

## Contaminated Land Management Regulation 2013: Summary of submissions

Submission	EPA response	Changes to Regulation
<b>General comments</b>		
General support for Regulation	Noted	No change
Support basis of the Regulation being the polluter pays principle	Noted	No change
Does not support EPA-preferred Option 3 – increasing fees	The current Regulation sets a fee of \$60 per hour for the work undertaken by the EPA. Costs have increased since the fee rate was set in 2008 and, to reflect this, the proposed Regulation updates the administration fee to \$80 an hour. It is also proposed to index administration fees to the NSW Public Sector Wage Price Index so that the NSW Government can continue to recover its costs over time.	No change
Risk of those responsible for contamination paying greater costs when remediation outcomes may be driven by third parties	The higher fees under the proposed Regulation would not change the current costs to prepare and monitor management orders or assess voluntary management proposals. However the financial cost to persons responsible for contamination would increase from \$60 an hour to \$80.	No change
Will result in increased EPA bureaucracy rather than achieving suitable remediation outcomes. The impediments to cost recovery are significant given that the EPA has not enforced existing cost recovery mechanisms.	The EPA implemented a robust system to track hours spent administering management orders and voluntary management proposals.	No change
Potential focus of EPA shifting to revenue generation	There is a clear mandate from the Commonwealth and NSW Governments for regulators to achieve greater cost recovery of their services. The proposed Regulation incorporates changes designed to improve cost recovery under the CLM Act.	No change
Potential for lack of EPA accountability regarding costs charged	The EPA can provide proponents with details of the hours spent administering management orders and voluntary management proposals at specific sites. Additionally, the public can request information under the <i>Government Information (Public Access) Act 2009</i> (NSW).	No change

<b>Specific comments</b>		
Clause 9(i) unclear whether 'person includes consultancies. This could be difficult to implement.	'Person' is defined in section 21 of the <i>Interpretation Act 1987</i> (NSW) as including 'an individual, a corporation and a body corporate or politic'. The law provides those entities that are not 'natural persons' legal identity which allows legislation to be applied to those entities. Therefore 'person' includes consultancies.	No change
Clause 10(5) – if public sector wages decrease and adjustable amounts are indexed to public sector wages to achieve cost recovery, B/A should be less than 1 otherwise this constitutes revenue-raising.	This clause was intended to safeguard against the administrative and accreditation fees decreasing should public sector wages decrease. It is recognised that if public sector wages decrease, this should be reflected in a decrease in administrative and accreditation fees.	Clause 10(5) removed

**Submissions:**

1. Caltex Australia
2. Nature Conservation Council NSW
3. Environmental Strategies
4. Zero Waste Network