

EIA REVIEW IMPLEMENTATION STATUS REPORT– OCTOBER 2009

Review topic	Review recommendation (from EPA Report, March 2009)	Reform project	Planned completion date	Actual completion date	Status - October 09
PRIORITY 1					
Administrative procedures	1. Review and revise the current administrative procedures	Gazette revised administrative procedures	Jul-09 Dec 09		On track – Final draft administrative procedures to EPA on 12 Nov 09.
Timelines		Set target timelines	Mar 09	Mar 09	Completed – Target timelines set Mar 09.
	2. Set target timelines for key steps in the assessment process	Establish reporting framework against target timelines	Jun-09 Dec 09		Behind – Dependent on the new project management system, which will include a project tracking system. Quarterly performance reporting to DPC ongoing since Mar 09.
	3. Prepare and implement an Environmental Protection Bulletin on the application of the 'stop the clock' mechanism	Publish guideline on EIA Timelines for Proposals to include: target timelines, managing to agreed timelines, stop the clock, adequacy of proponent documentation, referral documentation and right of review	Jun-09 Dec 09		On track – Draft Guideline to EPA on 12 Nov 09.
Levels of assessment	4. Reduce the current five levels of assessment to two	Publish guideline on new levels of assessment	Jul-09 Dec 09		On track – New levels of assessment detailed in the draft revised administrative procedures.
	5. The two levels of assessment should be proposals which will be assessed by the EPA but not subject to a public review, and those proposals that will be subject to a public review	Amend bilateral agreement with the Commonwealth	Jul-09 Dec 09		On track – Letter sent to DEWHA on 9 Sep 09 regarding the new levels of assessment and bilateral agreement. DEWHA advised changes to agreement are considered to be minor.
	6. Review the effectiveness and efficiency of the current scoping document assessment process to determine whether it would be more appropriate for the EPA to issue instructions, particularly for less significant proposals	Publish guideline on scoping	Jul-09 Dec 09		On track – Revised scoping process detailed in the draft administrative procedures.
	7. Consider amendments to the EP Act to better address the streamlined non-public review level of assessment	Refer to legislative reform process	Dec 09	Oct 09	Completed – Government announcement on the development of the 'Streamlining Measures (Environment) Amendment Bill' made on 16 Oct 09.
Outcome-based conditions		Implement new outcome-based conditions	Mar 09	Jan 09	Completed – EPA has commenced use of outcome-based conditions on case-by-case basis.
	8. Use outcome-based conditions in favour of prescriptive conditions	Reduce backlog of post EPA approvals by 50%	Jun-09 Dec 09		On track – New team appointed Jan 09. Work program till Dec 09 will address backlog.

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Outcome-based conditions	9. Prepare guideline for the development of outcome-based conditions	Publish guideline on outcome-based conditions	Aug 09 Dec 09		On track – Draft guideline to SRG meeting on 25 Sep 09. Draft guideline to EPA in Nov 09.
	10. Develop suite of model outcome-based conditions for env factors	Develop model conditions	Jun 09 Dec 09		On track – Draft model conditions in guideline on outcome-based conditions.
	11. Amend the wording of the annual compliance reporting condition	Amend wording of annual compliance reporting condition	Dec 08	Dec 08	Completed – Minor amendment to the AACR condition to EPA and SRG in Sep 09.
Risk-based EIA	12. Standardise risk terminology and definitions	Publish bulletin on risk-based approach to EIA	Dec 09		On track – Environmental Review document in preparation for the two projects on trial.
	13. Use a risk-based approach to inform key stages of the EIA process - scoping, assessment of impacts, assessment of mitigation measures		Dec 09		On track – Draft Bulletin on update of risk-based approach to EPA on 12 Nov 09.
	14. Use a risk-based approach to inform priority areas for compliance monitoring and auditing	Finalise Service Level Agreement between Inspection and Compliance Branch and EIA Division	May 09	Jul 09	Completed.
		Finalise compliance strategy for 09/10 in consultation with the EPA	Jun 09	Aug 09	Completed – 09/10 compliance strategy to SRG meeting on 25 Sep 09.
PRIORITY 2					
Project management system	15. Develop an effective project management system	Implement new project management system	Nov 09		Behind – Examining options for new project management system.
Memoranda of Understanding	16. Finalise MoUs with Departments of Mines and Petroleum, Planning and Infrastructure, Health	Publish revised MoU with DMP	Jul 09	Jun 09	Completed.
		Publish revised MoU with Dep of Planning	Dec 09		Not yet commenced.
		Publish revised MoU with DoH	Oct 09 Feb 09		On track – MoU in preparation.
Parallel processing	17. Issue an Environmental Protection Bulletin clarifying parallel processing and decision-making	Clarify parallel processing in the revised administrative procedures	Jun 09 Dec 09		On track – Parallel processing clarified in draft revised administrative procedures.
	18. Proponents should clearly define their proposal, in particular what activities are, and are not, part of a proposal				
	19. Investigations required by the EPA for EIA should phrase its requirements carefully				
	20. Activities that are clearly not part of the proposal may be issued approvals by other agencies before the EIA process is completed				

