



EPA Policy Framework Manual

*For the development of policy in accordance with
the Environmental Protection Act 1986*

Environmental Protection Authority

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1 Purpose

The Environmental Protection Authority (EPA) has adopted a clear and structured policy framework that is consistent with the objectives and principles of the *Environmental Protection Act 1986* (EP Act).

This manual sets out the EPA's policy framework, key document types and how the EPA develops, uses and reviews its policies.

2 Scope

This manual applies to the development, approval, operation and review of all policies produced and maintained by the EPA.

Documents produced through the environmental impact assessment (EIA) process are not addressed by the EPA's policy framework. This includes EPA assessment reports, environmental scoping documents and proponents' environmental review documents published on the EPA website.

The EPA is an independent board supported by the EPA Services Directorate of the Department of Water and Environmental Regulation. Documents developed and maintained by the department are not part of the EPA's policy framework. This does not preclude the EPA from referring to or considering departmental documents or other third-party documents to undertake its business.

3 Context

The EPA's primary role is to provide independent expert advice, information and recommendations to the Minister for Environment in relation to significant projects and on environmental matters generally. Policies and guidelines are developed to promote consistency and good governance.

The term 'policy' is used broadly to describe all documents in the EPA's policy framework. This includes statutory policy that carries the force of law (section 4.1) and non-statutory policies, guidance, advice, technical material and procedures, consistent with the EPA's functions and powers under sections 16, 17 and 122 of the EP Act (sections 4.2 and 4.3). For example, this manual is non-statutory.

4 EPA policy framework

The EPA's policy framework is arranged in a hierarchical manner, with the EP Act at its apex (Figure 1). For this reason, all documents within the framework relate to the objectives, functions and powers of the EPA, as defined in the EP Act. The framework also differentiates between statutory and non-statutory policy and instruments.

Consistent with the framework, there are three separate categories within which a policy must sit:

- Environmental protection policies (EPPs) and associated regulations – see section 4.1
- Documents to support EIA – see section 4.2
- Advice and reference material – see section 4.3.

