

MINING — FIMISTON STAGE 3 PUBLIC ENVIRONMENTAL REVIEW

2907. Mr M.J. Birney to the Minister for the Environment

With reference to the Fimiston Stage 3 Public Environmental Review (PER) proposal assessment Number 1581 and the Minister's remittal of the two October 2007 bulletins back to the Environmental Protection Authority (EPA), I ask:

- (a) is it correct that previously all persons who had made submissions to the (EPA) on any proposals were given the courtesy and consideration of receiving a copy of the report and recommendations (bulletins) produced; and
 - (i) if no to (a) what specifically is correct; and
 - (ii) if yes to (a) on what date did this change and why;
- (b) will the Minister ensure that all persons who took the time and effort to make submissions to the EPA on the above PER document are given the courtesy of being sent a copy of the new report and recommendations (bulletins) on this project; and
 - (i) if no to (b) why not; and
- (c) in remitting the old bulletins back to the EPA for this proposal, will the Minister direct/ensure that the EPA takes particular attention to ensure that the proponent is made to address all points and issues that were raised previously in all submissions which may have been ignored/overlooked in its new response to public submissions and that the EPA makes comment on these points in the new bulletins released; and
 - (i) If no to (c) why not?

Mr D.A. TEMPLEMAN replied:

- (a) Yes.
 - (i) Not applicable.
 - (ii) In the 2006/07 financial year the EPA moved to electronic release of bulletins, with all major stakeholders being advised of this change. The change was made for obvious environmental and resource reasons.
- (b) All persons who took the time and effort to make a submission are personally advised of where to access the report on the internet, and invited to request a hard copy to be posted if that is their preference.
 - (i) All submitters during the public review period are sent an acknowledgement on receipt of their submission. This acknowledgement includes the information that the EPA's report and recommendations will be available on the EPA website on release, including a response to submissions. It is also stated that releases are advertised in 'The West Australian' newspaper on Mondays.

If people do not wish to access the report via the internet, then a copy of the EPA bulletin will be posted on request.
- (c) No.
 - (i) I directed the EPA to assess the proposal more fully due to my concern that there may have been a perception of bias and/or conflict of interest arising from the previous assessment because the former Chairman had received payments from the proponent for some consultancy work several years ago. Re-assessment under a new Chairman with the final signoff of the report by the full EPA, rather than delegated to the Chairman, would remove that perception.

Further, under the EPA Administrative Procedures 2002, the proponent is required to prepare a summary of the pertinent issues raised in public and government agency submissions. The proponent is then required to respond in writing to the summary of issues and any other issues the EPA may consider need to be addressed. The proponent is not required to address all points raised in every submission and neither is the EPA required to comment on every point in their advice. Issues raised in submissions that do not relate to the environmental factors of the current proposal are outside the scope of the EPA's assessment and will generally not require a response.

