



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

Information statement 2022

This document has been prepared under section 94
of the *Freedom of Information Act 1992 (WA)*

Department of Water and Environmental Regulation
August 2022

Department of Water and Environmental Regulation
Prime House, 8 Davidson Terrace
Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919

Phone: 08 6364 7000

Fax: 08 6364 7001

National Relay Service 13 36 77

dwer.wa.gov.au

© Government of Western Australia

August 2022

FIRST 115978

This work is copyright. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation.

Apart from any use as permitted under the *Copyright Act 1968*, all other rights are reserved. Requests and inquiries concerning reproduction and rights should be addressed to the Department of Water and Environmental Regulation.

Disclaimer

This document has been published by the Department of Water and Environmental Regulation. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the Department of Water and Environmental Regulation and its employees are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

This publication is available at our website www.dwer.wa.gov.au or for those with special needs it can be made available in alternative formats such as audio, large print, or Braille.

Contents

Contents	iii
1 Introduction.....	1
2 Purpose	2
3 Our organisation	3
Compliance and Enforcement	3
Corporate Services.....	3
Environmental Protection Authority Services	3
Regional Delivery	4
Regulatory Services	4
Science and Planning.....	4
Strategic Policy.....	4
Strategy and Engagement.....	4
4 Strategic Plan 2022-26	5
Our vision.....	5
Our mission.....	5
How we work	5
Our Strategic Goal.....	6
5 Reconciliation Action Plan (RAP)	7
6 Introduction.....	8
6.1 Environmental Protection Authority	8
7 Introduction.....	11
7.1 Classification of sites	11
7.1.2 Determination of responsibility for remediation	12
7.2 Approvals	12
7.2.3 Works approvals and licences	13
7.3 Enforcement powers.....	14
7.3.1 Regulatory notices	14
7.3.2 Notices, orders and directions	14
7.4 Water	15
7.4.1 Water licensing	15
7.4.2 Licence application assessment and decision	15
7.4.3 Licence to construct or alter a well.....	15
7.4.4 Licence to take water.....	16
7.4.5 Suspension and cancellation of a licence	16
7.4.6 Infringement notices and prosecution	16
7.4.5 Limitations by directions.....	17
7.4.8 Permits.....	17
7.4.9 Refusal to grant a licence	17
7.4.10 Right of review – water licensing	17
7.4.11 Water sprinkler restrictions	18
7.4.12 Clearing of indigenous vegetation in certain catchments	18
7.4.13 Waterways management in certain catchments	18
8 DWER-related agencies	19
8.1 Cockburn Sound Management Council	19

8.2	Contaminated Sites Committee.....	19
8.3	Keep Australia Beautiful Council (WA).....	20
8.4	Waste Authority	20
8.5	Air Quality Coordinating Committee	21
9	Legislation administered.....	22
9.1	Legislation administered by the department as of 1 July 2022.....	22
9.2	Regulations administered by the department as of 1 July 2022.....	22
9.3	Other key legislation affecting our activities	24
9.4	Other subsidiary legislation affecting our activities	25
10	Public participation in the formulation of policy and performance of the agency's functions	26
10.1	Clearing permits.....	26
10.2	Community updates.....	27
10.3	Environmental assessment guidelines	27
10.4	Environmental impact assessment.....	27
10.5	Environmental protection policies (EPP)	27
10.6	Media statements	28
10.7	Monday ads	28
10.8	EPA - Public Submissions	28
10.9	Reporting pollution.....	29
10.10	Policies, guidance statements and legislative reforms	29
11	Types of documents held by DWER.....	31
11.1	Internal manuals	32
	Information Management Compliance with the <i>State Records Act 2000</i>	32
	Accessing information of related agencies	32
12	Accessing documents not readily available from related agencies.....	34
13	Accessing documents under the FOI Act	35
14	Making and FOI application.....	36
15	FOI charges.....	37
15.1	Deposits.....	37
16	Notice of decision	38
17	Third parties and their rights.....	39
18	Internal review process	40
19	External review process	41
20	Amendment of personal information.....	42
21	Office of Information Commissioner contact details	43
22	DWER locations and contact details	44
	Head office.....	44
	Regional offices	45

1 Introduction

Under the requirements of s.94 of the *Freedom of Information Act 1992* (FOI Act), this Information statement is provided by the Department of Water and Environmental Regulation (the department) in its commitment to uphold the spirit of the Act as an open, transparent and accountable government agency.

The Information statement is made available to provide the community with a reference and overview of the information maintained at the department and the options available to access this information. Further information regarding the department's operations may be found on its website at www.dwer.wa.gov.au.

The following offices are not to be regarded as separate agencies for the FOI Act but are to be regarded as part of the department:

- Air Quality Coordinating Committee (AQCC)
- Cockburn Sound Management Council (CSMC)
- Contaminated Sites Committee (CSC)
- Environmental Protection Authority (EPA)
- Keep Australia Beautiful Council (WA) (KABC)
- Office of the Appeals Convenor
- Waste Authority

2 Purpose

The department supports WA's community, economy, and environment by managing and regulating the state's environment and water resources.

The department is responsible for environment and water regulation, serving as a 'one-stop shop' for industry and developers to streamline and simplify regulation.

Established on 1 July 2017, the department's functions include science and planning, policy and programs, compliance and enforcement, and regulatory services. The department uses quality science to inform policy, risk assessments, decisions, advice, and regulatory activities.

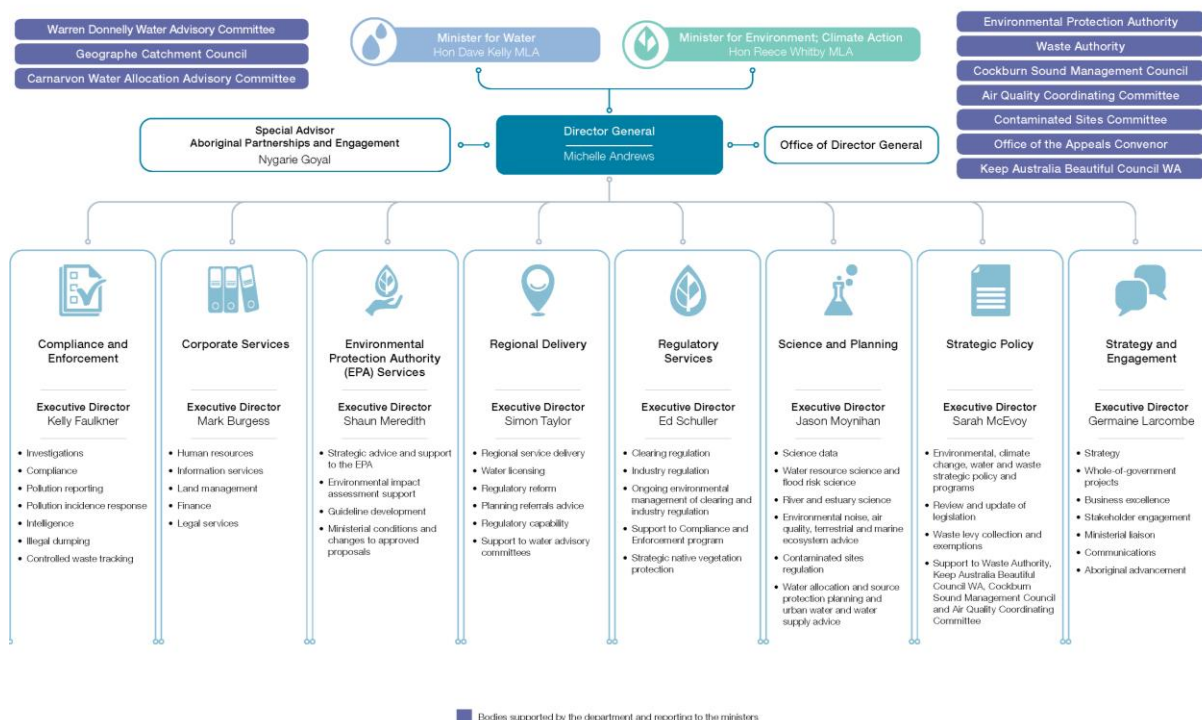
The department provides services to the EPA, the independent statutory body which conducts environmental impact assessments and develops policies to protect the environment.

