



## Community Information Open Day

### Fact sheet 9

#### Industry licensing reform

In 2003 the Department engaged Welker Environmental Consultancy to undertake an independent strategic review of Western Australian licence conditions (known as the 'Welker review'). Recommendations of the Welker review were endorsed by Government and became part of DEC's own agenda for industry licensing reform in Western Australia.

The Welker review related to ensuring that licence conditions were clear, consistent, enforceable and focussed on activities that pose a significant environmental risk and that a documented and transparent process was used to justify why conditions were or were not imposed on licences. Since 2003 DEC has been systematically reviewing existing licences and ensuring that all new licences are consistent with this recommended approach.

In addition to the recent licence review, key components of DEC's approach to industry licensing reform have related to:

- increased opportunities for stakeholder input and access to decision making
- determining more efficient and effective regulatory approaches – acknowledging that licences are one of a range of proactive and coercive regulatory and non-regulatory instruments available to ensure the environment is protected
- reviewing the list of prescribed activities to reduce the number of licensed premises to those that pose a substantial ongoing environmental risk and determine where other mechanisms under the Act can be used to achieve an equivalent or better environmental outcome
- an increased enforcement and compliance presence
- improvements in information supplied to the public, and
- documenting decision-making in an open and transparent manner in environmental assessment reports.

#### DEC review of licences and Environmental Assessment Reports - Current status

DEC regulates clay brick manufacturing by works approvals and licences issued under Part V of the *Environmental Protection Act 1986* because clay brick manufacturing premises are prescribed in the Environmental Protection Regulations 1987.

The licence review program stems from recommendations of both the Welker review of the licensing system and the Robinson review of enforcement. DEC's licence review program involves the detailed review of existing licences for premises currently licensed pursuant to the *Environmental Protection Act 1986*. The Welker review's key objective is to reformat licences to ensure they are more relevant, understandable, legally enforceable and consistent with current DEC policies.

Both the Welker and Robinson reviews highlighted that many licences contain conditions that are inappropriate and/or unenforceable, and recommended that a systematic review of licences should occur. Based on this recommendation, DEC has already reviewed six major brickwork facilities that are prescribed premises in Western Australia and more reviews will be completed over the coming months.

As at 25 January 2007, the following clay brick manufacturers have had their licences reviewed by DEC:

- Austral Bricks, Armadale
- Austral Bricks, Bellevue\*
- Austral Bricks, Cardup
- Austral Bricks, Caversham\*
- Austral Bricks, Malaga
- Midland Brick, Middle Swan\*

\*Brickwork facilities located in the Swan Valley

Another key recommendation of the Welker review was the development of an assessment report to accompany all licences. The intent is for this document to be publicly available, and to outline the decision making-process undertaken in drafting conditions, including the derivation of any limits specified in the licence. Environmental assessment reports examine emissions from each of the brickworks against relevant health and environmental standards, and the requirements of the Department's updated Brickworks Licensing Policy (2005). The reports are used to derive licences with revised conditions and will accompany all new licences issued by DEC and existing licences as they are reviewed. This approach is consistent with DEC's program to progressively develop environmental assessment reports and licences with revised conditions for all premises prescribed in the Environmental Protection Regulation 1987, not just clay brick manufacturing premises.

Draft environmental assessment reports and licences with revised conditions have been prepared by an independent consultant and are largely complete. The process used to assess the sites and draft licences with revised conditions are in accordance with standard DEC procedures. As is the case with any new or amended licence, these drafts will be available for a public comment period before amendments are made to current brickwork licences as a result of the review process.

The public comment period is scheduled to begin in February 2007, at which time the draft environmental assessment reports and reviewed licences will be available on DEC's website, [www.dec.wa.gov.au/licensing](http://www.dec.wa.gov.au/licensing). In addition to placing a notification of the public comment period in *The West Australian*, DEC is intending to write to interested stakeholder/community contacts, informing them of the opportunity to be involved.

Once reviewed, the licences will be subject to a three week appeals period and any party who wishes to object to the conditions in the reviewed licences may lodge an appeal with the Minister for the Environment. For more information on the DEC licence amendment process refer to Fact sheet 6.