



Department of  
the Premier and Cabinet

Whole of Government

# Parallel Decision-Making Policy

Decision-making in parallel to an environmental  
approvals process

September 2024



## Purpose of this Policy

The purpose of the **Parallel Decision-Making Policy (the Policy)** is to streamline regulatory practice across government by setting expectations for approvals to be made while an environmental assessment process is underway.

## The Parallel Decision-Making Context

In alignment with the WA Government's response to the *Independent Review of WA Environmental Approvals Processes and Procedures*, the WA Government is progressing legislative reforms to the Environmental Protection (EP) Act.

These reforms will remove the previous restriction under s.41(3) and enable Decision Making Authorities (DMAs) to make decisions in parallel to an environment assessment process under Part IV of the EP Act (a Part IV assessment).

To ensure robust protections for the environment are maintained, the reforms make clear that no decision made in parallel to a Part IV assessment will have the effect of authorising a proposal to be implemented. Proponents will also still be legally prevented from implementing a proposal under s.41A of the EP Act.

Proponents will continue to be able to undertake minor or preliminary works, where they have obtained the consent of the Environmental Protection Authority (the Authority).

## Policy Objective

Upon commencement of the legislative reforms, the Policy will guide DMAs in appropriately processing and issuing decisions in parallel to a Part IV assessment.

The objectives of the Policy are to:

- Set expectations that DMAs streamline decision-making by issuing approvals in parallel to a Part IV assessment.
- Lessen the cumulative impact of the regulatory environment by reducing assessment timeframes, while continuing to deliver robust protections for the environment.
- Facilitate the smooth and rapid transition to a streamlined approvals system following the introduction of the legislative reforms.

## Scope

The Policy will be applicable to a DMA from the point that it is served a notice from the Authority under s38G(1)(b)(iii) or (5) of the EP Act of its decision to assess a proposal, and only in relation to decisions that relate to that proposal.



## Policy Requirements

### 1. Decisions to be made in parallel to a Part IV environmental assessment process

- 1.1. DMAs are to make decisions in parallel to a Part IV assessment.
- 1.2. DMAs are expected to undertake all usual due diligence requirements and be satisfied that relevant legal obligations are met when issuing decisions in parallel to a Part IV assessment.
- 1.3. DMAs are expected to collaborate and engage with the Authority to ensure all parallel decisions are issued in a consistent and streamlined manner, and that they are responsive to outcomes of a Part IV assessment.
- 1.4. DMAs and proponents are expected to engage in a collaborative and proactive manner to streamline decision-making processes. Expectations of DMAs and proponents are described in Appendix A.
- 1.5. DMAs are required to provide Cabinet with a performance report on parallel decision-making once every 6 months.
- 1.6. DMAs are responsible for developing and reviewing internal policies and frameworks to support parallel decision-making.

### 2. Certain decisions to be made in parallel on a case-by-case basis

- 2.1. There are limited circumstances in which a decision may be unable to be issued in parallel to a Part IV assessment. Those circumstances relate to any decision prescribed as either a restricted decision or those decisions which meet one of three categories identified in Appendix B.
- 2.2. In the limited circumstances where a decision cannot be issued in parallel to a Part IV assessment, DMAs are expected to parallel process those decisions to the furthest extent possible in a timely manner.
- 2.3. Where a decision cannot be issued in parallel to a Part IV assessment, DMAs will be expected to issue that decision as soon as practicable after the completion of a Part IV assessment.

### 3. Certain decisions are 'restricted decisions'

- 3.1. DMAs will be prohibited from making decisions which are prescribed as restricted decisions until a Part IV assessment has been completed.
- 3.2. Restricted decisions are prescribed by regulations under the EP Act.
- 3.3. Where a decision is a restricted decision, DMAs are expected to parallel process those decisions to the furthest extent possible in a timely manner.



## APPENDIX A

The WA Government is committed to maintaining a regulatory environment that is contemporary, effective, and risk-based to meet the expectations of the WA community.

DMAs and proponents can assist in maintaining this effective regulatory environment by meeting the following expectations.