The department also supports KABC, the Waste Authority, Office of the Appeals Convenor, CSMC, AQCC and CSC.

Working as a system steward for water and the environment, the department partners with stakeholders from all sectors to sustainably manage the state's water resources and support a healthy environment.

3 Our organisation

Organisational chart August 2022



Compliance and Enforcement

Compliance and Enforcement administers key departmental legislation. Functions include monitoring, audit, compliance inspections, investigation of complaints/incidents and prosecutions.

Corporate Services

Corporate Services supports our financial, workforce, legal and freedom of information services, land management and information systems to underpin our operations and key corporate systems.

Environmental Protection Authority Services

EPA Services's key function is to provide recommendations to the Minister and provide support, advice and expertise to inform the EPA's assessments, strategy, planning advice and policy.

Regional Delivery

Regional Delivery coordinates our regional functions, including hydrography program operations, local water compliance, water licensing, and planning referrals. It also includes the Regulatory Capability Division set up to drive the department's one stop shop for environmental and water regulation.

Regulatory Services

Regulatory Services administers environmental regulation functions for works approvals, licences and clearing permits. It provides ongoing environmental management of granted instruments and supports compliance and enforcement programs, native vegetation programs, and regulatory reform activities.

Science and Planning

Science and Planning provides evidence-based information to help stakeholders make informed judgments about issues that affect them. Our science also supports regulatory decision-making and stewardship obligations.

Strategic Policy

Strategic Policy leads the review and development of the state's environmental, water and waste policies, legislation and regulations. It also supports the Waste Authority, KABC, CSMC, AQCC, Water Resources Reform Reference Group, Waste Reform Advisory Group, and Aboriginal Water and Environmental Advisory Group.

Strategy and Engagement

Strategy and Engagement enables us to focus on long-term strategy, portfolios, and stakeholder collaboration. We do this through effective partnering with internal and external engagement and business excellence.

4 Strategic Plan 2022-26

As WA's primary water and environmental regulator, the department has a responsibility to be an influential and future-focused organisation.

Our vision

Our vision is for a low-carbon Western Australia (WA) with a healthy environment and secure water resources for future generations.

Our mission

Waste:

We act to reduce the harmful impact of waste and create a low- waste circular economy.

Climate:

We act to reduce emissions, mitigate climate change impacts and build greater environmental and community resilience.

Water:

We act to ensure our water resources meet the needs of the community, ecosystems and economic development.

Environment:

We act to ensure that environmental values are protected and that development is sustainable.

How we work

- We are fair and committed
- We value Aboriginal knowledge and cultural advice
- We are guided by good science
- We are forward-looking
- We embrace new technology and new practices
- We are transparent
- We engage with all and build trusted relationships

Our Strategic Goal

- We will improve our regulatory capability
- We will better manage the environment
- We will pursue strategic solutions to our big environmental challenges

5 Reconciliation Action Plan

The department recognises the importance of a partnership approach and acknowledges the role of Aboriginal and Torres Strait Islander peoples and their significant cultural knowledge and connection to Country, and living waters such as rivers, springs, soaks, jilas, and saltwater, to protect and manage WA's environment and water resources.

Our second [Reconciliation Action Plan](#) (RAP) runs from August 2022 to August 2024 and is an important tool to outline a clear plan of action to recognise and incorporate Aboriginal and Torres Strait Islander values and cultural knowledge into all parts of our business.

The aim of this RAP is to:

- develop a structured framework to build and strengthen our relationship and engagement with Aboriginal and Torres Strait Islander peoples and communities of WA
- develop a more culturally safe and inclusive workplace for Aboriginal and Torres Strait Islander staff members
- clarify and promote our reconciliation actions among staff, stakeholders and Aboriginal people to foster a shared understanding of where we are now and where we aim to be in future.

Our RAP deliverables are built on principles of respect, relationships and opportunities by taking a holistic approach. We look to equip and strengthen our staff capability and ensure support mechanisms are in place to empower Aboriginal and Torres Strait Islander peoples on Country.

6 Introduction

For a complete statement on the department's structure and functions, see the Annual Report.

6.1 Environmental Protection Authority

The EPA is a statutory body established under s.7 of the EP Act. Its composition, powers, and some of its functions are set out in Part II, Division 1 of the EP Act.

The functions of the EPA are broad and include:

- conducting environmental impact assessments
- preparing statutory policies for environmental protection
- preparing and publishing guidelines for managing environmental impacts
- providing strategic advice to the Minister for Environment.

6.1.1 Environmental impact assessment

The requirements and procedures for conducting environmental impact assessments are provided in Pt IV of the *Environmental Protection Act 1986* (EP Act) and the Administrative Procedures made under the EP Act. The EPA can assess the environmental impacts of:

- proposals which, by definition, include a project, plan, program, policy, operation, undertaking, development or change in land use, or amendment of all of these
- strategic proposals, which by definition include future proposals that will be significant proposals that, if implemented in combination with each other, are likely to have a significant effect on the environment
- schemes (including town planning schemes, region planning schemes, and redevelopment master plans).

6.1.2 Proposals

Under s.38 of the EP Act, any proposal likely to significantly affect the environment may be referred to the EPA. Proposals under assessed schemes or proposals identified in an assessed strategic proposal may also be referred. Whether or not these proposals are assessed will depend on the extent to which the environmental issues raised by the proposal were adequately previously evaluated and if there are new additional issues or changes.

The levels of assessment set by the EPA for dealing with referred proposals are as follows:

- not assessed – no advice is given
- not assessed – public advice is given
- not assessed – the recommendation that the proposal be dealt with under Part V Division 2 of the EP Act (Clearing of Native Vegetation)
- assess – Public Environment Review (PER)
- assess – Assessment on Proponent Information (API)

The principles and procedure for the formal assessment of proposals are provided in the Administrative Procedures prepared by the EPA and published in the Government Gazette. The most recent version must be referred to as these procedures are often reviewed.

6.1.3 Schemes

Under legislation administered by the Western Australian Planning Commission, town planning schemes and scheme amendments must be referred to the EPA to determine whether or not the scheme or amendment should be assessed.

As there is often no actual development proposed at the scheme development stage, only the zoning of the land and the impacts of potential future land uses permitted by the zoning, given existing natural and man-made constraints, need to be considered in setting the level of assessment.

