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Department of Biodiversity,
Conservation and Attractions

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How do I report a site?

Reporting a known or suspected contaminated site to the Department of Environment and Conservation (DEC) under S11 of the Contaminated sites Act 2003 (Act)

Historically, individuals or companies causing pollution were either not aware of the contamination they were causing, or didn't properly report it. Similarly, contamination is not always obvious to the naked eye and it is possible that there are many contaminated sites in Western Australia that have not been reported to DEC. If you know, or suspect that a particular site or property may be contaminated, you can report the site to DEC. The department is able to use its powers under the Act to ensure the site is appropriately managed.

Who must report a contaminated site?

The Act requires the following individuals to report a known or suspected contaminated site to DEC:

1. An owner or occupier of the site;
2. A person who knows or suspects that he or she has caused, or contributed to, the contamination; or
3. An accredited contaminated sites Auditor engaged to report on the site for the purposes of the *Contaminated Sites Act 2003*.

If any of the above parties *suspect* a site to be contaminated, they must report the suspected contamination as soon as is reasonably practicable. However if they *know* that a site is contaminated it must be reported within 21 days of first becoming aware of the contamination. They may apply for an extension from DEC before the 21-day period expires.

Failure by the abovementioned parties to report a known or suspected site is considered an offence under the Act. This can attract penalties of up to \$250,000 for individuals or \$1,250,000 for companies, plus daily fines of up to \$50,000 for each day, or part-day of failing to submit the prescribed form and report the site.

A six-month grace period applies from the date of the commencement of the Act. Owners with numerous or complex sites can apply in writing, within the same six-month period, to enter into a program for reporting sites subject to approval and conditions set by DEC.

For more information on known or suspected contaminated sites, refer to the DEC Guideline, *Reporting of known or suspected contaminated sites* located at www.dec.wa.gov.au/contaminatedsites.

How to report a site

To report a known or suspected contaminated site to DEC, a *Reporting a known or suspected contaminated site form (Form 1)* must be completed. DEC will only accept written submissions. In order to identify a site, DEC requires a sufficient description of the location and extent of the site, and a summary of the information that supports your suspicion that the site is either contaminated or possibly contaminated. The person submitting the report is required to give their name and contact details and must sign the form.

A *Reporting a known or suspected contaminated site form* can be downloaded from www.dec.wa.gov.au/contaminatedsites or by contacting the Contaminated Sites Section on 1300 762 982.

Significant penalties of up to \$250,000 for individuals or \$1,250,000 for companies may apply if it is determined that a site has been reported maliciously, or without reasonable grounds to suspect that a site is contaminated.

Please refer to Fact Sheet 7, *Identifying possibly contaminated sites* or the DEC Guideline, *Reporting of known or suspected contaminated sites* before reporting a suspected contaminated site.

Once DEC has received your written submission, the site will be classified accordingly and the need for any investigation or remediation determined. For more information on site classifications, refer to Fact Sheet 9, *Site classifications – what do they mean?* or the DEC Guideline, *Site classifications*.



Who else may report a site?

If any other person, that is, someone other than the people listed in points 1-3, becomes aware of known or suspected contamination, they may report it, but are not obliged to do so.

Personal details will remain **strictly confidential** and cannot be accessed through any public database or Freedom of Information request (unless you specifically authorise their release).

The mandatory information on the form must be completed, along with any other supporting information and sent to:

Department of Environment and Conservation
Locked Bag 104
Bentley Delivery Centre WA 6983

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
Department of Environment and Conservation
Locked Bag 104
Bentley Delivery Centre WA 6983