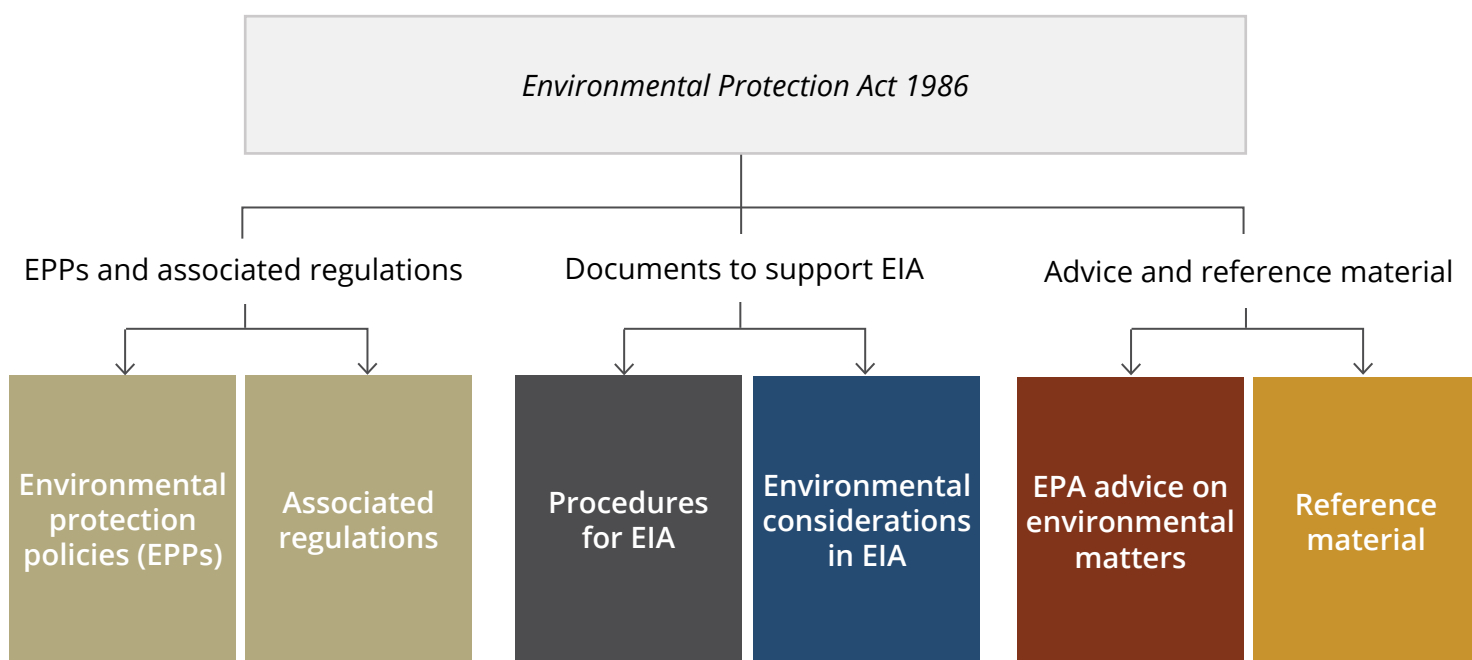


Figure 1: EPA policy framework

4.1 Environmental protection policies and associated regulations

EPPs are created under Part III of the EP Act and carry the force of law as though they had been enacted as part of the EP Act (s. 33 of the EP Act). EPPs may be accompanied by regulations under the EP Act (Figure 2). Compliance with these documents is mandatory. This is in contrast to the position of policy generally and elevates these policies and instruments above all non-statutory policy.

Part III of the EP Act specifies the requirements for the development, approval and review of EPPs.

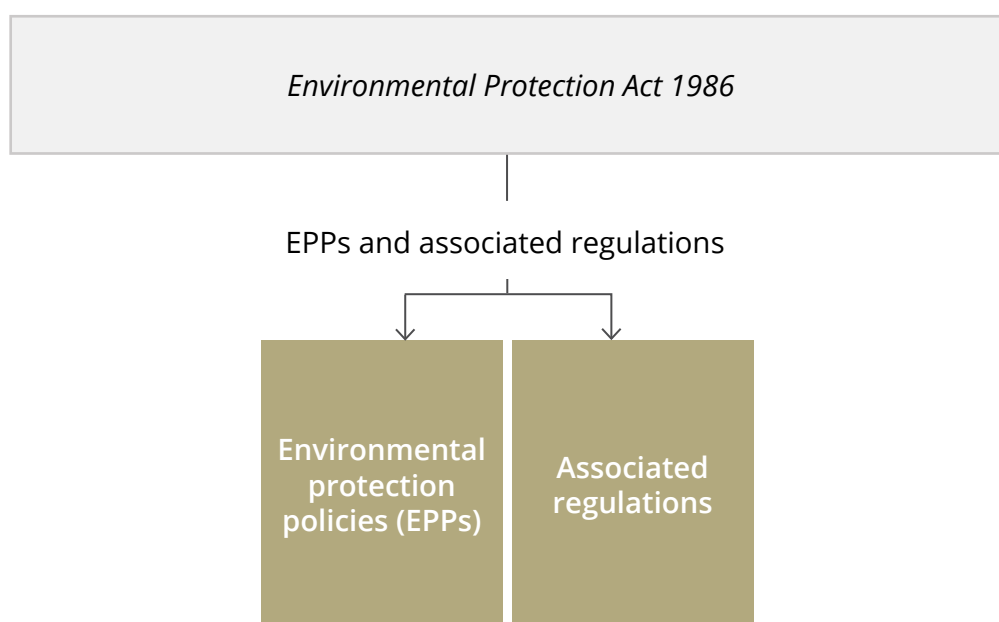


Figure 2: Environmental protection policies and associated regulations

Table 1: Key document types – environmental protection policies and associated regulation

Category	Purpose	Authorisation to develop or change
Environmental protection policies (EPPs)	<p>EPPs are statutory policies provided for under Part III of the EP Act.</p> <p>EPPs may:</p> <ol style="list-style-type: none"> relate to EIA under Part IV of the EP Act or provide independent protection for the environment above and beyond the assessment and authorisation of proposals and schemes. 	<p>Initiate: EPA (may be on request from Minister for Environment)</p> <p>Approve: Minister for Environment</p> <p>Review: EPA, on request from the Minister for Environment</p>
Environmental protection regulations	<p>The EPA may provide advice to the Minister on the making or amendment of regulations (s. 16(da) of the EP Act). Where regulations relate to the EPA's business or EPA policies (for example, regulations to support EPPs), these will be included in the EPA's framework.</p>	<p>Regulations must be approved by Parliament.</p>

4.2 Documents to support environmental impact assessment

The documents to support EIA are separated into procedural matters and substantive environmental content (Figure 3), as discussed in sections 4.2.1 and 4.2.2.