The level of assessment set by the EPA depends on the likely impact of the proposal's implementation on the environment. The EPA considers senior EPA officers' evaluation of new referrals and advice on likely impacts and recommended assessment levels.

Upon referral of a scheme, the EPA must determine whether it:

- should not assess the scheme
- should not assess the scheme but should provide non-binding advice and recommendations
- must assess the scheme and require an environmental review to be prepared
- considers the scheme to be incapable of being made environmentally acceptable.

The environmental review of schemes is a public process. There is no opportunity for public comment or appeal to set the level of assessment on schemes.

However, where an environmental review of a scheme is required, it is advertised for public comment. The EPA report and recommendations to the Minister are appealable.

The procedures under the EP Act and administrative procedures allow the public to comment on whether or not the scheme should be assessed and the content of any recommendations included in the EPA's report to the Minister.

6.1.4 Environmental protection policies

Part III of the EP Act provides the preparation, publication and review of the EPA's environmental protection policies (EPP) for the Minister's consideration. The EPA may initiate the development of an EPP if it is considered desirable to protect any portion of the environment or the prevention, control or abatement of pollution or environmental harm.

Once the Minister approves the policy (subject to s.42 of the *Interpretation Act 1984* and any specification in the policy), it has the same force of laws as enacted as part of the EP Act.

An approved policy may identify offences and provide penalties to protect a portion of the environment it applies. Alternatively, it may give environmental policy directives or programs that are regulated or implemented under other parts of the EP Act, such as prescribed licence conditions under the Environmental Protection (Goldfields Residential Areas) (Sulphur Dioxide) Regulations 2003.

7 Introduction

The most significant decision-making functions and powers exercised under the EP Act and the *Contaminated Sites Act 2003* (CS Act) are outlined below.

7.1 Classification of sites

Under s.13 of the CS Act, the Chief Executive Officer (CEO) is to classify a site upon receipt of a report. Under s.11 of the CS Act, the site is or is suspected to be contaminated and may classify a site at any other time.

A site classification is a description assigned to an area of land, reported to the department under the CS Act as a site known or suspected to be contaminated.

Schedule 1 of the CS Act sets out the seven possible classifications a CEO can apply to a site, which are as follows:

Classification	Criterion
report not substantiated	a report under s.11 or 12 of the CS Act provides no grounds to indicate possible contamination of the site
possibly contaminated – investigation required	there are grounds to indicate possible contamination of the site
not contaminated – unrestricted use	after investigation, the site is found not to be contaminated
contaminated – restricted use	the site is contaminated but suitable for restricted use
remediated for restricted use	the site is contaminated but has been remediated so that it is suitable for restricted use
contaminated – remediation required	the site is contaminated and remediation is required.
decontaminated	the site has been remediated and is suitable for all uses

Any person may report a site to the CEO if they know or suspect it is contaminated, and certain specified persons have a duty to make a report to the CEO.

The CEO has the power to classify a site based on its known or suspected level of contamination.

The department maintains a publicly available database of sites classified as contaminated – remediation required, contaminated – restricted use, and remediated for restricted use.

The department maintains an electronic register of all sites reported to it under the CS Act. Information on sites not on the public database, including sites classified as *report not substantiated, possibly contaminated – investigation required, not contaminated – unrestricted use* and *decontaminated*, can be obtained through a Summary of Records request to the department.

The CSC has a range of appeal rights against the CEO's classification depending on the classification category.

The CSC is an independent administrative tribunal, and its decisions on appeals are final and without appeal. The CEO is obliged to publish and implement the CSC's decisions on appeals.

7.1.2 Determination of responsibility for remediation

The CS Act establishes a hierarchy of responsibility for remediation, including the 'polluter pays' principle. Accordingly, the first person in the hierarchy is the person who caused or contributed to the contamination.

The CSC makes decisions as to responsibility for remediation of a site classified as *contaminated – remediation required*, either when requested or on its initiative.

Before deciding as to responsibility for remediation in respect of a person, the CSC must give notice to that person, setting out the reasons for the proposed decision and inviting that person to make submissions to be considered before a final decision is made.

A person aggrieved by a determination as to responsibility for remediation may appeal the decision of the CSC to the Supreme Court on a question of law.

The CS Act does not provide for publications of decisions of the CSC on responsibility for remediation.

7.2 Approvals

7.2.1 Clearing permits

A person may apply to the CEO for a clearing permit, which authorises clearing, which would otherwise amount to an offence. If granted, the CEO may impose conditions on how the clearing may be undertaken for preventing, controlling, abating or mitigating environmental harm, or offsetting the loss of the cleared vegetation.

The CEO seeks comment on applications for clearing permits from any public authority or person who, in the opinion of the CEO, has a direct interest in the subject matter of an application.

Each week the CEO also advertises prescribed details of applications for clearing permits in The West Australian newspaper and on the department's website, inviting anyone who wishes to comment to do so within the timeframe provided in the advertisement. The CEO takes into account any comments received.

Under s.51E and 51O of the EP Act, the application is assessed against the 10 clearing principles in Schedule 5 of the EP Act. The CEO shall have regard to planning instruments and other matters considered relevant.

An applicant for, or the holder of, a clearing permit may appeal to the Minister for Environment against:

- the refusal by the CEO to grant a clearing permit, in whole or in part
- a condition imposed on a clearing permit by the CEO
- the amendment, revocation or suspension of a clearing permit by the CEO.

Any other person may appeal to the Minister for Environment against:

- a decision by the CEO to grant a clearing permit
- a condition imposed upon a clearing permit by the CEO
- an amendment to a clearing permit made by the CEO.

7.2.3 Works approvals and licences

Occupiers of 'prescribed premises' as defined in Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) may apply to the CEO for a works approval or licence concerning their premises.

These approvals provide certain defences to environmental offences that may otherwise result from emissions caused by the works or at the premises and may also impose conditions on how the works or operations may be undertaken. The CEO seeks comment on applications from any public authority or person who, in the opinion of the CEO, has a direct interest in the subject matter of an application.

The CEO also advertises prescribed details of applications for works approvals and licences in The West Australian newspaper and on the department's website, inviting anyone who wishes to comment to do so within the timeframe provided in the advertisement.

When assessing an application, the CEO must consider any comments received.

An applicant for, or holder of, a works approval or licence (or an amendment of these) may appeal to the Minister for Environment against:

- the refusal by the CEO to grant a works approval or licence
- the refusal by the CEO to transfer a works approval or licence to another person
- a condition imposed on a works approval or licence by the CEO

- the amendment, revocation, or suspension of a works approval or licence by the CEO.

Any other person may appeal to the Minister for Environment against:

- any condition imposed on a works approval or licence by the CEO
- the amendment of any works approval or licence by the CEO.

7.3 Enforcement powers

Part VI of the EP Act sets out the enforcement powers of the CEO, authorised persons, inspectors and police officers. These include powers to enter premises, obtain information, stop vehicles, seize evidence, forfeit abandoned property and use various powers concerning vehicles, vessels, and audible alarms.

Part VIA of the EP Act sets out the powers of the CEO and inspectors to commence prosecutions, issue modified penalties and issue infringement notices in respect of offences under the EP Act. Many of the EP Act's enforcement powers also apply to the CS Act.

