible Working Day (encouraging and supporting flexibility in the workplace)
- 16 Days in WA – Violence Against Women
- Australia Day Awards
- IDAHOBIT – International Day Against Homophobia, Biphobia and Transphobia
- NAIDOC and National Reconciliation Week
- Recovery, Resilience and Mental Health in the Workplace



Better together

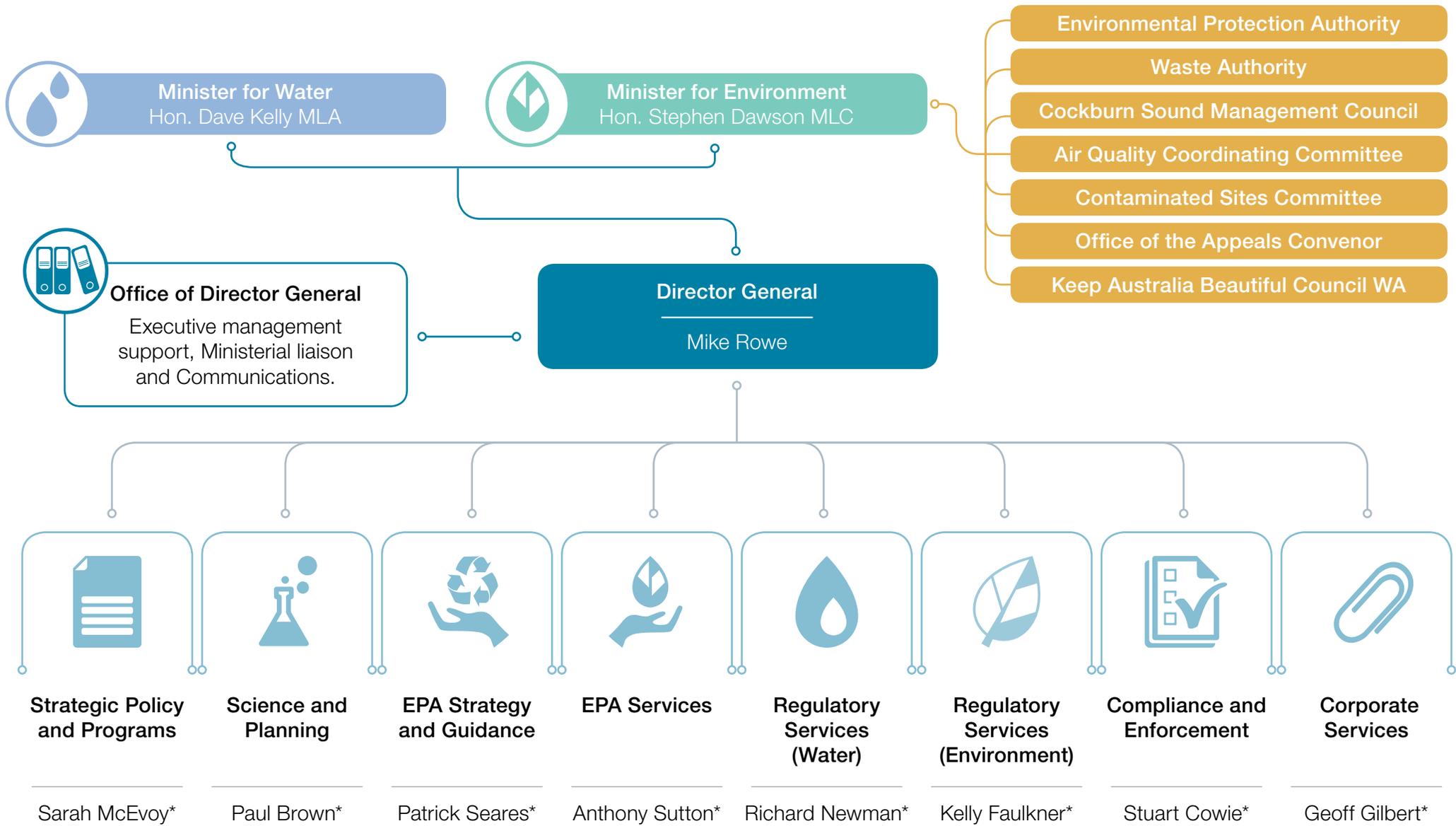
In 2017–18, as part of our workforce and diversity planning, we established the Equity and Diversity Panel. Chaired by a member of the Corporate Executive with representation from across the agency, the panel met six times throughout 2017–18.