The following principles apply in the development and application of documents to support EIA:

- documents higher in the hierarchy prevail over documents lower in the hierarchy
- documents lower in the hierarchy should relate to, and be consistent with, documents higher in the hierarchy.

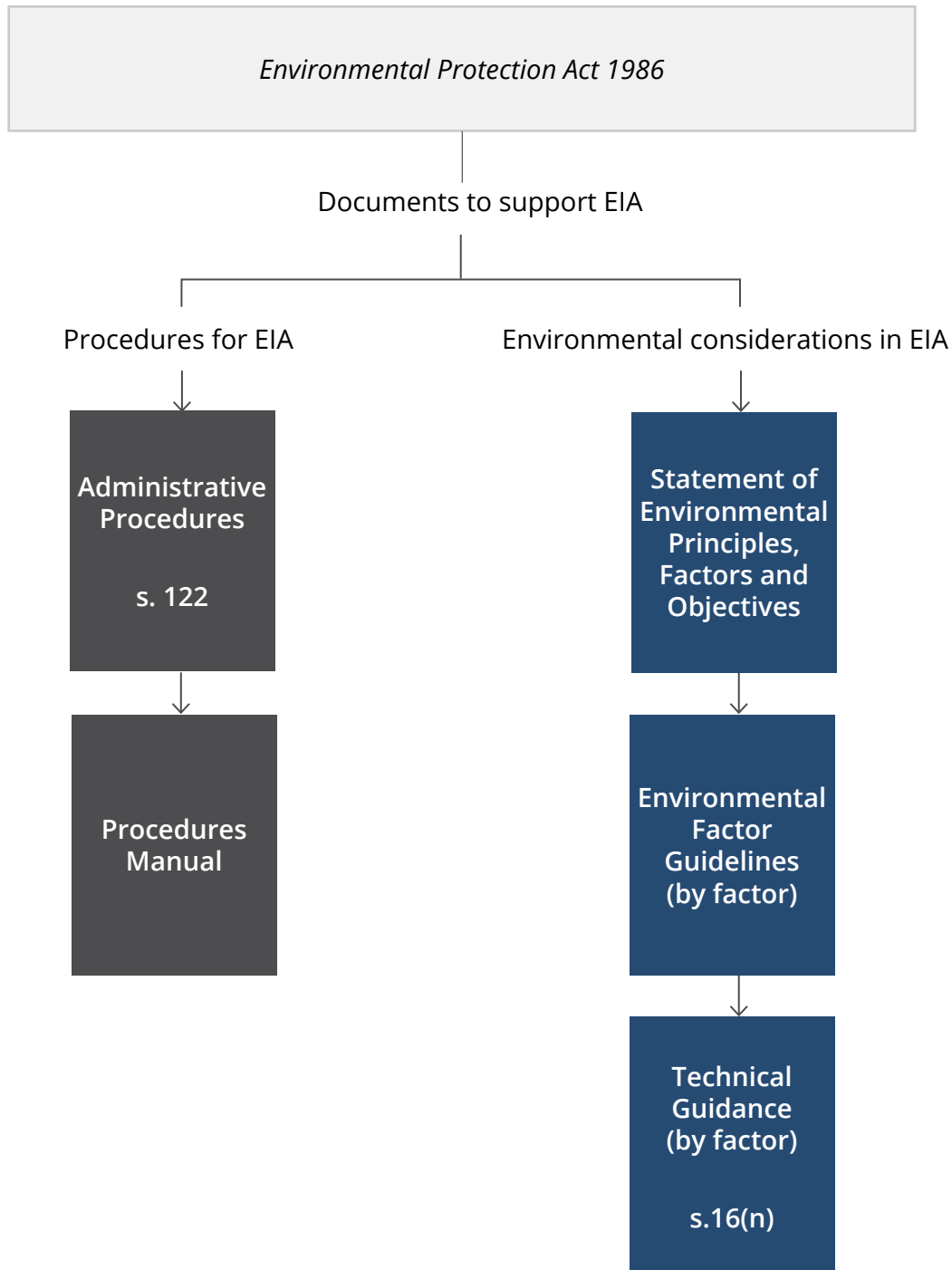


Figure 3: Documents to support environmental impact assessment

4.2.1 Procedures for environmental impact assessment

Procedures published for EIA outline the steps and process in undertaking EIA under Part IV of the EP Act. Procedural content should remain relatively fixed and stable. The procedures may be supplemented by a Procedures Manual, instructions, templates and forms, which provide detailed guidance on actions and information required at specific stages of the EIA process.