7.3.1 Regulatory notices

The CEO may give a clean-up notice, hazard-abatement notice or investigation notice to a person specified in Part 4 of the CS Act, which requires a person, given the notice, to undertake specific actions. Failure to comply with a notice given by the CEO is an offence.

A person bound by an investigation or clean-up notice may appeal to the CSC against a requirement of a notice and, in some cases, against the CEO's decision to give a notice to that person.

7.3.2 Notices, orders and directions

Under the EP Act, the CEO has the power to give a range of notices, orders and directions, including closure notices, Environmental Protection Notices (EPN) and vegetation conservation notices.

The Minister for Environment has the power to issue a stop order under the EP Act.

An inspector or authorised officer has the power under the EP Act to issue a prevention notice.

Each of these notices, orders and directions requires specified actions to be taken. Failure to comply with an obligation imposed by these notices is an offence.

Before a vegetation conservation notice is issued requiring a person to take specified measures following clearing the CEO reasonably suspects is unlawful, the CEO must allow the person to make submissions on whether or not the person should have to take the specified measure.

Any person may appeal to the Minister against:

- a requirement contained in a closure notice, EPN, vegetation conservation notice or prevention notice
- an amendment made to a closure notice, EPN, or vegetation conservation notice made by the CEO.

7.4 Water

7.4.1 Water licensing

Water licensing is administered under the *Rights in Water and Irrigation Act 1914* (WA) (RIWI Act) and the Rights in Water and Irrigation Regulations 2000 (RIWI Regulations). The main decision-making functions undertaken by the Minister or a duly delegated department officer under that legislation are identified below.

7.4.2 Licence application assessment and decision

The Minister can grant or refuse an application for a water licence and determine the terms, conditions, and restrictions to be included in the licence.

The Minister will consider all relevant matters, including whether the proposed taking and use of water:

- is in the public interest
- is ecologically sustainable
- is environmentally acceptable
- may prejudice other current and future needs for water
- could have a detrimental effect on another person
- could be provided for by another source
- is in keeping with local practices, a relevant local by-law, an approved plan, or previous decisions
- is consistent with land use planning instruments, the requirements and policies of other government agencies, or any intergovernmental agreement or arrangement.

7.4.3 Licence to construct or alter a well

A licence issued under s.26D of the RIWI Act is required to:

- commence, construct, enlarge, deepen, or alter an artesian well
- commence, construct, enlarge, deepen, or alter a non-artesian well in a proclaimed groundwater area.

Such a licence does not allow a person to 'take' water, although a person may simultaneously apply for an s.26D and a 5C licence.

7.4.4 Licence to take water

Unless an exemption applies, a licence issued under s.5C of the RIWI Act is required to:

- take non-artesian and surface water in proclaimed groundwater and surface water areas and irrigation districts
- take artesian water.

An s.5C licence authorises the licence holder to 'take' an annual water entitlement from a specified watercourse, wetland, or underground source. Under the provisions of s.5C, unless a person holds a licence, any unauthorised taking of water is prohibited except where a person has another right to do so, such as a riparian right.

The licence is issued to a specified person; however, this does not give the licensee ownership of the water in the water source. A licence merely authorises the 'taking' of the water and does not prevent another person from taking water from the same source if they also have a right to do so. It is not necessarily an exclusive right to access the water. An s.5C licence has terms, conditions and limitations with which the licence holder must comply.

New s.5C licences and amendments to the annual water entitlements of existing licences are generally issued if the application is assessed as satisfying all statutory requirements, and the total licensed use will not exceed the sustainable allocation limits that have been set for the water resource to protect the interests of existing water users and the environment (generally established through an area-based water allocation plan).

Under the RIWI exemption (s.26C) order 2011 (refer to Gazette), the licensing of non-artesian bores in all proclaimed areas is not required for, among other things, domestic and ordinary use, and watering cattle and stock (other than those being raised under intensive conditions).

7.4.5 Suspension and cancellation of a licence

Where a licensee has contravened or failed to comply with any term, condition, or restriction included in the licence, the Minister may suspend or cancel the licence for a fixed period by written notice. Before a licence is suspended or cancelled, the Minister must notify the licensee of the proposal and allow the licensee the right to be heard or to make written submissions to the department (clause 26 of Schedule 1 of the RIWI Act), except in circumstances where the licensee has been convicted of an offence against the RIWI Act.

The suspension or cancellation of a licence effectively temporarily or permanently cancels the rights and privileges conferred by the licence. It does not affect the duties imposed by the licence.

7.4.6 Infringement notices and prosecution

The department can manage minor breaches by issuing an infringement notice, which attracts a modified penalty (refer to Schedule 2 of the RIWI Regulations).

The Minister or CEO initiates prosecution action for offences against the RIWI Act (refer to s.26J of the RIWI Act).

7.4.5 Limitations by directions

In specific circumstances outlined in the RIWI Act, directions to protect a water resource and other water users can be issued by the Minister and served on a person, including a licensee.

The effect of certain directions is to constrain the taking, or use, of water from a water resource (refer to s.22 and 26GB–26GF inclusive) in proclaimed areas and outside proclaimed areas by those exercising rights to take or use water under s.20 and 21 of the RIWI Act. Other powers concerning those holding 5C licences are set out in clause 18 of Schedule 1 of the RIWI Act.

7.4.8 Permits

In many instances, persons exercising their rights to take water in proclaimed and unproclaimed surface water areas require a permit to undertake works or install infrastructure that causes interference to a watercourse or wetlands, including interfering with the beds and banks of a watercourse or distributing the flow of water, (refer to s.17 and 25 of the RIWI Act).

The department grants permits to authorise the interference, obstruction, or destruction of the bed and banks of a watercourse or wetlands.

The relevant criteria for assessing permit applications are the same as those for section 5C licences (refer to the RIWI Regulations); however, infrastructure design safety and operational safety are expressly excluded from consideration.

7.4.9 Refusal to grant a licence

The Minister may also refuse to grant a licence if not satisfied the applicant has the resources to carry out the activities to which the licence relates or if the applicant has been convicted of an offence against the RIWI Act. The Minister must refuse to grant a licence to a person if that person is unwilling or unable to comply with the terms, conditions, and restrictions of the licence.

If the Minister proposes to refuse to grant a licence or proposes to grant a licence with a term, condition, or restriction considered inconsistent with the application, the department must notify the applicant. Within 30 days of receiving that notice, the applicant may make submissions to the department, which must be considered before the final decision (clause 6, Schedule 1, RIWI Act).

7.4.10 Right of review - water licensing

As provided for in Division 3B of Part III of the RIWI Act, an applicant or licensee who is aggrieved by the Minister's decision regarding a licence under s.5C or 26D may, in certain circumstances, apply to the State Administrative Tribunal (SAT) for their review of that decision.

7.4.11 Water sprinkler restrictions

By-laws made under the *Water Agencies (Powers) Act 1984* limit scheme water use and bore water use in many parts of the state. In 2010, these by-laws were amended to introduce a permanent winter sprinkler ban in Perth and the South West.

Breach of the law is enforced by the water service providers regarding scheme water and the department regarding bore water. While these offences are criminal offences, a modified penalty regime permits the payment of a fee in response to receiving an infringement notice, leaving no criminal record.