With guidance from the panel, the department endorsed its first five-year *Disability access and inclusion plan* in June 2018. In addition, the panel developed a diversity inclusion statement, which commits us to a fair and inclusive workplace that encourages and supports employees to reach their full potential.

In 2017–18, the panel focused on:

- diversity in leadership
- promoting and supporting flexible working arrangements
- developing quarterly reporting on the department's equity index.

Organisational chart



*Interim Executive Directors



Directorate profile



EPA Strategy and Guidance

Patrick Seares

Strategic and policy advice to the Environmental Protection Authority and Minister for Environment; and expert advice into complex environmental impact assessments for projects and schemes.



Regulatory Services (Environment)

Kelly Faulkner

Assessing and determining environmental regulation applications (works approvals, licences and clearing permits) that are effective and enforceable; overseeing operational environmental management of activities subject to granted instruments; supporting compliance and enforcement programs; and managing contentious issues associated with instrument activities.



Strategic Policy and Programs

Sarah McEvoy

Environmental, water (resources, industry and services) and waste strategic policy and programs; support services to the Waste Authority, Keep Australia Beautiful Council WA, Cockburn Sound Management Council and Air Quality Coordinating Committee; and amendments to existing, and drafting new, Acts and subordinate legislation administered by the department.



EPA Services

Anthony Sutton

Services the Environmental Protection Authority; environmental impact assessment support for significant proposals; and evaluating amendments to Ministerial conditions and changes to approved proposals.



Compliance and Enforcement

Stuart Cowie

Integrated environmental compliance, enforcement and pollution response services; annual environmental compliance programs; regulating and monitoring controlled waste movements; administering the landfill levy; and handling complaints.



Science and Planning

Paul Brown

Water information and modelling; water resource assessments; water science; water allocation and supply planning; public drinking water source protection planning; urban water, flood and drainage management specialist advice; the integration of water and land use planning; environmental noise specialist advice; air quality information and specialist advice; land and water quality specialist advice; and regulating contaminated sites.



Regulatory Services (Water)

Richard Newman

Assessing and determining enforceable water licences and permits; overseeing operational environmental management of activities subject to water licences; supporting compliance and enforcement programs associated with water licencing; and ensuring transparent, effective, logical, timely and consistent water regulatory practices.



Corporate Services

Geoff Gilbert

Customer-focused finance and administration; human resources; legal and information services; digital, technology and communication services; and meeting compliance requirements and supporting the achievement of the department's strategic objectives.

Our corporate executive



Top row (from left): Stuart Cowie, Kelly Faulkner, Mike Rowe (Director General), Sarah McEvoy, Paul Brown, Anthony Sutton
Bottom row (from left): Patrick Seares, Richard Newman, Geoff Gilbert

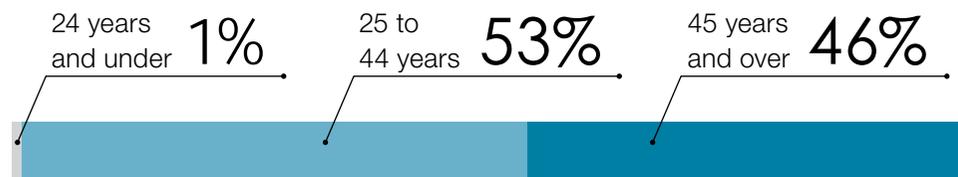
Our workforce profile 2017–18

852 employees / 741 full-time equivalent (FTE) positions:

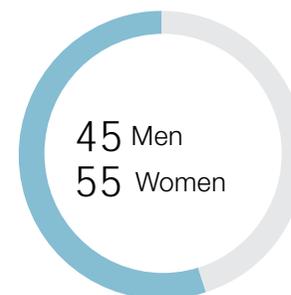
Diversity groups



Age profile

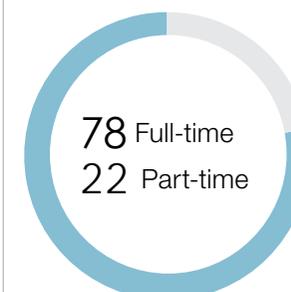


Gender (%)