Table 2: Key document types – procedures for environmental impact assessment

Category	Purpose	Authorisation to develop or change
Administrative Procedures	<p>Sets out the essential matters of procedure to be followed as part of EIA, linking to the relevant provisions in Part IV of the EP Act, as described under s. 122 of the EP Act.</p> <p>The EPA may create separate administrative procedures for proposals (s. 38) and planning schemes (s. 48A).</p>	<p>Initiate: EPA Board</p> <p>Approve: EPA Board</p>
Procedures Manual (including instructions, templates and forms)	<p>All relevant guidance in relation to the process set out in the administrative procedures.</p> <p>Includes arrangements for bilateral agreements and agency agreements that relate to EIA.</p>	<p>Initiate: EPA Board</p> <p>Approve: EPA Board, may defer to Chairman</p>

4.2.2 Environmental considerations in environmental impact assessment

The relevant mandatory considerations that must inform the EPA's assessment of a proposal or scheme are identified in s. 44(2) (for proposals) and s. 48D(1) (for schemes) of the EP Act. In preparing its assessment report, the EPA must refer to the key environmental factors identified during the assessment of the proposal or scheme.

The environmental considerations in EIA documents are based on the environmental factors defined by the EPA that may be relevant to the assessment of a proposal or scheme (Table 3). These documents provide substantive guidance relevant to the environmental issues considered in EIA as well as addressing scientific and technical matters relevant to environmental factors.

Table 3: Key document types – environmental considerations in environmental impact assessment

Category	Purpose	Authorisation to develop or change
Statement of Environmental Principles, Factors and Objectives	<p>Identifies the environmental factors relevant to EIA, with objectives in relation to each environmental factor explicitly linked to the principles and objectives of the EP Act.</p> <p>Describes the matters the EPA considers in determining environmental significance of proposals and schemes.</p>	<p>Initiate: EPA Board</p> <p>Approve: EPA Board</p>
Environmental Factor Guideline (by factor)	<p>Sets out the EPA's understanding of a particular environmental factor, the information required for EIA, how the environmental factor is affected by activities and specific issues. Provides a consistent approach for proponents to address environmental factors, subject to changes in scientific knowledge and changes in the environment itself.</p>	<p>Initiate: EPA Board</p> <p>Approve: EPA Board</p>
Technical Guidance (by factor)	<p>Consistent with s. 16(n) and s. 16(o) of the EP Act, technical guidance (by factor) defines survey standards or criteria for:</p> <ul style="list-style-type: none"> • the collection of information/data for an environmental factor and/or • the prediction of the impact of the proposed activities upon that environmental factor. <p>This category also includes guidance on how to analyse and present the information gathered for EIA.</p>	<p>Initiate: EPA Board</p> <p>Approve: EPA Board, may defer to Chairman</p>

4.3 Advice and reference material

The advice and reference material category contains policies, advice and other documents which primarily relate to the EPA's functions outside of EIA.

Document types are separated into two groups in this category (Figure 4).