7.4.12 Clearing of indigenous vegetation in certain catchments

The clearing of vegetation for salinity control purposes in six catchments in the south-west of WA is licensed under Part IIA of the *Country Areas Water Supply Act 1947* (CAWS Act). They are:

- Mundaring Weir
- Wellington Dam
- Harris River Dam
- Denmark River
- Warren River
- Kent River.

An application to clear may be submitted at departmental and regional offices, where the application will be assessed.

7.4.13 Waterways management in certain catchments

The *Waterways Conservation Act 1976* (WWC Act) establishes management regimes over certain waterways and associated lands. These areas are known as waterways management areas (WMAs) and, under the current WWC Act, they may be declared by the Governor on the recommendation of the Minister for Environment. WMAs exist for the Avon River, Peel–Harvey estuarine system, Leschenault Inlet, Wilson Inlet and Albany waterways. The department administers these.

Under Part 5, a licensing function exists to dispose of materials in the above waterways. Recent amendments to the EP Act allow unlicensed disposal activities to be prosecuted, which means unlawful dumping attracts higher penalties.

Once a management area has been proclaimed, the waterways manager prepares a management program for that area.

8 DWER-related agencies

8.1 Cockburn Sound Management Council

The CSMC is an advisory council to the Minister for Environment established under s.25 the EP Act. It was initially established in 2000 as a Committee of the Board of the Water and Rivers Commission (clause 15 of Schedule 1 to the *Water and Rivers Commission Act 1995*) to assist in managing Cockburn Sound and its catchment.

The CSMC comprises representatives from the community, industry, recreational bodies, conservation interests, and local, State and Australian governments. Its Terms of Reference include:

- facilitate and coordinate stakeholder and community input into the environmental management of Cockburn Sound to protect and maintain the water quality and associated environmental values for the Cockburn Sound marine area and provide advice to the Minister for Environment accordingly
- oversee and coordinate environmental monitoring and research/ investigative studies in Cockburn Sound
- report to the Minister for Environment and the community on the state of the environment of Cockburn Sound, particularly concerning the protection and maintenance of water quality and associated environmental values for the Cockburn Sound marine area.

8.2 Contaminated Sites Committee

The CSC is an independent statutory tribunal established under s.33 of the CS Act to make decisions under the CS Act, including determining responsibility for remediation and deciding appeals against certain decisions of the CEO. The CSC is independent of the department in its decision-making role and is empowered under the CS Act to establish its procedures. Under the CS Act, the CSC's role includes:

- deciding appeals from eligible persons against classifications allocated to sites by the CEO (under s.83 of the CS Act, the CEO is required to give effect to the CSC's decisions on appeals)
- deciding appeals from eligible persons against the issue or a requirement of regulatory notices given by the CEO
- determining responsibility for remediation when requested to do so by an 'interested person' as prescribed by the Contaminated Sites Regulations 2006
- receiving and assessing disclosure statements and deciding whether the criteria for issuing exemption certificates are met (the period for submitted disclosure statements has passed)

- determining whether or not to cancel, amend or transfer exemption certificates
- determining responsibility for remediation to facilitate the recovery of state costs incurred at orphan sites

The CSC's decision-making role is clearly defined under the CS Act. Information regarding the CSC's role is published on its website www.csc.wa.gov.au.

8.3 Keep Australia Beautiful Council (WA)

KABC was established under the *Litter Act 1979* to undertake the functions described in Schedule 2. KABC reports to the Minister for Environment.

The Council comprises of representatives from the community, business, government and conservation interests.

KABC's goal is a 'litter-free' WA, and its primary function is to develop and implement effective policy, education and enforcement initiatives, including the State Government's [2020–25 Litter Prevention Strategy](#) to help reduce litter and littering in WA.

The strategy identifies four key objectives supported by a range of actions, which are to:

- increase community understanding of the impacts of litter on the environment and support behaviour change
- contribute to the long-term prevention of litter and marine debris
- regulate and enforce the Litter Act 1979
- monitor the level of litter in WA and its marine environment and evaluate the effectiveness of programs.

8.4 Waste Authority

The Waste Authority is an advisory body established under the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act). The Waste Authority administers the Waste Avoidance and Resource Recovery Account (WARR Account). The WARR Account receives its revenue from the State Government's waste levy.

The five members of the Waste Authority include a Chair and Deputy Chair, whom the Governor appoints to advise the Minister for Environment on strategic direction and priorities for waste in WA.

The functions of the Waste Authority are outlined in Schedule 2 of the WARR Act. Parts 4-7 of the WARR Act detail the role of the Waste Authority, which is to:

- prepare a five-year draft waste strategy for the consideration of the Minister and review the strategy following Ministerial approval

- prepare an annual draft business plan for the Minister's consideration
- provide advice on strategic waste issues to the Minister.
- administer the WARR Account under the business plan approved by the Minister.

Further information on the Waste Authority can be found at www.wasteauthority.wa.gov.au.

8.5 Air Quality Coordinating Committee

The Minister established the AQCC under s.25 of the EP Act to oversee and monitor the development and implementation of the Perth Air Quality Management Plan. The AQCC is supported by the department and includes representatives from the community, industry, business, local government and the State Government.

The AQCC's Terms of Reference are to:

1. provide advice to the Minister for Environment on air quality issues across WA
2. encourage engagement from and between government, industry and community members on air quality issues
3. consult and guide the finalisation of initiatives, programs or actions and consider new initiatives, programs or actions to address air quality issues
4. oversee and monitor the implementation of the Perth Air Quality Management Plan (AQMP) and review progress towards achieving the aims and commitments of the Government under the AQMP
5. report annually to the State Government through the Minister for Environment on the progress in achieving performance targets set in the AQMP.

In fulfilling these tasks, the Committee will:

1. report and advise the Minister for Environment on air quality issues
2. act as a conduit for the flow of reliable information to the community on WA's air quality and its management, and the State Government on issues of concern to the community concerning these matters
3. meet to review progress with the implementation of the AQMP
4. review the AQMP to ensure content remains current
5. report annually to the State Government through the Minister for Environment on the progress in achieving the performance targets set in the AQMP.

Further information on AQCC is found at www.der.wa.gov.au/about-us/committees.

9 Legislation administered

9.1 Legislation administered by the department as of 1 July 2022

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 Environment Protection Council (Western Australia) Act 1996

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 Agencies Restructure (Transitional and Consequential Provisions) Act 1995

Water Corporations Act 1995

Water Efficiency Labelling and Standards Act 2006

Water Resources Legislation Amendment Act 2007 Water Services Act 2012

Water Services Coordination Act 1995

Water Services Licensing Act 1995 (also called Plumbers Licensing Act 1995)
(except part 5A, which the Department of Commerce administers)

Waterways Conservation Act 1976

9.2 Regulations administered by the department as of 1 July 2022

Clean Air (Determination of Air Impurities in Gases Discharged into the Atmosphere) Regulations 1983

Contaminated Sites Regulations 2006

Country Areas Water Supply (Clearing Licence) Regulations 1981

Environmental Protection (Abattoirs) Regulations 2001

Environmental Protection (Abrasive Blasting) Regulations 1998

Environmental Protection (Plastic Bags) Regulations 2018

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 Heater and Firewood) Regulations 2018

Environmental Protection (Fibre Reinforced Plastics) Regulations 1998

Environmental Protection (Goldfields Residential Areas) (Sulphur 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 (Recovery of Vapours from the Transfer of Organic Liquids) Regulations 1995

