

EIA REVIEW IMPLEMENTATION STATUS REPORT – SEPTEMBER 2009

Review topic	Review recommendation (from EPA Report, March 2009)	Reform project	Planned completion date	Actual completion date	Status - September 09
<b>PRIORITY 1</b>					
<b>Administrative Procedures</b>	1. Review and revise the current administrative procedures	Gazette revised administrative procedures	<del>Jul 09</del> Dec 09		On track – Draft revised administrative procedures to Stakeholder Reference Group (SRG) meeting on 25 Sep 09. Comment period extended to 16 Oct 09.
<b>Timelines</b>		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	<del>Jun 09</del> Oct 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	<del>Jun 09</del> Dec 09		On track – Draft target timelines to SRG meeting on 25 Sep 09.
<b>Levels of Assessment</b>	4. Reduce the current five levels of assessment to two	Publish guideline on new levels of assessment	<del>Jul 09</del> 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	<del>Jul 09</del> Dec 09		On track – Letter sent to DEWHA on 9 Sep 09 regarding the new levels of assessment and bilateral agreement.
	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	<del>Jul 09</del> Dec 09		On track – Revised scoping process detailed in the draft revised 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		On track.

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<b>Outcome-based conditions</b>		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%	<del>Jun 09</del> Dec 09		On track – New team appointed Jan 09. Work program till Dec 09 will address backlog.
	9. Prepare guideline for the development of outcome-based conditions	Publish guideline on outcome-based conditions	<del>Aug 09</del> Dec 09		On track – Draft guideline to SRG meeting on 25 Sep 09. Comment period extended to 16 Oct 09.
	10. Develop suite of model outcome-based conditions for environmental factors	Develop model conditions	<del>Jun 09</del> Dec 09		On track – Draft model conditions to SRG meeting on 25 Sep 09. Comment period extended to 16 Oct 09.
	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.
<b>Risk-based EIA</b>	12. Standardise risk terminology and definitions	Publish bulletin on risk-based approach to EIA	Dec 09		On track – Two projects on trial. Workshop on consequence criteria for fauna held on 4 Sep 09.
	13. Use a risk-based approach to inform key stages of the EIA process - scoping, assessment of impacts, assessment of mitigation measures	Publish regular updates on risk-based trials	Dec 09		On track – Bulletin No. 7 “Risk-based approach to EIA – update” released on 17 Aug 09.
		Finalise Service Level Agreement between Inspection and Compliance Branch and EIA Division	May 09	Jul 09	Completed.
	14. Use a risk-based approach to inform priority areas for compliance monitoring and auditing	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.
<b>PRIORITY 2</b>					
<b>Project management system</b>	15. Develop an effective project management system	Implement new project management system	Nov 09		Behind – Examining options for new project management system. Dependant on resource allocation.
<b>Memoranda of Understanding</b>		Publish revised MoU with DMP	Jul 09	Jun 09	Completed.
		Publish revised MoU with Department of Planning	Dec 09		Not yet commenced.
	16. Finalise MoUs with Departments of Mines and Petroleum, Planning and Infrastructure, Health	Publish revised MoU with DoH	<del>Oct 09</del> Feb 09		On track – Working group meeting planned for Oct 09.

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<b>Parallel processing</b>	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								
	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 Dec 09		On track – Draft bulletin distributed to SRG for comment Jul 09. Revised draft guideline to EPA in Oct 09.
	22. The EPA should only constrain those decision-making authorities that have a substantial decision-making role relevant to the proposal					Publish guideline on changes to proposals after assessment (s45C)	Jul 09 Dec 09		On track – Draft guideline to SRG meeting on 25 Sep 09. Comment period extended to 16 Oct 09.
	Confirm legal position and amend internal procedures	Jun 09 Sep 09	Sep 09	Completed.					
<b>PRIORITY 3</b>									
<b>Escalation protocol</b>	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.				
<b>Management and resourcing</b>	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 to be held in mid 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, relevant 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		Referred to Government for consideration.				

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Policy framework	27. Revise the 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.
Priority policies	30. Review and revise EIA policies for greenhouse gas	Publish Environmental Assessment Policy on Climate Change	<del>Jul 09</del> Dec 09		On track – Draft policy to SRG meeting on 25 Sep 09. Comment period extended to 16 Oct 09.
	31. Review and revise EIA policies for marine ecosystems	Publish bulletin on revised marine policy framework	<del>Oct 09</del> Dec 09		On track – Draft guideline to working group Aug 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 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 guideline 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				

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<b>Strategic Environmental Assessment</b>	38. Ensure the strategic environmental assessment process is consistent with the core principles	Publish guideline on strategic approaches to assessment	Dec 09		On track – Kimberley case study initiated.
	39. Publish detailed guidelines / toolkits to assist responsible authorities and proponents with strategic environmental assessments				
<b>Further work</b>	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 to Minister expected 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.
<b>Implementation program</b>	42. Retain the Stakeholder Reference Group (SRG)	Revise the SRG's Terms of Reference	May 09	May 09	Completed.
	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				
	44. Develop a comprehensive implementation plan that details actions, priorities, responsibilities, timelines and performance reporting	Publish and regularly update implementation report on website	Apr 09	Jun 09	Completed – Implementation plan published on website and updated monthly.
		Develop communication strategy for reforms	<del>Jun 09</del> Dec 09		On track – Draft 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	<del>May 09</del> Dec 09		On hold – Dependant on Government decision regarding governance reforms for EPA.
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	<del>Jul 09</del> Dec 09		On track – Discussion at EIA Division planning day to be held in mid Oct 09.	