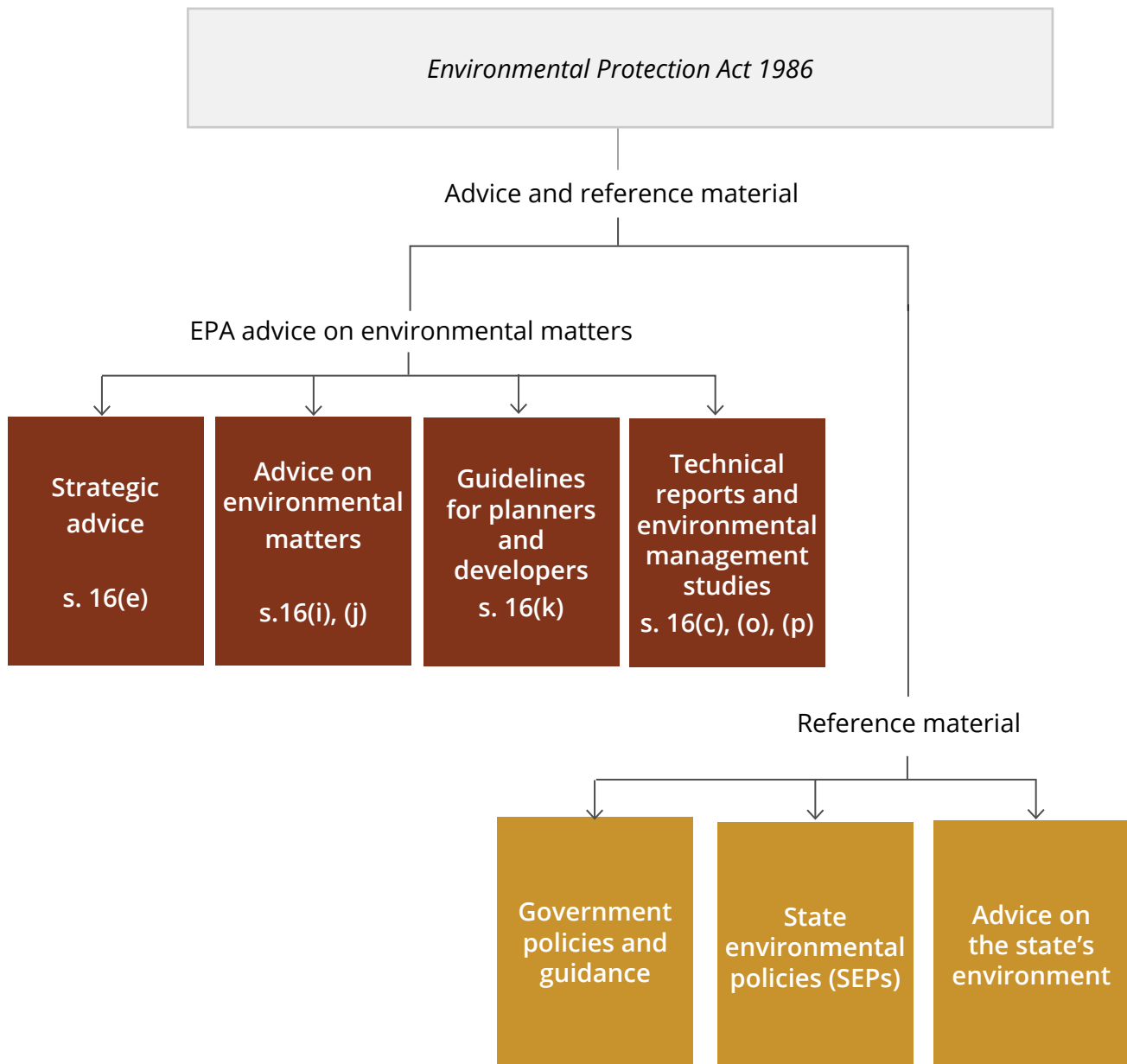


Figure 4: Advice and reference material

4.3.1 EPA advice on environmental matters

This is a broad category drawn together under the heading 'EPA advice on environmental matters', produced in accordance with the EPA's functions under Part II of the EP Act. This includes documents which provide advice, policy, standards, guidance and technical materials on the avoidance or mitigation of environmental impacts, and documents intended for other purposes that are relevant to environmental protection.

Table 4: Key document types – EPA advice on environmental matters

Category	Purpose	Authorisation to develop or change
Strategic advice	Strategic advice to the Minister for Environment, provided for under s. 16(e) of the EP Act, published on the EPA website. This may include advice on any environmental matter or on the environmental protection aspects of any proposal or scheme.	Initiate: EPA or Minister for Environment Approve: EPA Board Archive: EPA Board
Advice on environmental matters	EPA advice and reports on environmental matters generally, provided for under s. 16(i) and s. 16(j) of the EP Act.	Initiate: EPA Board Approve: EPA Board
Guidelines for planners and developers	EPA guidelines developed for use in land-use planning, consistent with s. 16(k) of the EP Act. Guidelines are developed for the purpose of assisting planners, builders, engineers or other persons to avoid or minimise the effect of their activities on the environment.	Initiate: EPA Board Approve: EPA Board
Technical reports and environmental management studies	The EPA may publish technical reports and environmental management studies consistent with s. 16(c), (o) and (p) of the EP Act. These documents may relate to technical studies, research and investigations undertaken by the EPA or may specify standards and criteria or methods of sampling and testing for any purpose. Documents may make recommendations on policy matters, but should not contain policy statements.	Initiate: EPA Board Approval to publish: EPA Board, or may defer to EPA Chairman Review: EPA Chairman

4.3.2 Reference material

The reference material category contains reference documents that the EPA has produced in the conduct of its business and government documents adopted for use in EIA (Table 5).