Supporting workforce flexibility (%)

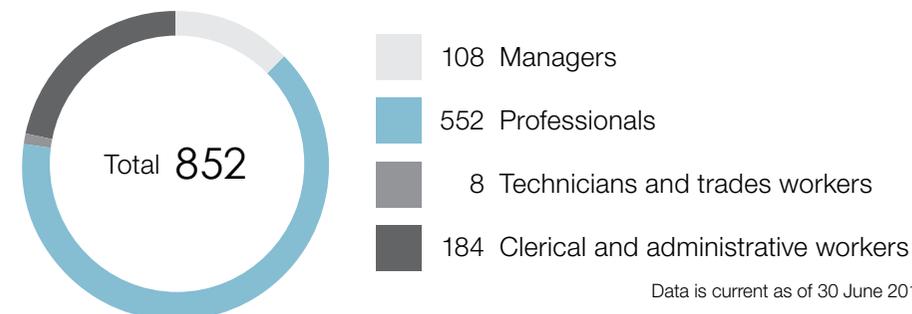
Working arrangements



Employment type



Employees by occupation category



Data is current as of 30 June 2018



Overview

Agency
performance

Significant
issues

Disclosures

Performance management framework

Our services

During 2017–18, the department supported government goals across nine service areas through its outcome-based management framework.

Changes from the 2017–18 reporting year

During the 2017–18 financial year two new key effectiveness indicators were introduced:

1. Percentage of regulatory compliance activities completed as planned
2. Percentage of potential environmental risks identified during compliance monitoring program that are rectified within two months

The two new effectiveness indicators replaced the following four previous key effectiveness indicators relating to the former Department of Environment Regulation:

1. Percentage of major resource project works approvals and licences applications decided within 60 working days
2. Percentage of other project works approvals and licences applications decided within 60 working days
3. Percentage of native vegetation clearing permit applications decided within 60 working days
4. Percentage of investigations finalised within 60 working days

The Office of the Auditor General found the previous key effectiveness indicators did not clearly link with the related outcome statement. The new indicators are designed to provide confidence to regulated entities and members of the public that the department has a risk-based regulatory compliance program, and where potential environmental risks are identified the department will use a range of regulatory options to prevent, control or mitigate

