

## **Submission on DER Draft Guidance Statement Publication of Annual Audit Compliance Report**

### **Provided by Electricity Generation and Retail Corporation trading as Synergy.**

Synergy is Western Australia's largest provider of gas and electricity to more than one million residential, business and industry customers. We operate as an energy retailer in an area known as the South West Interconnected System (SWIS) that extends from Kalbarri in the north, east to Kalgoorlie-Boulder and south to Albany.

Synergy is also Western Australia's leading power generator with an extensive and diverse portfolio of power stations located around the state, including Collie, Kwinana, Cockburn and Pinjar. Synergy also generates electricity from renewable sources located at Albany, Bremer Bay, Coral Bay, Denham, Geraldton, Esperance, Kalbarri and Hopetoun.

Synergy is the holder of nine DER Environmental Licences covering a diverse range of facilities ranging from large coal fired power stations through medium sized highly efficient combined cycle gas turbines to small open cycled gas turbines.

### **1. Regulatory Reform**

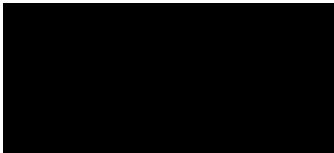
Synergy commends the overall process that the DER is seeking to implement with respect to environmental regulation in Western Australia, especially its focus on a risk based approach. Synergy also supports the consultation process that the DER is following, whilst noting that a large number of guidance documents are being released for comment in a short period of time. It is fair to say that it is difficult to review the current documents as what is proposed relies heavily on the content of documents not yet released.

### **2. Publication of AACRs**

With specific respect to this guidance document it is difficult to understand what the DER is hoping to achieve by publishing AACRs. Whilst noting the DER comment that "transparency will be improved" it is hard to see how that will further enhance the prevention, control and abatement of pollution and environmental harm. The DER have significant powers under the Environmental Protection Act 1986 to take action where non-compliances have the potential to result in significant environmental harm or pollution. Publication of AACRs will not change this power under the EP Act.

Additionally, it appears from what is proposed in the draft guidance, notably requiring the licensee to "consent to disclosure", that the requirement on licensee's such as Synergy to disclose is not legally defensible and arguably outside the ambit of the power to grant licence conditions. The desire of the DER to increase transparency of licensees' environmental performance does not fit within the conditions for the purpose of the Act relating to the prevention, control, abatement or mitigation of pollution or environmental harm. Rather it appears to be for the purposes of the DER's own administrative procedures.

Therefore for the reasons given above Synergy submits this proposal should be reconsidered by the DER.



**Geoff Park**

**Manager Environment**

**Synergy**

