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Department of Biodiversity,
Conservation and Attractions

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The role of the State Government in managing contaminated sites

The State Government, through the Department of Environment and Conservation (DEC), has the overall responsibility for developing, administering, and enforcing the *Contaminated Sites Act 2003* (Act) and its associated procedures. The State Government is responsible for the following areas:

- Classification of sites
- Information accessibility
- Accreditation of contaminated site Auditors
- Remediation of orphan sites
- Enforcement of the Contaminated Sites Act 2003
- Issuing contamination audit certificates
- Issuing exemption certificates

What the State Government does not do:

- Investigate potentially contaminated sites on behalf of other people. It is the responsibility of the site owner, occupier, or the polluter (where applicable) to appoint an independent environmental consultant to investigate the site. For further information refer to Fact Sheet 5, *How to hire a contaminated site consultant or an Accredited Auditor*.
- Clean up contaminated sites (other than orphan sites or sites owned by the State Government). It is the responsibility of the polluter, site owner or occupier to remediate (clean up) a contaminated site. Only in exceptional circumstances where a site poses a risk to the environment or to human health, will the State Government consider remediating the site, however it can later recover all costs from the responsible parties.

Role of DEC

DEC is the primary administrator of the *Contaminated Sites Act 2003*. It is responsible for administering the Act, Contaminated Sites Regulations and the procedures associated with it, including:

- Classifying sites, notifying relevant parties about classifications, updating records and ensuring memorials are placed on Certificates of Title when required.
- Ensuring updated contaminated sites information is available to the public on the Contaminated Sites Database located at www.dec.wa.gov.au/contaminatedsites.
- Ensuring contaminated sites guidelines (such as the Contaminated Sites Management Series) are kept up-to-date and accessible to members of the public.
- Enforcement of environmental breaches - issuing investigation, clean up and hazard abatement notices.
- Accrediting qualified professionals to act as contaminated site Auditors, and regulating this process.
- Issuing contamination audit certificates.

In most cases, DEC is the first point of contact for information related to the Act, site classifications, or contaminated sites in general.

Role of other State Government bodies

- The Minister for the Environment appoints the Contaminated Sites Committee members and is ultimately responsible for the remediation of orphan or State-owned sites through the Contaminated Sites Management Fund – a fund to be used for investigating and cleaning up State and orphan sites.
- The Contaminated Sites Committee is a statutory committee comprised of environmental and legal experts who are responsible for determining who is responsible for remediating sites and deciding appeal outcomes.
- Senior managers from DEC, LandCorp, Departments of Health, Treasury and Finance, and Planning and Infrastructure comprise the Contaminated Sites Advisory Panel. This panel is responsible for prioritising the investigation and remediation for orphan or State-owned sites.





- The Western Australian Planning Commission (WAPC) and local government planning authorities are responsible for placing conditions on subdivision, rezoning, building and other planning applications where contamination requires investigation and/or remediation before redevelopment/development/building occurs.
- LandCorp is responsible for the investigation and remediation of orphan sites on behalf of the State Government.
- The **Department of Health (DoH)** assists DEC with classifying sites and issuing investigation, clean-up and hazard abatement notices. DoH also provides health advice on certain aspects of contaminated site management.
- The **Department of Land Information** is responsible for registering memorials on Certificates of Title, under instruction from DEC.

Need more information?

DEC has published a series of fact sheets and administrative and technical guidelines to assist with the assessment, management and remediation of contaminated sites in Western Australia; these are available by going to www.dec.wa.gov.au/contaminatedsites.

Further information is available by mail from the address below or by calling the Contaminated Sites Section on 1300 762 982.

Contaminated Sites Section
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