

Memorandum of Understanding between the Commonwealth of Australia and Western Australia on bilateral environmental assessment and approval agreements

Overview

The purpose of this agreement is to set out the intentions of the Commonwealth of Australia and the State of Western Australia to develop and implement a bilateral agreement for the assessment of proposed projects or developments under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on behalf of the Commonwealth, with ambition for an approval bilateral agreement to follow.

Historic changes passed to the EPBC Act by the Commonwealth in late 2025 present a significant opportunity to reduce duplication and accelerate approvals to support key shared priorities like the Commonwealth's Future Made in Australia agenda and the Western Australia's Made in WA Plan.

The Commonwealth and Western Australia will continue to prioritise the use of bioregional planning and strategic assessments to support better and faster decision-making under the EPBC Act, and help restore, protect, and manage the environment. While the Commonwealth and Western Australia will continue to have separate environmental laws and policies, a bilateral agreement will streamline Commonwealth and Western Australian environmental assessment processes, removing regulatory duplication, while ensuring that projects or developments are assessed in accordance with Commonwealth and State requirements.

Objective

The Commonwealth and Western Australia agree that the objective of this Agreement is to develop and implement an assessment bilateral agreement with ambition for an approval bilateral agreement to follow.

The assessment bilateral agreement is to be developed by December 2026 with work to commence on an approval bilateral agreement immediately following the successful implementation of the assessment bilateral agreement.

The bilateral assessment and approvals agreements will:

- a) Deliver on the legislative requirements of the EPBC Act and the *WA Environmental Protection Act 1986*;
- b) Ensure high standards are maintained for the protection of the environment including matters of national environmental significance consistent with the new National Environmental Standards;
- c) Ensure efficient, timely and effective processes for environmental assessment and approval of actions;

- d) Remove unnecessary duplication and aim for a single State-led assessment and, where possible, apply a single set of conditions that are outcomes-focussed and uphold all applicable environmental standards;
- e) Ensure a risk-informed and outcomes focussed approach to meeting robust environmental protection;
- f) Ensure consistency with the requirements of the EPBC Act through assurance by the National Environmental Protection Agency.

Actions

Reform of National Environmental Law will be implemented in 2026. Negotiation on the bilateral assessment will occur concurrently and enable early testing of proposed National Environmental Standards and other policy settings. The bilateral agreement will be finalised after introduction of the National Environmental Standards and relevant subordinate legislation.

The Commonwealth and Western Australia agree to jointly:

1. Develop and finalise a bilateral agreement that includes the accreditation of a Western Australian assessment approach and/or authorisation process by December 2026.
2. Share information and data where relevant to achieve the objects of this Agreement.
3. Consult with stakeholders as required by the EPBC Act, and where otherwise important to ensure stakeholders and community confidence in the bilateral agreements that are built.
4. Prioritise the use of bioregional planning and strategic assessments to support better and faster decision-making under the EPBC Act, and help restore, protect, and manage the environment.
5. Ensure collaboration between the Commonwealth and Western Australia during the development of the Restoration Contribution Holder to facilitate the implementation of offset projects including through alignment with existing state schemes (including the Pilbara Environmental Offsets Fund [PEOF]).

Governance

The Commonwealth and Western Australia will develop a joint implementation plan which will further consider appropriate governance arrangements and any resource requirement (noting additional resourcing would be subject to normal budgetary processes).

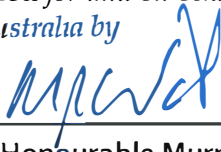
Variation and withdrawal

This Agreement may be amended at any time in writing by the agreement of Western Australia and the Commonwealth. Either party may withdraw from the Agreement at any time through written notice to the other party.

Signatories

The Parties have confirmed their commitment to this Agreement – Memorandum of Understanding between the Commonwealth of Australia and Western Australia on bilateral environmental assessment and approvals as follows:

Signed for and on behalf of the Commonwealth
of Australia by



The Honourable Murray Watt MP
Minister for the Environment and Water

Dated: 21/4/26

Signed for and on behalf of the
State of Western Australia by



The Honourable Roger Cook MLA
Premier; Minister for State Development;
Trade and Investment; Economic
Diversification

Dated: 21/4/26