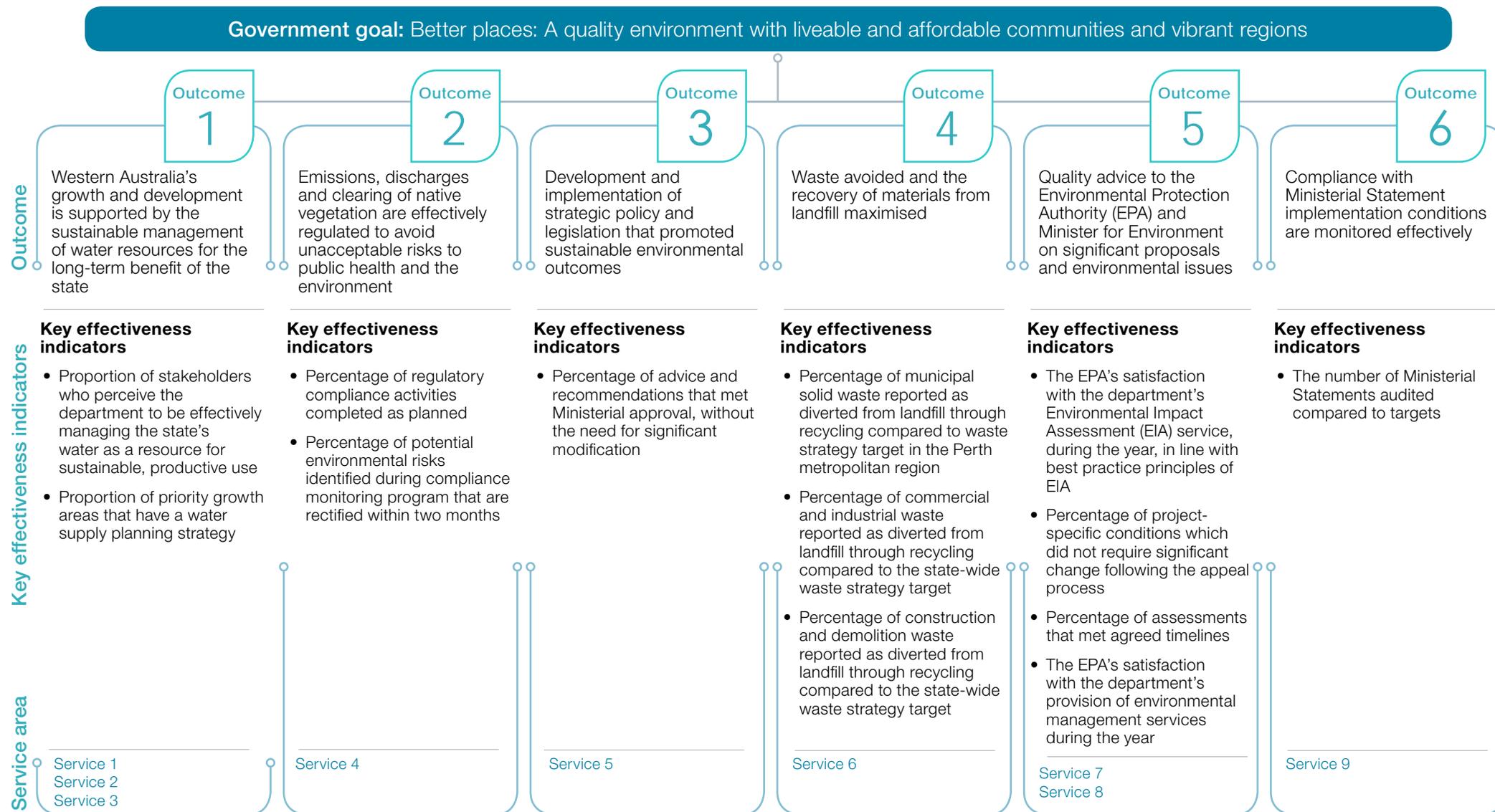
any potential harm. The Office of the Auditor General was satisfied the changes reflect the work undertaken by the department to meet the related outcome statement.

Shared responsibility with other agencies

The Department of Water and Environmental Regulation did not share any responsibilities with other agencies in 2017–18.

Outcome-based management framework

We support the government goal of 'Better places: A quality environment with liveable and affordable communities and vibrant regions'. The diagram below illustrates the relationship between our services and desired outcomes, and the government goal to which we contribute.



Outcome-based management framework (continued)

Key efficiency indicators



Outcome 1 Service 1: Water information and advice

- Proportion of statutory referrals from decision-making authorities where advice is provided within target timeframes
- Average cost per statutory referral assessment
- Average cost per water measurement site managed



Outcome 2 Service 4: Environmental regulation

- Average cost per works approval and licence application
- Average cost per native vegetation clearing permit application



Outcome 5 Service 7: Environmental impact assessment services to the EPA

- Cost per standardised unit of assessment output



Outcome 1 Service 2: Water planning, allocation and optimisation

- Average cost per plan, report or guidance document to support water planning, allocation and optimisation
- Average cost per hour of scientific support for water planning, allocation and optimisation managed



Outcome 3 Service 5: Environmental policy

- Average cost per hour of policy advice and recommendations



Outcome 5 Service 8: Environmental management services to the EPA

- Cost per standardised unit of environmental management services output



Outcome 1 Service 3: Water regulation, licensing and industry governance

- Average cost of assessing a water licence application by risk assessment category
- Average time taken (days) to assess a licence application by risk assessment category
- Average cost of compliance monitoring and enforcement action



Outcome 4 Service 6: Waste strategies

- Cost of landfill levy compliance as a percentage of landfill levy income collected



Outcome 6 Service 9: Compliance monitoring services to the Minister for Environment

- Average cost per environmental audit completed

Our focus for a consolidated, integrated and responsive department



Our move to Joondalup

The department is preparing for the relocation of its head office in the Perth CBD to Joondalup.