Table 5: Key document types – reference material

Category	Purpose	Authorisation to develop or change
Government policies and guidance	<p>Any non-statutory government policy or guidance material the EPA has agreed to use to conduct its business.</p> <p>The EPA retains discretion as to its use of documents within this category. Where documents are intended for use in EIA, they should be referred to in documents under the Procedures for EIA.</p>	EPA Board agreement is required to include documents within this category.
State environmental policies (SEPs)	SEPs are non-statutory instruments which are approved by Cabinet for adoption on a whole of government basis.	<p>Develop: EPA or Minister for Environment</p> <p>Approve: Cabinet</p> <p>Review: Cabinet</p>
Advice on the State's environment	<p>Reports and advice published on environmental matters generally, including reporting on the condition of the state's environment.</p> <p>This category may include the EPA's contributions to national state of the environment reports.</p>	EPA Board

5 Governance

5.1 Document authorisation

The EPA retains authority for all documents within the EPA policy hierarchy, apart from statutory policies and relevant state policies. The EPA will be supported by the Executive Director, EPA Services Directorate to undertake this role.

Minimum levels of authorisation to initiate and approve documents are outlined in Tables 1 to 5. The EPA Board may defer responsibility to initiate and finalise certain documents to the EPA Chairman.

Minor changes to documents may be authorised by the EPA Chairman. These changes are limited to those that do not change the intent of the document, such as correction of typographical or minor technical errors, and reference to other documents, or where non-statutory delegation has been authorised by the EPA Board.

5.2 Document custodians

A custodian will be nominated for all EPA policy documents from within the EPA Services Directorate of the Department of Water and Environmental Regulation. In addition, the EPA Services Directorate of the department will maintain a policy inventory of all EPA policy documents.

Document custodians will be responsible for document development and maintenance (version control) including necessary approvals, document reviews, consultation, publication and record keeping.

5.3 Document review

The EPA may initiate a formal review of a policy document as the need arises or develop a schedule for the regular review of policy documents. Document custodians within the EPA Services Directorate are responsible for regular review of the document/s to ensure content is current and achieving the stated purpose.

The EPA will consult with its stakeholders regarding the timing and priorities for policy reviews.

5.4 Consultation

The scope and duration of consultation will be determined based on the purpose of the policy document, the intent of review and the extent of proposed changes. The EPA may seek feedback on draft documents from its Stakeholder Reference Group (SRG) and/or other stakeholders or technical experts as appropriate.

Where the EPA considers it appropriate, draft policy documents may be published on the EPA's consultation hub for the purposes of consultation. Draft policy documents and accompanying explanatory materials are not considered part of the EPA's policy hierarchy.

Explanatory documents which clarify a policy position, such as fact sheets and frequently asked questions, may also be developed and published on the EPA's website to support the consultation process.

5.5 Status of draft documents

From time to time, the EPA may develop draft policy documents for consultation purposes. These documents will be clearly marked as draft and should not be relied on for any policy purpose. Draft documents will retain this status until such a time as the EPA decides to either approve, approve with amendments or refuse to approve the document.

5.6 Document titles, publication and record keeping

Document titles should reflect the category of the document to avoid confusion regarding their intended use.

Once approved, all policy documents will be published on the EPA website (www.epa.wa.gov.au).

Document custodians are responsible for ensuring currency of published documents and record keeping related to these documents.

6 Policy framework custodian

The EPA Chairman is the custodian of this Policy Framework Manual. The custodian will ensure that:

- a database is maintained of all current EPA policy documents
- reviews are undertaken to determine consistency with the framework
- the framework is reviewed to ensure it remains effective and relevant.

The Executive Director, EPA Services Directorate will support the EPA Chairman in undertaking the policy framework custodian role.

7 Implementation and review of policy framework

The EPA's policy framework was established in December 2016 and was reviewed after 12 months. The EPA may decide to review or revise the framework, or parts of the framework at any time. The EPA will consider the timing and extent of reviews of the effectiveness and application of its policy framework in consultation with stakeholders. The framework will be updated to reflect any changes to the EP Act as necessary.

8 References

Environmental Protection Authority 2019, *Environmental Protection Authority Strategic Plan 2019-2022*. Available from: www.epa.wa.gov.au/pages/strategic-plan.

Environmental Protection Authority 2018, *Environmental Protection Authority Stakeholder Reference Group Terms of Reference*. Available from: www.epa.wa.gov.au/stakeholder-engagement.

Quinlan, PD, Heenan, EM and Govinnage, SU 2016, *Independent Legal and Governance Review into Policies and Guidelines for Environmental Impact Assessments under the Environmental Protection Act 1986 (WA)*. Available from: www.epa.wa.gov.au/legal-and-governance-review.