Environmental Protection (Rural Landfill) Regulations 2002

Environmental Protection (Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998

Environmental Protection (Unauthorised Discharges) Regulations 2004

Environmental Protection Regulations 1987

Litter Regulations 1981

Noise Abatement (Noise Labelling of Equipment) Regulations (No. 2) 1985

Plumbers Licensing and Plumbing Standards Regulations 2000

Rights in Water and Irrigation Regulations 2000

Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019

Waste Avoidance and Resource Recovery Regulations 2008

Waste Avoidance and Resource Recovery Amendment Regulations 2019

Waste Avoidance and Resource Recovery Levy Regulations 2008
Water Agencies (Entry Warrant) Regulations 1985 Water Agencies (Infringement) Regulations 1994
Water Corporations (Transitional Provisions) Regulations 2013
Water Services Regulations 2013
Water Services Coordination Regulations 1996
Water Services (Water Corporations Charges) Regulations 2014
Waterways Conservation Regulations 1981

9.3 Other key legislation affecting our activities

Aboriginal Heritage Act 1972
Auditor General Act 2006
Corruption and Crime Commissioner Act 2003
Disability Services Act 1993
Environment Protection and Biodiversity Conservation Act 1999 (Cth)
Equal Opportunity Act 1984
Financial Management Act 2006
Freedom of Information Act 1992
Government Employees Housing Act 1964
Industrial Relations Act 1979
Long Service Leave Act 1958
National Environmental Protection Council Act 1997 (Cwlth)
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
Work Health Safety Act 2020

9.4 Other subsidiary legislation affecting our activities

For all other subsidiary legislation, including by-laws, notices, declarations, proclamations, approvals, exemptions, orders, policy, pollution control areas, vesting orders, irrigation districts, standards, and guidelines, please go to www.legislation.wa.gov.au.

10 Public participation in the formulation of policy and performance of the agency's functions

The department is committed to promoting community engagement and education in development of, or amendments to, its legislation and policies. There are many ways by which the department will involve the community in its decision-making processes.

The department offers a consultation page at dwer.wa.gov.au/consultation, which encourages public consultations to help us understand the views of stakeholders, communities and interested parties and inform a transparent and accountable decision-making process. The page lists current consultations, which invites feedback from the general community, in addition to closed items.

In carrying out its functions, the department communicates regularly with its stakeholders and the general public through briefings, meetings, media liaison, advertisements, advertorials and feedback mechanisms, including the internet, social media, 'hotlines' and response documents.

Community consultation techniques include deliberative surveys and simulated planning exercises designed to proactively address emerging issues and needs across the department. The process focuses on each significant stakeholder group via the mechanism that best meets their needs and planned objectives.

Some consultation techniques differ significantly from traditional community consultation, such as those relying on stakeholder submissions to draft policies and other documents or workshops and focus groups that educate community members on potential options. The department's consultation techniques allow for deliberation and stakeholders' suggestions to search for common ground.

The promotional and educational activities delivered to the community encourage public participation in public meetings or 'dialogues', which are interactive processes using consultative techniques. The consultation process maximises inclusion and representation to consider diverse viewpoints and values and creates opportunities to influence policy development.

Overall, the above public consultation processes allow for active public involvement in the department's decision-making process through which policy is formalised.

10.1 Clearing permits

Notification of applications received for clearing permits, amendments, and clearing permits under the Assessment Bilateral Agreement (*Environment Protection and Biodiversity Conservation Act 1999*) are posted on the department's website www.der.wa.gov.au/our-work/clearing-permits/clearing-permit-applications, and the public may make submissions.

Information on clearing permits granted, vegetation conservation notices given, and clearing permits under assessment is available through the Clearing Permit System on the department's website at cps.dwer.wa.gov.au/main.html.

10.2 Community updates

The department updates its website on various environmental matters of interest to community members at www.der.wa.gov.au/our-work/community-updates. Each update also provides a link to submit inquiries and subscribe to updates on these or other matters.

10.3 Environmental assessment guidelines

The EPA issues environmental assessment guidelines to provide the public and proponents with information regarding minimum environmental requirements during an environmental impact assessment process.

10.4 Environmental impact assessment

Proposals referred to the EPA are advertised online, and the public may comment on whether a proposal should be assessed and at what level.

A subscription is also available to the public for updates to the EPA website by registering at www.epa.wa.gov.au/subscribe-content.

The EP Act provides various appeal rights to the public, decision-making authorities, and proponents. All interested parties should familiarise themselves with these appeal provisions and legislative timeframes (see Part VII of the EP Act).

The Office of the Appeals Convenor administers appeals made under Part VII of the EP Act. Further information can be found at www.appealsconvenor.wa.gov.au/.

The public may also submit comments on the environmental aspects of a scheme or proposal assessed by the EPA.

10.5 Environmental protection policies (EPP)

If the EPA prepares an EPP, this will be published in the Government Gazette (once) and daily in a state-wide newspaper for three consecutive weeks. A notice containing details of the draft EPP invites the public to comment. The EPA will also undertake reasonable consultations with public authorities and individuals that may be affected by the draft. The EPA considers any submissions made, and the EPP may be revised accordingly. This revised EPP is forwarded to the Minister for consideration.

10.6 Media statements

The community is kept up to date with what's making news with media statements, including Ministerial media statements, published on our website at www.der.wa.gov.au/about-us/media-statements.

10.7 Monday ads

Each Monday, the department publishes applications for work approvals and licences, including certain amendments in the West Australian newspaper or on our website at www.der.wa.gov.au/about-us/monday-ads. This allows the public to make submissions or register an interest in the application.

Notification of works approvals and licences granted, refused, amended, revoked, or suspended, and notices given, which are available for public appeal, are also published on our website. The department also updates a register of current decisions, which are open to appeal on the department's website www.dwer.wa.gov.au. The register provides the decision dates of all works approvals, licences, notices granted or amended and includes information on lodging appeals. To receive notification of updates to the register, you may subscribe at www.der.wa.gov.au/about-us/40-email-alert.

Copies of applications for new works approvals, licences, and amended works approvals and licences, which are available for public submissions or registrations of interest, are accessible via our website or may be requested from info@dwer.wa.gov.au if not available on our website. Applications are considered to include all supporting documents and information submitted by the applicant. Requests for access to these application documents can be made during the consultation period, and the documents may be disclosed with the applicant's permission.

To access copies of applications for works approvals and licences after the closure of the consultation period, email your request to info@dwer.wa.gov.au. Access to these documents may be granted with the applicant's consent and may be subject to the removal of certain information.

10.8 EPA - Public Submissions

The EPA encourages public participation as part of the environmental assessment and in developing sound environmental protection policies in WA. Opportunities for stakeholders and the public generally to comment on referrals and to provide input into new guidelines and revisions of existing publications are published online.

Following public consultation, if a submission is made it is considered as providing consent to the submission being treated as a public document and published on

the department's website. While names are included, contact addresses are withheld for privacy reasons.

If there is an objection to a submission being treated as a public document, those submissions should be marked as confidential; specifically, identify those parts to remain private and include an explanation. The department may request a non-confidential summary of the material be provided. It is important to note that even if your submission is treated as confidential, it may still be disclosed under the FOI Act or any other applicable written law. Before publishing a submission, the department also reserves the right to delete any content regarded as racially vilifying, derogatory or defamatory to an individual or organisation.