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Parallel processing	21. The definition of the proposal in the Implementation Statement should reflect the referral and as amended during the EIA process. There should be a preference for describing the environmental footprint rather than the design attributes of the proposal	Publish guideline on defining a proposal	Jul 09 Oct 09	Oct 09	Completed – Draft guideline released on EPA website for 8 week public and stakeholder consultation on 19 Oct 09.
		Publish guideline on changes to proposals after assessment (s45C)	Jul 09 Dec 09		On track – Draft guideline to SRG meeting on 25 Sep 09 and EPA on 29 Oct 09. Draft guideline to be released on EPA website for 8 week public and stakeholder consultation in Nov 09.
	22. The EPA should only constrain those decision-making authorities that have a substantial decision-making role relevant to the proposal	Confirm legal position and amend internal procedures	Jun 09 Sep 09	Sep 09	Completed.
PRIORITY 3					
Escalation protocol	23. Prepare and implement an escalation protocol to guide when and how issues should be escalated to senior management for resolution	Develop escalation procedures	Jun 09 Dec 09		On track.
Management and resourcing	24. Pursue productivity improvements through improved project management, business systems, work practices and procedures	Develop EIA Division business and workforce plan for 09/10	Jul 09 Dec 09		On track – EIA Division Planning Day held on 14 Oct 09.
		Revise performance measures and performance reporting	Jul 09 Dec 09		On track – Performance reporting will be revised as part of business planning for 09/10.
		Revise officers manual	Nov 09 Dec 09		Behind – Dependant on revised administrative procedures, guidelines and resource allocation.
		Develop EPASU information management plan	Oct 09 Feb 09		Not yet commenced – SEAK taskforce recommendations will inform management plan.
	25. Consider co-investment by Government and industry to assist in managing the workload	Prepare discussion paper on issue and options	Mar 09	Mar 09	Completed.
	26. Consider the EPA being given direct management control of its resources and business	Refer to Government for consideration	Mar 09	Oct 09	Completed – Government decision to develop an Office of the EPA announced on 14 Oct 09.
Policy framework	27. Revise current policy framework	Revise EPA policy framework	Nov 08	Sep 08	Completed.
	28. Translate existing position and guidance statements to new policy instruments	Revise existing policy statements	Jul 10		Not yet commenced.
	29. Prepare a State Environmental Strategy (SES) to provide a strategic context for developing environmental protection policies	Publish State Environmental Strategy	Mar 10		On track – Initial working group meeting planned for Oct 09.

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Priority policies	30. Review and revise EIA policies for greenhouse gas	Publish Environmental Assessment Policy on Climate Change	Jul 09 Dec 09		On track – Draft policy to SRG meeting on 25 Sep 09 and EPA on 12 Nov 09.
	31. Review and revise EIA policies for marine ecosystems	Publish bulletin on revised marine policy framework	Oct 09 Dec 09		On track – Draft guideline to working group in Aug 09. Revised guidelines to EPA in Dec 09. Some delay due to staff involvement in oil spill response in the Kimberley.
	32. Review and revise EIA policies for environmental offsets	Publish bulletin on environmental offsets for biodiversity	Sep 08	Sep 08	Completed.
		Publish bulletin on the State's important environmental assets	Dec 09		Behind – Briefing to EPA in Nov 09.
	33. Review and revise EIA policies for wetlands	Publish bulletin on wetlands	Dec 09		Behind – Dependant on resource allocation.
Strategic Environmental Assessment	34. Explore opportunities for increasing the use of two-stage assessments - initial non-binding strategic assessment followed by the binding assessment	Publish guidelines on strategic approaches to assessment	Dec 09		On track – Kimberley case study initiated.
	35. Identify mechanisms for increasing stakeholder confidence in the strategic environmental assessment provisions in the EP Act, including legislative amendment				
	36. Encourage greater use of strategic environmental assessments				
	37. Develop specific mechanisms to ensure the referral of strategic proposals in appropriate circumstances - i) MoUs with agencies, ii) agreements with proponents				
	38. Ensure the strategic environmental assessment process is consistent with the core principles				
	39. Publish detailed guidelines / toolkits to assist responsible authorities and proponents with strategic environmental assessments				

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Further work	40. Investigate and establish common-use or private / public partnerships for spatial environmental data acquisition, management and systems	Establish environmental data taskforce to develop model and prepare business case	Dec 09		On track – Interim report provided to Minister in Oct 09.
	41. Increase resourcing of non-government organisations to participate in risk-based assessment processes	Refer to Government for consideration			Ongoing – Referred to Government for consideration.
Implementation program	42. Retain the Stakeholder Reference Group (SRG)				
	43. Role of the SRG should be to provide comment on drafts, promote awareness of the reforms, give feedback on the reforms, identify any other issues	Revise the SRG's Terms of Reference	May 09	May 09	Completed.
		Publish and regularly update implementation report on website	Apr 09	Jun 09	Completed.
	44. Develop a comprehensive implementation plan that details actions, priorities, responsibilities, timelines and performance reporting	Develop communication strategy for reforms	Jun 09 Dec 09		On track – Draft communication strategy prepared and is being revised.
		Establish regular meetings between EIA Division and relevant Divisions of DEC	May 09	Jul 09	Completed.
	45. Establish an EIA Review implementation team	Appoint review implementation team and review resource allocation regularly			Ongoing – Seeking additional resources for priority projects.
	46. The Strategic Policy and Programs Division (SPPD) continue to assist with the development of priority policy and the review of current position and guidance statements	Review and revise EPA / DEC Service Level Agreement	May 09 Dec 09		On track.
47. Allocate adequate resources to the development and updating of EPA assessment policies, bulletins and procedures	Prepare 09/10 program for developing and updating EPA assessment policies, bulletins and procedures	Jul 09 Dec 09		Behind – Discussion at EIA Division planning day on 14 Oct 09.	