

**NELA (WA) 2003 State Conference - Call for Papers**

Following on from its very successful state conference last year on Biodiversity, the WA Branch of NELA is holding its 2003 State Conference at the Fremantle Maritime Museum on 25 September 2003. The running title of this year's conference is "Environmental Aspects of Project Management: from dreaming up to cleaning up". The aim is to provide a range of practical viewpoints from different stakeholders on the various environmental considerations at each stage of a major project. Interested speakers should email abstracts to Co-Conference Convenors Benita Ross or Colleen Pratt (benita.ross@malleasons.com or colleen.pratt@malleasons.com) by no later than 30 June 2003.

**Proposed Biodiversity Conservation Act**

At present there is a range of legislation in place in Western Australia that offers some incidental protection to biodiversity through clearing controls, the creation of reserves, hunting regulation and environmental impact assessment. The Western Australian Government recognises that the principal biodiversity protection statute (the Wildlife Conservation Act 1950) is out of date and in need of replacement. As such, the Western Australian Government is proposing to develop a Biodiversity Conservation Act to address this deficiency.

The objects of the proposed Act will be to conserve biodiversity and promote the sustainable use of biological resources. The proposed approach to progress these objects involves (among other things):

- protection of "critical habitat" areas;
- extended protection beyond species to "ecological communities" and genetically distinct "sub-species";
- the creation of a more independent process for nominating species for listing;
- improved enforcement mechanisms through increased fines and the power to make conservation orders and "make-good" orders;
- increased controls on threatening processes and biological threats;
- a legislative underpinning for recovery plans and bioregional plans; and
- provisions for financial and technical assistance for biodiversity conservation.

A Consultation Paper describing the main aspects of the proposed Act was released by the Western Australian Government in December 2002 and is available from the Department of Conservation and Land Management's website at [http://www.calm.wa.gov.au/biocon\\_act\\_consultation.html](http://www.calm.wa.gov.au/biocon_act_consultation.html).

Public consultation on the proposed Act ends on 5 March 2003.

**Environmental, Social and Economic Review of the Gorgon Gas Development**

The Gorgon Venture (a joint venture between ChevronTexaco, Shell and ExxonMobil) own and plan to develop the Gorgon gas field, Australia's largest undeveloped gas resource. The Gorgon Venture have determined that the only commercially viable means of developing the Gorgon gas field is to establish a processing facility on Barrow Island, an internationally significant, Class A nature reserve.

At the Gorgon Venture's request, the Western Australian government agreed to consider whether to grant "in principle" approval to restricted use of Barrow Island for the proposed Gorgon gas development. The approval is sought before the Gorgon Venture commits the substantial funding required to undertake detailed engineering, environmental and other studies required under Western Australian and Commonwealth legislation.

The consideration is to be made after assessing the environmental, social and strategic ramifications of the proposed development and providing there are net conservation benefits. The government has requested the EPA to provide advice on environmental matters pursuant to s16(e) of the Environmental Protection Act, the Department of Mineral and Petroleum Resources to provide advice on social, economic and strategic aspects of the development and the Conservation Commission to provide advice as the authority holding the vesting of the Barrow Island Nature Reserve.

The Gorgon Venture has produced an environmental, social and economic review for public comment and to assist the Western Australian Government's consideration of further development on Barrow Island. It was prepared in accordance with a ESE scope document which was endorsed by the relevant government agencies.

The Gorgon project is significant for several reasons:

- It is the first "sustainability assessment" that has been conducted in Western Australia as a predecessor to full environmental impact assessment. It is not being conducted pursuant to a legislative process and so the effect of "in principle" approval is unknown, particularly its impact on the future government approvals that the project will require.
- It questions the meaning of sustainability and asks to what extent the government is prepared to preserve an environmentally significant, Class A nature reserve ahead of gas field development, remembering that the Gorgon Venture has said that Barrow Island is the only commercially viable location for the gas processing facility.
- The gas contains high levels of carbon dioxide and the Gorgon Venture proposes to re-inject reservoir carbon dioxide into saline reservoirs beneath Barrow Island unless it is technically infeasible or cost-prohibitive.
- It may set a precedent for all future major developments in Western Australia as the government may require or companies may choose to request an initial "sustainability assessment" be conducted before projects are progressed to the formal assessment processes.

The ESE is open for public comment until 24 March 2003 and can be obtained by emailing [gorgon.info@chevrontexaco.com](mailto:gorgon.info@chevrontexaco.com).

### **Dangerous Goods Bill**

The Dangerous Goods Safety Bill was introduced for second reading in the Western Australian Parliament on 4 December 2002. The Bill relates to the safe storage, handling and transport of dangerous goods and is intended to replace the current outdated regime (comprising the *Explosives and Dangerous Goods Act 1961*, the *Dangerous Goods (Transport) Act 1998* and 8 sets of regulations) with a single consolidated Dangerous Goods Safety Act. Key features of the Bill include:

- the imposition of a duty on persons involved with dangerous goods to minimise risk from those dangerous goods and to report certain situations;
- penalties of up to \$500,000 for companies for failing to obey licence requirements and failing to minimise risk; and
- a system of enabling adoption of codes of practice and national standards.

The Bill can be viewed at

[http://www.parliament.wa.gov.au/parliament/home.nsf/\(FrameNames\)/Bills](http://www.parliament.wa.gov.au/parliament/home.nsf/(FrameNames)/Bills).

## **New EPA Guidance Statement for Swan Coastal Plain released**

In January 2003, the Environmental Protection Authority released a guidance statement outlining its approach to the level of assessment for proposals affecting natural areas within the system 6 region and Swan Coastal Plain portion of the system 1 region. According to the summary of the Guidance Statement, it is intended to ensure that proponents planning and designing proposals potentially impacting on bushland within the Bush Forever area and regionally significant natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region are guided as to the likely manner in which the EPA will assess their proposals. As well, it aims to ensure that developments are compatible with the intent of the recommendations for and/or conservation values of these areas.

A copy of the Guidance Statement can be obtained from the EPA's website at [http://www.epa.wa.gov.au/docs/1015\\_GS1003F.pdf](http://www.epa.wa.gov.au/docs/1015_GS1003F.pdf).