10.9 Reporting pollution

The department's website at www.der.wa.gov.au/your-environment/reporting-pollution contains information on how the public can report pollution. The public can assist the department by acting promptly to minimise harm to public health and the environment by:

- reporting a life-threatening incident or pollution emergency
- reporting a discharge from your premises
- enquiring about health concerns.

The public may also report on matters not considered life-threatening or an emergency by clicking on the button in the following categories, where you are prompted to select the appropriate contact:

- air (including odour)
- impacts on animals or plants
- land
- noise
- waste and litter
- water.

10.10 Policies, guidance statements and legislative reforms

Before finalising new or revised policy guidance statements and legislative reforms dealing with contentious issues or matters of public interest, these may be posted on our Consultation page at dwer.wa.gov.au/consultation/ for public comment. On completion of the consultation process, submissions are published on our website.

Submitters may request to have their responses treated as confidential. A paper to address the issues raised during a public consultation will be available on the website.

The department welcomes constructive feedback on its service delivery and the performance of our officers. This will improve the services provided to the community. The department regularly reviews and measures services against published standards.

11 Types of documents held by DWER

The department holds an extensive range of documents relating to all its services. This includes hard copy and virtual (electronic) files, and websites containing information on clients and administrative matters and computerised recording systems. Refer to dwer.wa.gov.au and click on the heading 'What we do' to start navigating.

The department creates documents in response to the activities and projects that align with functions and duties. Below are the documents held by the department and are to be considered a guide only:

- Audit reports
- Business plans
- Compliance documents, including standard operating procedures and plans
- Finance and accounting documents
- General ministerial correspondence and briefing notes
- Human resources documents and contracts
- Incident reports
- Industrial agreements
- Memorandums of understanding
- Minutes, agendas and papers of meetings
- Records relating to the administrative operations of the department
- Research reports
- Strategy and policy documents
- Submissions to other government agencies and authorities.

The department can usually supply, free of charge, sections from most manuals, handbooks and guidelines; however, each request will be assessed and the department reserves the right to charge a photocopy fee for large documents or manuals.

If the documents you seek are not routinely available, you may be required to submit a Freedom of Information Application. The FOI application form and relevant information are found at www.der.wa.gov.au/about-us/freedom-of-information.

The department's electronic records are arranged using activities-based classification and include information about the following functions and activities:

- Biodiversity conservation
- Climate change

- Community relations
- Compensation
- Conservation estate
- Equipment fleet and stores
- Establishment
- Financial management
- Government relations
- Industry efficiency
- Information.

11.1 Internal manuals

Internal manuals can be instruction or operations-based handbooks or guidelines for managing or working the department's various internal systems.

Each division has internal manuals in one or more of the forms described, which are used in connection with the performance of their business functions and are reviewed and updated as required. Their primary purpose is to advise and guide departmental officers in their duties.

Contact the FOI Manager with the details above to obtain additional information concerning the department's internal manuals.

Information Management Compliance with the *State Records Act 2000*.

Under the *State Records Act 2000* (SR Act), the department must have an approved recordkeeping plan. The plan outlines how records are created and managed and the timeframe retained before destruction. The department's Recordkeeping Plan was approved by the State Records Commission on 23 March 2018 and updated regularly under s.28(5) of the SR Act. This provides an accurate reflection of any organisational or legislative change.

The department's electronic document management system is HP Content Manager. All documents received by the department are scanned and stored in HP Content Manager in subject-specific files or categories.

The document management system for Environmental Online is Microsoft SharePoint. All documents received through Environmental Online are stored in SharePoint.

The department also maintains corporate databases and systems to record customer information and other data.

Accessing information of related agencies

Each related agency has processes to access certain types of information and make various documents publicly available via its website

Cockburn Sound Management Council

Annual Environmental Monitoring Reports; Report Cards; State of Cockburn Sound Reports; reports from CSMC-supported research projects and technical reports are available on the CSMC website at www.wa.gov.au/service/environment/environment-information-services/cockburn-sound-management-council. Requests for water quality and seagrass monitoring data can be made to the CSMC via email or telephone, as identified on the webpage.

Contaminated Sites Committee

Appeal decisions relating to site classifications and investigation and clean-up notices are available on the Committee's website at www.csc.wa.gov.au/appeal-decisions.

Keep Australia Beautiful Council

Information on KABC, its campaigns and available resources can be accessed at www.kabc.wa.gov.au.

Waste Authority

The Waste Authority provides access to its publications, including annual reports, business plans, case studies and fact sheets at www.wasteauthority.wa.gov.au.

Air Quality Coordinating Committee

Perth AQMP annual report cards and AQCC meeting summaries are available on the AQCC website at www.der.wa.gov.au/about-us/committees/109-air-quality-coordinating-committee-aqcc.

12 Accessing documents not readily available from related agencies

Access to documents that are not readily available from a related agency may be requested under the FOI Act and discussed below.

13 Accessing documents under the FOI Act

The FOI Act gives individuals the right to apply for access to documents held by government agencies. It provides the public with the means to participate more effectively in governing the state and makes the persons and bodies responsible for state and local government more accountable to the public.

The department aims to make information available promptly, at the least possible cost and, where possible, documents will be provided outside the FOI process.

Access to documents can be granted:

- electronically
- by inspection
- hard copy
- copy of an audio
- USB (Note: If a USB is required FOI Applicant pays)

14 Making and FOI application

If you wish to make an application under the FOI Act, this must be in writing. An FOI Application Form can be found at www.der.wa.gov.au/about-us/freedom-of-information. To validate an application, under s.12 of the FOI Act. It must:

- give enough information to enable the requested documents to be identified
- provide an address in Australia to which notices under this Act can be sent
- indicate the type of access sought (i.e. inspection of a document or a copy of the document)
- be lodged at the department with any application fee payable.

An application fee of \$30.00 is payable for non-personal information (documents containing personal information relating to third parties other than the applicant). Payment can be made online by credit card at dwer.wa.gov.au/make-a-payment. An application fee is not payable if applicants only seek personal information about themselves. This means information relating to other individuals (third parties other than the applicant) is removed, including their actions.

Applications and inquiries should be directed to the FOI Coordinator and can be sent:

In-person:

Prime House, Reception, 8 Davidson Terrace, Joondalup, WA 6027

By email:

foi@dwer.wa.gov.au

By post:

Locked Bag 10, Joondalup DC WA 6919

In addition to the \$30.00 application fee (for non-personal information), processing charges may apply in dealing with an application. These charges are \$30.00 per hour (\$22.50 per hour for pensioner concession card holders or whom the department considers impecunious) and a photocopying charge of 20 cents per page. If the total charges exceed \$25.00, the department will provide an 'Estimate of Costs' outlining the documents. This will enable the applicant to either proceed with the application or exclude documents not required, which would reduce the costs. A deposit may also be requested at this stage.

Further information on FOI can be found at www.der.wa.gov.au/about-us/freedom-of-information.

15 FOI charges

A scale of fees is set under the FOI Regulations 1993 as follows.

