

MEMORANDUM OF UNDERSTANDING

BETWEEN

ENVIRONMENTAL CONSULTANTS' ASSOCIATION

AND

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

INTRODUCTION

The Department of Water and Environmental Regulation (DWER) and the Environmental Consultants' Association (ECA) have identified interests which they share. To further these interests, the DWER and ECA aim to work together cooperatively and to maintain an open dialogue.

PURPOSE STATEMENT

The purpose of this Memorandum of Understanding is to document:

1. DWER and ECA's shared interests; and
2. the approaches DWER and ECA will take to ensure they maintain an open dialogue and work cooperatively together,

in the delivery of environmental and water science services for the purposes of ensuring the effective and efficient regulation of development under the *Environmental Protection Act 1986* and water resources legislation, including the *Rights in Water and Irrigation Act 1914*.

SHARED INTERESTS

The interests shared between the DWER and the ECA are as follows:

1. Understanding of project-related science and confidence in environmental management. Aspects of this shared interest include:
 - Standards of environmental protection and water resource management;
 - Accountability for information and decisions; and

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- Adequacy of scope of work, and timeframes, for environmental and water resources studies.
2. Cooperation. Aspects of this shared interest include:
 - Professional respect based on honesty and transparency;
 - Inclusive and transparent communications between DWER, client and consultant; and
 - Openness to alternative ideas.
 3. Managing and communicating change. Aspects of this shared interest include:
 - Responsiveness and capacity for adaptive management approaches;
 - Review and communication of changes to environmental and water resources matters and processes;
 - Awareness of other party's responsibilities and perspectives;
 - Education of ECA members and relevant DWER staff in matters of environmental and water resource interest; and
 - Informed debate about environmental and water resource matters and procedures.
 4. Certainty of environmental and water resource outcomes. Aspects of this shared interest include:
 - Early identification of key project issues;
 - Certainty of process; and
 - Managing assessment process timelines.
 5. Improving the quality of consultant reports. Aspects of this shared interest include:
 - Clearly identified reporting standards and communication requirements;
 - Confidence in environmental and water resource management provisions;
 - Maintenance of skills and knowledge through continuous learning;
 - Personal accountability for information used; and
 - Prevention of misrepresentation or misuse of data or information.
 6. Enhance the reputation for excellence. Aspects of this shared interest include:
 - Public confidence in environmental and water resource management;
 - Honesty, standing and dignity of the environmental and water resource management profession;
 - Probity and independence;
 - Responsibility to community before private or individual interests;
 - Ensuring transparency of process and information;
 - Promotion of reputable conduct by members of the ECA and staff of the DWER;
 - Encouragement of ethical and responsible behaviour; and
 - Maintenance and expansion of skills and knowledge

PROCEDURES

Communications between ECA and DWER

Communication between ECA members and the DWER will be founded upon the following principles:

- Professional respect based on honesty, integrity and transparency;
- Maturity and professionalism of engagement;
- Inclusiveness and transparency between DWER, client and consultant;
- Awareness of, and respect for, the other party's responsibilities and perspectives;
- Openness to alternative ideas;
- Sharing responsibility for managing timeliness in assessments and approvals; and
- Communicating outcomes and dissemination of information.

Professional Conduct by ECA Members

In all matters of professional conduct, ECA members will comply with the ECA Code of Conduct, as follows:

- Members will act with honesty and integrity in all professional and business activities;
- The responsibility of members to the community will come before their responsibility to the profession, to sectional or private interests, or to other consultants;
- Members will be personally accountable for the validity of all work they carry out or direct;
- Members will not condone misrepresentation or misuse of work they have carried out or directed;
- Members will apply their professional skills and knowledge for the benefit of their clients and to the best of their ability;
- Members will uphold the honesty, standing and dignity of the profession in all matters;
- Members will maintain their skills and knowledge throughout their careers; and
- Members will only practice in areas in which they are competent.

The ECA President will facilitate appropriate investigation and resolution of any concerns raised by DWER regarding the compliance of ECA members with the ECA Code of Conduct.

Communication Activities

Communication activities between the ECA and DWER that are to be further developed and implemented including the following:

1. Dissemination of information.

The ECA will provide opportunities for DWER to disseminate to ECA members information and advice pertaining to environmental impact assessment, environmental and water resource regulation and management. Opportunities for disseminating information include:

- General Meetings of the ECA;
- ECA Newsletter;
- ECA website;
- Email advice to ECA members and DWER staff; and
- Seminars and workshops.

2. Inclusion in Employee Inductions

The DWER and ECA will ensure new staff /members (and their staff) are aware of this MOU and emphasis professional cooperative engagement and individual responsibility.

3. Assessment Review meetings

The DWER and ECA will mutually provide opportunities for "look back -lessons learnt -look forward" meetings on all projects where requested by either party. The purpose of these meetings would be to provide constructive review of the project assessment and may involve DWER officers, managers, and a senior consultant representing the ECA member.

4. Annual ECA/DWER Workshop

The DWER and ECA will, where required, jointly hold an annual Communications and Process Review Workshop, anticipated for April/May each year. The agenda of the workshop will include but not necessarily be limited to:

- Changes to the environmental and water assessment and regulation processes, recent and planned;
- Changes to environmental and water management standards, guidelines and regulations, recent and proposed;
- Significant outcomes from ECA/DWER Process Review meetings; and
- Environmental and water issues of mutual interest.

5. Environmental Assessment Training

The DWER and ECA will investigate the feasibility of, and if feasible will jointly support at regular intervals, training course in Environmental Impact Assessment (EIA) in Western Australia. Where appropriate, the scope of the EIA course will be expanded to fully cover water and environmental regulation in Western Australia.

6. Reciprocal Learning Opportunities

The DWER and ECA will investigate and where appropriate implement additional opportunities for technical exchange and reciprocal learning about each other's "business". Where possible, these may include opportunities for short or medium term staff exchanges.

Review of MOU

The success of this MOU in achieving its purpose will be measured by:

- Documented improvement in outcomes;
- Possible survey of DWER staff and ECA membership to ascertain acceptance of procedures;
- Participation at, and feedback from, the assessment review meetings; annual ECA/DWER workshops; training courses; and information sessions.
- Requests for input, briefings/industry/regulator presentations;
- Attendance of ECA members at DWER briefings/industry/regulator presentations;

This MOU will be reviewed by nominees of the President of the ECA and the Director General of the DWER. The purpose of the review will be to identify opportunities for improvements and to confirm the scope and content for ongoing communication arrangements. The review will occur 12 months from the date of the signing of this MOU.

SIGNED: 30 of November 2017.



Jamie Shaw
VICE PRESIDENT
**Environmental Consultants
Association (WA)**



Mike Rowe
DIRECTOR GENERAL
**Department of Water and Environmental
Regulation**

