

Department of Water and Environmental
Regulation
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Dear Ms Andrews

IMPLEMENTING COST RECOVERY FOR PART IV OF THE ENVIRONMENTAL PROTECTION ACT 1986

The Environmental Protection Authority (EPA) supports the Department of Water and Environmental Regulation (DWER)'s recovering its costs in relation to the referral, assessment and implementation of proposals under Part IV of the *Environmental Protection Act 1986* (WA). The EPA also supports the proposed concepts and design elements of DWER's cost recovery system as set out in the draft consultation regulations (September 2021). The EPA believes the draft regulations are likely to provide an efficient, practical system for recovery of DWER costs.

The EPA in particular welcomes the regulations' adoption of fundamental principles which are key to preserving the EPA's independence in decision-making processes for environmental impact assessment under Part IV. These principles include:

- Costs will be recovered for defraying DWER costs in servicing the EPA in performing its assessment functions under Part IV. However, costs will not be recovered for the costs of the EPA itself. This is important to ensure the EPA is not seen to be "paid" for assessments in a way which could influence the EPA's assessment processes or outcomes.
- Decisions made under Part IV which could lead to costs being recovered will be made by the EPA (or delegate) independently of the costs which may be recovered by DWER as a result. Although the CEO (or delegate) is proposed to estimate an assessment fee as soon as practicable after the EPA makes a decision to assess a proposal, the actual fee is only proposed to be determined by DWER after the EPA has made its independent decisions throughout the assessment process, and has provided its assessment report to the Minister.

The EPA thanks DWER for its services to the EPA and looks forward to this continuing under the proposed cost recovery model.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'MT' followed by a stylized flourish.

Dr Matthew Tonts
CHAIR

22 October 2021