Personal information about the applicant	No fee/charges
Application fee (for non-personal information)	\$30.00
Charge for time dealing with application (per hour or pro-rata)	\$30.00
Access time supervised by staff (per hour or pro-rata)	\$30.00
Photocopying staff time (per hour or pro-rata)	\$30.00
Per photocopy (per page)	20 cents
Transcribing from tape, film or computer (per hour or pro-rata)	\$30.00
Duplicating a tape, film or computer information	Actual cost
Delivery, packaging, and postage	Actual cost

15.1 Deposits

- An advance deposit may be required in respect of the estimated charges: 25 per cent
- A further advance deposit may be required to meet charges for dealing with the application: 75 per cent
- For impecunious applicants or those issued with prescribed pensioner concession cards, the charge payable may be reduced by 25%.

16 Notice of decision

After receiving a valid application, the agency has a period of 45 days to deal with your access application and decide whether access to the requested documents will be granted.

As the applicant, you may negotiate a new due date with the agency (shorter or longer period) or apply directly to the Officer of the Information Commissioner to reduce the time the agency has to complete the application.

The 'Notice of Decision', which is issued by the agency's Decision Maker on completion of the process, includes:

- the date on which the decision was made
- the name and the designation of the officer who made the decision
- if access is refused, the reason for claiming the document is exempt
- information on the rights of review and the procedures to be followed to exercise those rights.

17 Third parties and their rights

If the agency is considering the release of any third-party personal or business information contained in the documents relating to (not the applicant's information), under sections 32 and 33 of the FOI Act, the agency has a legislative requirement to consult with those parties to obtain their views on release.

If there is an objection to any of the information being considered for release, while the Decision Maker will form their view, which is detailed in the Notice of Decision, the documents containing any disputed information by a third party will not be released until the third party has exercised their review rights and the decision becomes final.

18 Internal review process

If the agency is considering the release of any personal or business information contained in the documents relating to third parties other than the applicant, under s.32 and 33 of the FOI Act, the agency has a legislative requirement to consult with those parties to obtain their views on release. If there is an objection to any of the information being released, while the Decision Maker will form their view on release, which is detailed in the Notice of Decision, the documents containing any information disputed by a third party will not be released until the third party has exercised their review rights.

19 External review process

If you are dissatisfied with the internal review outcome, you can apply to the Information Commissioner for an external review. An application for external review should be made to the Information Commissioner within 60 days of receiving written notice of the decision. If you are a third party affected by the agency's decision, the timeframe is reduced to 30 days.

20 Amendment of personal information

An individual has the right to apply to an agency to amend their personal information if the information contained in a document is deemed inaccurate, incomplete, out of date, or misleading. An application may be lodged with the department (see Item 13). Alternatively, it can be emailed directly to foi@dwer.wa.gov.au. Please include the title 'FOI Amendment Application' in the subject line.

In support of the amendment request, your written application should be lodged at the department via email or post and include:

- sufficient details to enable the document containing the information to be identified
- details of the matters in which the person believes the information is inaccurate, incomplete, out of date or misleading
- the person's reasons for holding that belief
- details of the amendment the person wishes to have made
- an address in Australia to which notices under this Act can be sent
- any other information or details required under regulations.

Applicants must also indicate how they wish to amend their information with the options set out in the FOI Act, for example:

- altering information
- striking out or deleting information
- inserting information
- inserting a note concerning information
- doing so in two or more of the above ways.

For further information regarding making an application for an amendment to personal information or accessing department documents, contact the FOI Coordinator at the department on 08 6364 6596 or the Office of the Information Commissioner.

21 Office of Information Commissioner contact details

Phone: 08 6551 7888

Country callers: 1800 621 244 (WA Only)

Request information via email: info@foi.wa.gov.au

Website: www.foi.wa.gov.au

Office and postal address

Office of the Information Commissioner

Albert Facey House

469 Wellington Street

Perth WA 6000 (entry off Forrest Place)

22 DWER locations and contact details

Head office

Prime House

8 Davidson Terrace
Joondalup WA 6027

Phone +61 8 6364 7000

Fax +61 8 6364 7001

Email primehouse.reception@dwer.wa.gov.au

Directions dwer.wa.gov.au/Joondalup

Postal Locked bag 10, Joondalup DC, Joondalup WA 6919

Contaminated sites information line: 1300 762 982
(Monday to Friday 8.30 am to 4.30 pm)

Pollution hotline: 1300 784 782
Emergency (24 hours)

Flooding: For assistance, phone the Department of Fire and Emergency Services on 13 3337

Regional offices

Swan Avon region

Victoria Park regional office

7 Ellam Street
Victoria Park WA 6100
T: 08 6250 8000
ellamreception@dwer.wa.gov.au

Swan measurement office

105 Kew Street
Welshpool WA 6106
T: 08 9355 6200

Regional Coordination and Measurement

Hydrologic Technology Centre

101 Kew Street
Welshpool WA 6106
T: 08 9355 6200

Kwinana Peel region

Kwinana Peel regional office

107 Breakwater Parade
Mandurah Ocean Marina
PO Box 332
Mandurah WA 6210
T: 08 9550 4222
peel@dwer.wa.gov.au

Mid West Gascoyne region

Geraldton regional office

20 Gregory Street
Geraldton WA 6530
PO Box 73
Geraldton WA 6531
T: 08 9965 7400
mailto:midwestgascoyne@dwer.wa.gov.au

Carnarvon regional office

211 Robinson Street
Carnarvon WA 6701
PO Box 81
Carnarvon WA 6701
T: 08 9941 6100
midwestgascoyne@dwer.wa.gov.au

South Coast region

Esperance regional office

92 Dempster Street
Esperance WA 6450
PO Box 234
Esperance WA 6450
info@dwer.wa.gov.au

Albany regional office

5 Bevan Street
Albany WA 6331
PO Box 525
Albany WA 6331
T: 08 9841 0100
southcoast@dwer.wa.gov.au

Goldfields region

Kalgoorlie Regional office

32 Brookman Street
Kalgoorlie WA 6430
Locked Bag 10
Joondalup DC WA 6919 Perth WA
6850
T: 08 9000 1806
mailto:info@dwer.wa.gov.au

South West region

Bunbury regional office

35-39 McCombe Road
Bunbury WA 6230
PO Box 261
Bunbury WA 6231

T: 08 9726 4111

bunbury.admin@dwer.wa.gov.au

Geographe Capes district office

Suite 1A/72 Duchess Street
Busselton WA 6280
PO Box 269
Busselton WA 6280

T: 08 9781 0111

busselton.admin@dwer.wa.gov.au

Warren Blackwood district office

c/o Department of Biodiversity,
Conservation and Attractions
Brain Street
Manjimup WA 6258

T: 08 9726 4111

bunbury.admin@dwer.wa.gov.au

North West region

Broome regional office

111 Herbert Street
Broome, WA 6725
PO Box 65
Broome, WA 6725

T: 08 9157 9810

info@dwer.wa.gov.au

Karratha regional office

The Quarter
Level 2, 25 Sharpe Avenue
Karratha WA 6714
Locked Bag 10
Joondalup DC WA
6919 Perth WA 6850

T: 08 9144 0200

northwest@dwer.wa.gov.au

Kununurra regional office

27 Victoria Highway
PO Box 625
Kununurra WA 6743

T: 08 9166 4100

kunadmin@dwer.wa.gov.au