The building has been designed to achieve a five-star Green Star rating and 4.5 star National Australian Built Environment Rating System (NABERS) energy rating. The building includes a solar array which generates approximately 100 megawatt hours of electricity each year.

We are working with Aboriginal culture and language custodians and consultants on opportunities to acknowledge and incorporate traditional knowledge and language in the fitout of our new facilities. This includes the naming of meeting spaces and collaboration on featured artwork.

Digital transformation

Our digital vision is to align digital, technology and business processes to improve the way services are designed, supported and delivered to customers.

In response to the government's *Digital WA* strategy, we have developed a digital strategy and outlined several digital transformation projects.

A major project under the digital strategy is the expansion of Water Online to replace legacy environment regulation business systems. Water Online has provided a single portal for water licence applications since 2015 and an application assessment system since June 2017. The new work will see Water Online expanded into a one-stop shop for industry, improving the customer experience with more self-service online transactions.

The expanded platform – known as Environment Online – will support environmental licensing applications and assessments, contaminated sites, incident management, and controlled waste licensing and tracking, as well as compliance activities through new workflow and case management. Environment Online is expected to take three to four years to develop.

We have also started a review of cyber security to ensure resilience as more of our business goes online.

Effective advice, leadership and engagement

The department places a high value on partnerships with our stakeholders from all sectors, and we work hard to ensure we meet the expectations of the community, industry and government. Building effective relationships ensures the state's water resources and environment are healthy and able to support a strong economy and thriving communities.

Over the past 12 months, the department has hosted and participated in meetings and forums with its stakeholders, including peak bodies, industry associations, state and local government agencies, community groups and non-government organisations.

Insights from these discussions have been and continue to be used to shape and inform department programs and activities.

Staff and department awards

► Water planning 'wisdom' recognised at WA water awards

The department's Water Supply-Demand Model was a finalist in the Program Innovation category of the 2017 Australian Water Association WA Water Awards. The model (or 'Wisdom' as its users refer

to it) was developed in response to a need for more coordinated, long-term planning for water resources and water supplies to support the state's social and economic development.

► Department staff recognised with Australia Day Achievement Medallions

The department recognised four department staff with Australia Day Achievement Medallions in 2018, in recognition of their dedication to provide the best possible service to protect West Australians and our environment and water:

- Ken Raine
- Peter Taylor
- Sarah McEvoy
- Simon Rodgers

► Expertise helping the United Nations

The department's Paul Newell authored a safety and disposal guide for the United Nations Office on Drugs and Crime (UNODC). This illustrated guide will help prevent pollution and protect public health from the improper disposal of toxic chemicals used in illicit drug manufacture in remote and developing countries.

Providing expert advice to government, and quality service to the boards and authorities the department supports

Following the Machinery of Government changes in 2017, the department assumed responsibility for all environment and water regulation, creating a one-stop shop for industry and developers to streamline and simplify regulation.

The department supports the Waste Authority to maximise waste avoidance and recovery of materials from landfill. Our staff provide services including strategic policy advice, administration and program management, and implementation of programs and projects in the annual business plan.

The department also provides administrative advice and support to:

- Keep Australia Beautiful Council, which oversees the activities of Keep Australia Beautiful WA, as part of the *Litter Act 1979*.
- Cockburn Sound Management Council, which provides advice to the Minister for Environment on the environmental management of Cockburn Sound established under section 25 of the *Environmental Protection Act 1986*.
- Contaminated Sites Committee, which is an independent statutory administrative tribunal established under section 33 of the *Contaminated Sites Act 2003*.



The Environmental Protection Authority (EPA) is an independent board that provides advice to the Minister for Environment. The department provides services to the EPA to conduct environmental impact assessment of significant development proposals, strategic proposals and planning schemes. Our staff also help develop statutory policies, guidelines and strategic advice to support the EPA to manage environmental impacts and protect the environment.

The department monitors the implementation of proposals approved by the Minister for Environment to ensure compliance with the conditions set out in the Ministerial Statement. We undertake our environmental compliance activities through a structured annual program and take enforcement action as appropriate.

