

INFORMATION FOR PROSPECTIVE MEMBERS OF THE CONTAMINATED SITES COMMITTEE

Contaminated Sites Act 2003

Expressions of Interest

MEMBERSHIP VACANCIES

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (the department) is seeking expressions of interest from suitably qualified people for inclusion on the panel of names from which the Minister for Environment will appoint members to the Contaminated Sites Committee in 2021 and 2022.

The Committee comprises between three and five members who are appointed for terms of up to three years. Three committee positions will become vacant in December 2021 and two in December 2022. **This panel of names is intended to be used to fill all five vacancies.**

Senior professionals, particularly those with knowledge, skills and expertise in environmental or contaminated site management, auditing and other related fields are encouraged to apply. Expressions of interest are also sought from legal practitioners, preferably with experience in environmental or property law.

Current members may also indicate their interest in re-appointment.

Expressions of interest must be received by **5pm, Friday 17 September 2021.**

Selection Criteria

Applicants need to demonstrate competency against the following selection criteria:

1. Demonstrated ability to apply technical knowledge to complex issues.
2. Demonstrated ability to research complex issues, analyse data and deliver impartial decisions.
3. A proven record of experience in the application of legislation, regulations and guidelines.
4. Excellent communication skills.

BACKGROUND INFORMATION

What is the panel of names?

The then Minister first established the Committee under the *Contaminated Sites Act 2003* (CS Act) in 2007, from a panel of names compiled in late 2006. Periodically under the Contaminated Sites Regulations 2006 (CS Regulations), the CEO of the department is required to compile a list containing the names of at least 10 persons (the “panel of names”) and provide it to the Minister. From this list, the Minister will appoint a new Committee.

Under the CS Regulations, the panel of names is to include at least six people with expertise in contaminated site management or environmental management and at least two who are legal practitioners. In compiling the panel of names, the CEO will consider all expressions of interest received but may include names of persons the CEO considers suitable, whether or not the person submitted an expression of interest.

Under regulation 17, a person’s name is to be removed from the panel of names after a period of three years, but may be re-included immediately.

Membership of the Committee

New Committee appointments will be made by the Minister from the panel of names provided by the CEO.

The Committee members appointed will be people who are considered to have suitable expertise to make decisions for the purposes of the CS Act. At least one of its members will be an accredited contaminated sites auditor, and at least one will be a legal practitioner. To ensure effective operation of the Committee, it is expected that five members will again be appointed.

Department staff are excluded from membership of the Committee, which is fully independent of the department in its decision-making. It is expected that people appointed to the positions of Committee members will have a record of achievement in either the private or public sectors and proven ability to make sound decisions.

Purpose and role of the Contaminated Sites Committee

The Committee is a statutory body created by the CS Act. It has a formal decision-making role with clearly defined tasks, and is responsible for:

1. deciding appeals against classifications allocated to sites by the department.
2. determining responsibility for remediation when requested to do so by an “interested person” (as prescribed in the CS Regulations) or on its own initiative;
3. deciding appeals against the issuing of, or requirements of, investigation or clean up notices issued by the department;
4. receiving disclosure statements and determining eligibility for and issuing exemption certificates to “innocent” landowners; approving the transfer of exemption certificates to subsequent owners; and
5. assisting with the recovery of State costs incurred on orphan sites where the responsible person is subsequently found.

Other commitments of the Committee

To ensure effective decision-making, members are required to prepare for meetings by giving thorough consideration to the agenda papers which are provided electronically in advance.

Members are expected to communicate with each other between meetings, particularly when an out-of-session decision or feedback on a matter is required. Prompt responses to requests are expected. Email capability is essential in this respect.

Members may be responsible for consultation with key stakeholders in the contaminated sites management sector, including property owners, industry, local government, the department, the Minister for Environment and, from time to time, this may include giving presentations on the views of the Committee.

Tenure of the Committee

The Committee is a standing body for the duration of the CS Act. However, individual appointments to the Committee are for a period of up to three years. Members are eligible for reappointment after the expiration of their term.

Anticipated workload

The Committee sits part-time as required. From time to time, there may also be a requirement to attend site visits, meet with stakeholders and participate in other activities.

The average workload is 3-6 hours per meeting for members; 1-2 days per week for the Chairperson. The Committee is required to:

- sit monthly via Teams or in person - average meeting 1.5-2 hours duration;
- prepare for meetings – 2-4 hours on average, reviewing meeting papers;
- liaise with departmental staff and other Committee members between meetings - average of 1 hour per month;
- liaise with stakeholders regularly (predominantly Chairperson's role) - average of 1 hour per week;
- liaise with media from time to time (predominantly Chairperson's role) - 1 hour per month; and
- liaise with Minister and CEO (predominantly Chairperson's role) - 1 hour per month
- liaise with Committee staff and others in preparation and conduct of matters (predominantly Chairperson's role) - average of 6-12 hours per week.

Executive support and accommodation

The Committee has two executive support staff and is co-located with the Office of the Appeals Convenor, currently situated at Level 22, The Forrest Centre, 221 St George's Terrace, Perth. Environmental officers from the department's Contaminated Sites Branch are seconded to provide technical assistance to the Committee. Support is also available from the department's Legal Services Branch and/or State Solicitor's Office when required.

Remuneration

Committee member remuneration is determined by the Minister, on the recommendation of the Public Sector Commissioner, from time to time.

Sitting fees are paid directly to the member, and are currently as follows:

Chairperson: \$71,916 per annum

Members: \$735 per meeting

Mechanism for review of role and effectiveness of committee

The Committee is a statutory body and, as such, its role can only be modified via amendments to the CS Act.

OTHER INFORMATION AVAILABLE

The CS Act and the CS Regulations are available from the Parliamentary Counsel's Office at www.legislation.wa.gov.au

Contact Andrew Miller, Senior Manager Contaminated Sites on 1300 762 982 or andrew.miller@dwer.wa.gov.au for further information.

EXPRESSIONS OF INTEREST

Applicants should provide in their expression of interest –

- personal information - name, address, telephone contact (home, work, mobile), fax, email address;
- curriculum vitae including details of background and expertise in contaminated sites management or environmental management or a related field, or, in the case of legal practitioners, details of background and expertise in environmental law or property law;
- details of previous experience as evidence of competency in each of the four selection criteria (addressed individually); and
- any other relevant information, experience, involvement in relevant areas or work history.

Expressions of interest should be sent to:

info@dwer.wa.gov.au

or

Senior Manager, Contaminated Sites
Department of Water and Environmental Regulation
Locked Bag 10
Joondalup WA 6919

Closing date: 5pm, Friday 17 September 2021.