### Expectations of DMAs

DMAs are expected to:

- facilitate parallel decision-making by working collaboratively with proponents and other relevant agencies to ensure relevant information is shared in a timely and efficient manner;
- facilitate parallel decision-making through early notification and engagement with the Authority, in order to ensure consistency and alignment of environmental outcomes;
- ensure regulatory capability and capacity are sufficient to deliver good regulatory outcomes in a timely manner;
- maintain appropriate performance measures relating to the issuing of parallel decisions to support reporting requirements;
- ensure proponents are well-informed about the approvals process, including relevant approval requirements, and informed of approval progress;
- be consistent in making decisions and provide clear explanations; and
- seek and listen to constructive feedback from proponents.

### Expectations of proponents

Proponents are expected to:

- meet all compliance requirements, including providing all necessary and relevant information pertaining to an application, undertaking appropriate due diligence, and honouring all commitments in relation to an application;
- work cooperatively with agencies to scope approvals requirements and assessment process prior to the process commencing;
- maintain responsibility for all obligations relating to an application, including pursuing the most appropriate approval pathway, liaising with the relevant DMA to resolve matters pertaining to their application, and acquitting obligations arising from an approval sought during the Part IV process;
- seek and listen to advice from DMAs, and respond to requests for more information in a timely manner;
- keep DMAs informed about changes to proposals, including those arising from approvals obtained prior to the completion of the Part IV process, to avoid significant delays;
- acknowledge that approvals received from DMAs, prior to the Part IV outcome, does not create the expectation that a Part IV approval will be granted;
- acknowledge that approvals received from DMAs, prior to the Part IV outcome, may be adjusted in order to ensure consistency and alignment of environmental outcomes; and
- undertake thorough community engagement about the proposal, where that is a requirement of the process.

## APPENDIX B

### Considerations for parallel decision-making on a case-by-case basis

While all DMAs are to pursue parallel decision-making, some circumstances may constrain their ability to issue parallel approvals while Part IV is underway.

The following categories demonstrate the circumstances in which DMAs may need to consider issuing a parallel decision on a case-by-case basis. Notwithstanding, all decisions must be processed to the greatest extent possible in parallel to a Part IV assessment.

*Table 1 – Decisions under the three categories where issuing decisions in parallel to a Part IV assessment may not be suitable.*

Category 1	Category 2	Category 3
<p><b>Decision binds to implementation</b></p> <p><i>There is little or no recourse to reverse a decision, so it effectively starts implementing the proposal</i></p>	<p><b>Decision protects and manages WA's unique environment</b></p> <p><i>Manages environmental factors and governs the use of limited natural resources</i></p>	<p><b>Decision impacts ability to meet other legal obligations</b></p> <p><i>Competing obligations under other legal schemes create lengthy or conflicting processes</i></p>
<b>Decisions captured under this category include</b>		
<ul style="list-style-type: none"> <li>• Sale or transfer of Crown land where it irrevocably binds the State</li> <li>• Final detailed proposals under State Agreements which positively obligate all parties to proceed.</li> </ul>	<ul style="list-style-type: none"> <li>• Managing impacts to threatened species, ecological communities or native vegetation.</li> <li>• Provision of water, aquaculture, environmental licenses, works approvals and permits.</li> </ul>	<ul style="list-style-type: none"> <li>• Decisions that trigger Native Title future act processes</li> <li>• Approval of petroleum environmental plans</li> <li>• Decisions that require tabling in Parliament, such as storage and disposal of nuclear waste or excising conservation estate tenure</li> </ul>
<b>Mitigation measures</b>		
<ul style="list-style-type: none"> <li>• Other prior and related decisions will be made to ensure policy objectives are met.</li> <li>• For decisions relating to the sale of land, options to lease or freehold can be issued in the first instance. In the case of State Agreements, all other authorisations can be issued apart from the approval of the final detailed proposal.</li> </ul>	<ul style="list-style-type: none"> <li>• As these decisions are reliant on Part IV outcomes, early engagement with the Authority and parallel processing must be conducted.</li> <li>• Decisions should be issued concurrently to the Ministerial Statement where possible, or shortly after the Ministerial Statement is issued.</li> </ul>	<ul style="list-style-type: none"> <li>• Obligations from decisions in this category can be complex to administer or may be unable to be met ahead of the Part IV outcome. These decisions will be parallel processed to the furthest extent possible.</li> <li>• Decisions should be issued concurrently to the Ministerial Statement where possible, or shortly after the Ministerial Statement is issued.</li> </ul>