



15 November 2018

Cost Recovery Responses
Department of Water and Environmental Regulation
Locked Bag 33
Cloisters Square
PERTH WA 6850
By email: fees@dwer.wa.gov.au

To whom it may concern,

RE: KPCA Submission in Response to the Discussion Paper on Cost Recovery for the Department of Water and Environmental Regulation

I am writing on behalf of the Kimberley Pilbara Cattlemen's Association (KPCA) to provide comments in relation to the Discussion Paper on Cost Recovery for the Department of Water and Environmental Regulation (DWER).

By way of background, the Kimberley Pilbara Cattlemen's Association (KPCA) is an industry development and advocacy body that represents a diverse range of producers with, on a cumulative basis, with significant pastoral land holdings across the Kimberley and Pilbara and into the Gascoyne region of WA (i.e. the north of WA). The membership base is also inclusive of Aboriginal producers and a number of related businesses servicing the industry. The KPCA's membership base is inclusive of a number of producers that either currently or in future will require native vegetation clearing permits and/or water licences to operate their businesses.

The KPCA would like to provide the following feedback in relation to the Discussion Paper but also the consultation process utilized by DWER:

- The Discussion Paper is deeply flawed in that it is solely focused on DWER's needs/perspectives on shifting to a cost recovery model for native vegetation clearing permits and/or water licences and permits and does not take into account industry's needs. In particular, this includes the need for:
 - Timeframe certainty/a service level guarantee from DWER to applicants/industry if there is a shift to a cost recovery model and what this would look like based on the fee structure being considered (benchmarked to other jurisdictions). This is imperative given the current timeframe uncertainty, poor systems and processes and variability in approaches to assessments/approvals;

- Consideration of the overall cost imposts/burden and timeframes already faced by industry in working through the approvals process as it currently stands and also moving forward (e.g. in relation to undertaking environmental assessments including flora and fauna surveys, hydrogeological studies and associated monitoring activities) nor the overall capital and operating costs faced by industry to operate profitably and stimulate economic activity in remote and regional areas.
- The paper provides no clarity on how the State nor DWER for that matter seeks to balance the need for economic activity and growth in remote and regional areas of WA against its apparent desire to make up for cuts in funding for the agency to arguably conduct its core business and be an effective regulator to carry the confidence of all stakeholders. The paper is at the outset flawed in assuming in its key premise that taxpayers and the State do not derive any benefit from economic activity and that their only interest is shifting costs to those who derive benefit from vegetation clearing permits and water licences and permits.
- The paper does not consider what happens if an applicant pays a fee up-front and has to withdraw an application due to insufficient information being provided and whether they would need to pay a fresh set of fees on re-submission.
- Lastly, the paper does not consider whether the introduction of a fee for service/cost recovery model for vegetation clearing permits may drive proponents to instead opt to progress approvals under Part IV of the *Environmental Protection Act 1986* (WA) to avoid the fees. It is noted that this would not be possible with water licences/permits.

In relation to the consultation process run by DWER, this caused considerable frustration and confusion for stakeholders as was evidenced in the lead up to and session run in Broome on 16 October 2018, amongst others. This was compounded by the initial Broome session being cancelled not long after the Discussion Paper was released and it being unclear in discussions with agency personnel whether the subsequently announced session in Broome would actually proceed which hampered our ability to circulate the information to stakeholders with sufficient notice. Irrespective, the fact that DWER did not take the time to communicate directly to current native title vegetation clearing permit and/or water licence/permit holders and applicants regarding the discussion paper and consultation sessions did not help.

On the basis of the above comments, it is the KPCA's view that DWER needs to fundamentally revisit the options and concepts canvassed in the Discussion Paper and look at revising it to also take into account issues from industry's perspective so that a more balanced discussion and engagement can occur with affected/interested stakeholders. In the absence of this, it will not be possible to garner stakeholder support for a shift to a cost recovery model.

Please do not hesitate to contact our CEO, Emma White via [REDACTED] or [REDACTED]
should you wish to discuss the issues raised in this submission further.

Yours sincerely,

[REDACTED]

David Stoate
Chairman Elect