



ENV/24-03/05: D/15/5337

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"Annual Audit Compliance Reports"  
GS Annual Audit Compliance Reports  
Department Environment Regulations  
Locked Bag 33  
CLOISTERS SQUARE · WA · 6850

Dear Sir/Madam

### **GUIDANCE STATEMENT: PUBLICATION OF ANNUAL AUDIT COMPLIANCE REPORTS ON DEPARTMENT OF ENVIRONMENT REGULATIONS (DER) WEBSITE**

The Mindarie Regional Council (MRC) agrees in principle to the public availability of Audit Annual Compliance Reports (AACR) on DER's website. Making organisations publicly accountable for their business practices encourages best practice solutions that will improve the protection of the environment. In addition providing information to the public enables them to be fully informed of the performance of the licensee. Notwithstanding this the MRC would like to comment on the guidance statement and raise a number of key concerns.

The proposed structure of AACR's includes a Declaration that allows the licensee to seek the redaction of information it considers confidential. The guidance statement indicates that the Chief Executive Officer (CEO) of the DER would consider the request. On further investigation with the DER it would appear that the CEO could decide to release the full report, including the parts considered by the licensee to be confidential, on the Website. Accepting that the CEO of the DER may have the authority to release information that has been provided on a confidential basis it is abhorrent that, without consultation, the licensee finds the information is made public on the Website.

The MRC would strongly suggest that the DER include in the guidance statement an appeal process to allow the licensee the opportunity to respond to any decision made by the CEO of the DER to release information it provided in confidence. Offering an appeal process ensures that the licensee has been given the opportunity to respond and the appeal has been considered prior to releasing the information in the public domain thus reducing the potential of litigation resulting from the premature release of confidential information.

If you require further information on the above please do not hesitate in contacting me on [REDACTED].

[REDACTED]  
Brian Callander  
**Chief Executive Officer**  
bc:kg

