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Department of Biodiversity,
Conservation and Attractions

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Regulatory notices

What is a regulatory notice?

A regulatory notice is a collective term used to describe a written clean up notice, hazard abatement notice and/or investigation notice issued by the Department of Environment and Conservation (DEC) under the provisions of the *Contaminated Sites Act 2003* (Act).

When can a regulatory notice be issued?

DEC may issue a regulatory notice if there are sufficient grounds to indicate that appropriate action has not been taken to investigate, monitor or assess, or remediate a site (not already in the process of being voluntarily remediated), or if there is an immediate and serious risk of harm to human health, the environment or any environmental value. DEC may give more than one regulatory notice in respect of a particular parcel of land, site or person.

A regulatory notice may be issued under the Act to the following individuals:

- a person responsible for the remediation of the site, if given in relation to a site classified as *contaminated – remediation required*;
- a person who would be responsible for the remediation of a site if the land to which the notice relates was land that comprised all, or part of, a site classified as *contaminated – remediation required*; and/or
- an owner or occupier of land that comprises all, or part of, the site to which the notice relates.

A regulatory notice is binding on each party to whom it is given, on any new owners and owners who refuse entry to the site for remediation in accordance with the Act.

A notice will specify the reasons why it has been issued and what action is required to be completed at a site e.g. investigation, remediation (clean-up), and the timeframe for completion of the action. Failure to comply with a notice may result in a conviction and fines of up to \$500,000, with daily penalties of up to \$100,000.

Notice recipients may be required to prepare and implement plans for the investigation of sites, remediate sites and prepare and implement community consultation plans.

The notice recipient must also engage an accredited Contaminated Sites Auditor to report on the actions taken to comply with the requirements of the notice. You should refer to Fact Sheet 5, *How to hire a contaminated sites consultant or an Accredited Auditor* for more information or go to www.dec.wa.gov.au/contaminatedsites.

Powers of the DEC chief executive officer - ensuring compliance with notices.

The DEC chief executive officer is able to enter onto land to determine if a notice is being complied with.

When a regulatory notice is issued, each owner or occupier of a site who has not been given the notice, and therefore not bound by the notice, is to be provided with a copy of the regulatory notice.

Appeals against the requirements of an investigation or clean-up notice

The person on whom the investigation or clean-up notice is binding may appeal to the Contaminated Sites Committee against the requirements of the notice. You should refer to Fact Sheet 11, *Rights of appeal under the Contaminated Sites Act 2003* for more information or go to www.dec.wa.gov.au/contaminatedsites.

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

