

September 14, 2021

Department of Water and Environmental Regulation  
Better Regulatory Branch  
Locked Bag 10  
JOONDALUP DC WA 6919  
(Sent via email: [bilateralregulations@dwer.wa.gov.au](mailto:bilateralregulations@dwer.wa.gov.au))

Dear Sir/Madam,

**RE: DRAFT ENVIRONMENTAL PROTECTION (BILATERAL AGREEMENTS) REGULATIONS 2021**

The Australian Petroleum Production & Exploration Association (APPEA) would like to thank you for the opportunity to provide comment on the proposed draft Environmental Protection (Bilateral Agreements) Regulations 2021 (the Draft Regulations) developed by the Department of Water and Environmental Regulation (DWER) released on 24 August 2021.

**Oil and gas industry in Western Australia**

APPEA is the peak national body representing upstream oil and gas explorers and producers with interests in Australia. APPEA's member companies account for more than 95 per cent of Australia's petroleum production, the majority of which is produced from facilities located in Western Australia (WA). The oil and gas industry in WA is a major contributor to the state and national economies creating jobs and business opportunities whilst providing oil and gas to domestic and international consumers. Further information about APPEA and the Australian oil and gas industry can be found at [www.appea.com.au](http://www.appea.com.au).

**Comments on the Draft Regulations**

Environmental regulation of the oil and gas industry is an essential element of project approvals. APPEA understands the importance of effective environmental regulation to ensure high standards are maintained that meet the expectation of the WA community.

APPEA is supportive of DWER's aim to streamline approval processes through the continuation of bilateral agreements between States, Territories, and the Commonwealth. Bilateral agreements can eliminate unnecessary duplication during approval processes which can improve regulatory efficiency and lower the risk of delays and uncertainty of a project. In short, the continuation of enabling bilateral agreements for environmental regulation is sensible and facilitates good outcomes for industry and the environment alike.

APPEA understands that the Draft Regulations would apply to the existing assessment bilateral agreement<sup>1</sup> which has been in place since 2014 and any new bilateral agreement that may be entered into in the future. This would then cover an approval bilateral agreement which the State is currently working through with the Commonwealth. At this stage, given the Draft Regulations

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<sup>1</sup> Assessment bilateral agreement made under section 45 of the *EPBC Act 1999* (Cth).



simply set out the procedure for a person to apply for a matter to be dealt with under a bilateral agreement, APPEA sees no negative impacts and welcomes the Draft Regulations.

### **Conclusion**

APPEA is supportive of bilateral agreements being in place to improve and better facilitate environmental regulation and reduce duplication between jurisdictions. The Draft Regulations will be important when future bilateral agreements come into effect, ensuring there is already a framework in place and there is a clear procedure for a proponent to apply for their matter to be dealt with under the agreement.

If you have any queries on any of the information provided in this submission, please do not hesitate to contact Tessa Liddelow on 0484 827 504 or [tliddelow@appea.com.au](mailto:tliddelow@appea.com.au).

Yours faithfully,

A handwritten signature in black ink, appearing to read "Claire", with a long, sweeping horizontal flourish extending to the right.

**Claire Wilkinson**  
**Director – Western Australia**