



## **Role of the Contaminated Sites Committee**

This information sheet provides a general introduction to the work of the Contaminated Sites Committee. More detailed information about the Committee's work, and requirements relating to the submission of applications and appeals to the Committee, is available on other information sheets produced by the Office of the Contaminated Sites Committee and on the Committee's website. Further details are included over the page.

## **What is the Contaminated Sites Committee?**

The Contaminated Sites Committee is an independent committee established pursuant to the Contaminated Sites Act 2003 (the Act) to make decisions under the Act, about responsibility for remediation of contaminated sites and to determine appeals against certain decisions of the Chief Executive Officer (CEO) of the Department of Environment and Conservation (DEC). The committee is appointed by the Minister for the Environment, is fully independent of DEC in its decision making role and is empowered under the Act to establish its own procedures. Its decisions are final, except on points of law which may be appealed to the Supreme Court.

## **What matters does the Committee determine?**

Under the Act, the Committee is responsible for:

- deciding appeals from eligible persons against classifications allocated to sites by the CEO of DEC;
- deciding appeals from eligible persons against the issue or a requirement of investigation or clean up notices given by the CEO of DEC;
- determining responsibility for remediation when requested to do so by an "interested person" (as prescribed in the Contaminated Sites Regulations 2006), or on its own initiative;
- receiving and assessing disclosure statements and deciding whether the criteria for issuing exemption certificates are met;
- determining whether or not to cancel, amend or transfer exemption certificates; and
- determining responsibility for remediation to facilitate the recovery of State costs incurred at orphan sites.

## **How does the Committee determine matters?**

The process for assessing and determining appeals and applications submitted to the Committee is governed by the Act and the Contaminated Sites Regulations 2006 (the Regulations).

In all cases, the person lodging an appeal or application will be required to provide the Committee with the details of the case, or the grounds of the appeal, or the relevant information, in writing. The appeal or application must be in the form prescribed in the Act and/or the Regulations. Information sheets 2, 3, 4 and 5 set out the form and requirements for each type of appeal and application dealt with by the Committee. The Committee will seek written advice or information in relation to issues raised in appeals and applications, from the CEO of DEC and from any other person it considers necessary to consult, in order to make its decision.

The Committee will endeavour to act with as little formality and technicality and with as much expedition as the circumstances permit, having regard to procedural fairness and the substantial merits of the case. The Committee is not bound by the rules of evidence.



In most cases the Committee will make its decision on the written information provided by the applicant or appellant, the CEO of DEC and any other person who has been requested to provide information to the Committee.

Prior to making a decision about a person's responsibility for remediation of a site, or to cancel or amend an exemption certificate, the Committee will provide the person considered responsible for remediation of the site or the holder of an exemption certificate relevant to the site, with written notice of its proposed decision. The person will have an opportunity to make a submission to the Committee, if he or she disagrees with the proposed decision.

In regard to appeals against site classifications and statutory notices issued by DEC, after assessing all of the information in relation to an appeal, the Committee may –

- a) affirm the classification, decision or requirement appealed against;
- b) substitute or vary the classification, decision or requirement appealed against; or
- c) set aside the classification, decision or requirement and make a decision or substitute a requirement, notice or classification that the Committee thinks just.

In all cases, the Committee will provide the appellant or applicant, the CEO of DEC and any other affected party with written notification of its decision.

### Other information sheets

2. Lodging an appeal against a site classification
3. Lodging an appeal against an investigation or clean up notice
4. Lodging an application to determine responsibility for remediation
5. Lodging an application for an exemption certificate (disclosure statement)

### Contact Details

The Office of the Contaminated Sites Committee  
Level 22 Forrest Centre  
221 St Georges Terrace  
PERTH WA 6000

E-mail: [consitescommittee@dec.wa.gov.au](mailto:consitescommittee@dec.wa.gov.au)  
Website: [www.consitescommittee.wa.gov.au](http://www.consitescommittee.wa.gov.au)

Phone: (08) 6467 5201  
Fax: (08) 6467 5209