

NORTH WEST SHELF
JOINT ENVIRONMENTAL
MANAGEMENT STUDY



Summary of International conventions,
Commonwealth and State legislation
and other instruments affecting marine
resource allocation, use, conservation
and environmental protection on the
North West Shelf of Australia

TECHNICAL REPORT No. 3

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Final report

North West Shelf Joint Environmental Management Study Final Report.

List of technical reports

NWSJEMS Technical Report No. 1

Review of research and data relevant to marine environmental management of Australia's North West Shelf.

A. Heyward, A. Revill and C. Sherwood

NWSJEMS Technical Report No. 2

Bibliography of research and data relevant to marine environmental management of Australia's North West Shelf.

P. Jernakoff, L. Scott, A. Heyward, A. Revill and C. Sherwood

NWSJEMS Technical Report No. 3

Summary of international conventions, Commonwealth and State legislation and other instruments affecting marine resource allocation, use, conservation and environmental protection on the North West Shelf of Australia.

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NWSJEMS Technical Report No. 4

Information access and inquiry.

P. Brodie and M. Fuller

NWSJEMS Technical Report No. 5

Data warehouse and metadata holdings relevant to Australia's North West Shelf.

P. Brodie, M. Fuller, T. Rees and L. Wilkes

NWSJEMS Technical Report No. 6

Modelling circulation and connectivity on Australia's North West Shelf.

S. Condie, J. Andrewartha, J. Mansbridge and J. Waring

NWSJEMS Technical Report No. 7

Modelling suspended sediment transport on Australia's North West Shelf.

N. Margvelashvili, J. Andrewartha, S. Condie, M. Herzfeld, J. Parslow, P. Sakov and J. Waring

NWSJEMS Technical Report No. 8

Biogeochemical modelling on Australia's North West Shelf.

M. Herzfeld, J. Parslow, P. Sakov and J. Andrewartha

NWSJEMS Technical Report No. 9

Trophic webs and modelling of Australia's North West Shelf.

C. Bulman

NWSJEMS Technical Report No. 10

The spatial distribution of commercial fishery production on Australia's North West Shelf.
F. Althaus, K. Woolley, X. He, P. Stephenson and R. Little

NWSJEMS Technical Report No. 11

Benthic habitat dynamics and models on Australia's North West Shelf.
E. Fulton, B. Hatfield, F. Althaus and K. Sainsbury

NWSJEMS Technical Report No. 12

Ecosystem characterisation of Australia's North West Shelf.
V. Lyne, M. Fuller, P. Last, A. Butler, M. Martin and R. Scott

NWSJEMS Technical Report No. 13

Contaminants on Australia's North West Shelf: sources, impacts, pathways and effects.
C. Fandry, A. Revill, K. Wenziker, K. McAlpine, S. Apte, R. Masini and K. Hillman

NWSJEMS Technical Report No. 14

Management strategy evaluation results and discussion for Australia's North West Shelf.
R. Little, E. Fulton, R. Gray, D. Hayes, V. Lyne, R. Scott, K. Sainsbury and D. McDonald

NWSJEMS Technical Report No. 15

Management strategy evaluation specification for Australia's North West Shelf.
E. Fulton, K. Sainsbury, D. Hayes, V. Lyne, R. Little, M. Fuller, S. Condie, R. Gray, R. Scott,
H. Webb, B. Hatfield, M. Martin, and D. McDonald

NWSJEMS Technical Report No. 16

Ecosystem model specification within an agent based framework.
R. Gray, E. Fulton, R. Little and R. Scott

NWSJEMS Technical Report No. 17

Management strategy evaluations for multiple use management of Australia's North West Shelf
– Visualisation software and user guide.
B. Hatfield, L. Thomas and R. Scott

NWSJEMS Technical Report No. 18

Background quality for coastal marine waters of the North West Shelf, Western Australia.
K. Wenziker, K. McAlpine, S. Apte, R. Masini

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ACRONYMS

ACOM	Australian Community Ocean Model
AFMA	Australian Fisheries Management Authority
AFZ	Australian Fishing Zone
AGSO	Australian Geological Survey Organisation now Geoscience Australia
AHC	Australian Heritage Commission
AIMS	Australian Institute of Marine Science
AMSA	Australian Maritime Safety Authority
ANCA	Australian Nature Conservation Agency
ANZECC	Australian and New Zealand Environment and Conservation Council
ANZLIC	Australian and New Zealand Land Information Council
APPEA	Australian Petroleum, Production and Exploration Association
AQIA	Australian Quarantine Inspection Service
ARMCANZ	Agricultural Resources Management council of Australia and New Zealand
ASIC	Australian Seafood Industry Council
ASDD	Australian Spatial Data Directory
CAAB	Codes for Australian Aquatic Biota
CAES	Catch and Effort Statistics
CALM	Department of Conservation and Land Management (WA Government)
CAMBA	China Australia Migratory Birds Agreement
CDF	Common data format
CITIES	Convention on International Trade in Endangered Species
CTD	conductivity-temperature-depth
CMAR	CSIRO Marine and Atmospheric Research
CMR	CSIRO Marine Research
COAG	Council of Australian Governments
Connle	Connectivity Interface
CPUE	Catch per unit effort
CSIRO	Commonwealth Science and Industrial Research Organisation
DCA	detrended correspondence analysis
DIC	Dissolved inorganic carbon
DISR	Department of Industry, Science and Resources (Commonwealth)
DEP	Department of Environmental Protection (WA Government)
DOM	Dissolved organic matter
DPIE	Department of Primary Industries and Energy
DRD	Department of Resources Development (WA Government)
EA	Environment Australia
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
EPP	Environmental Protection Policy
ENSO	El Nino Southern Oscillation
EQC	Environmental Quality Criteria (Western Australia)
EQO	Environmental Quality Objective (Western Australia)
ESD	Ecologically Sustainable Development
FRDC	Fisheries Research and Development Corporation
FRMA	Fish Resources Management Act
GA	Geoscience Australia formerly AGSO
GESAMP	Joint Group of Experts on Scientific Aspects of Environmental Protection
GIS	Geographic Information System
ICESD	Intergovernmental Committee on Ecologically Sustainable Development
ICS	International Chamber of Shipping
IOC	International Oceanographic Commission
IGAE	Intergovernmental Agreement on the Environment
ICOMOS	International Council for Monuments and Sites

IMO	International Maritime Organisation
IPCC	Intergovernmental Panel on Climate Change
IUNC	International Union for Conservation of Nature and Natural Resources
IWC	International Whaling Commission
JAMBA	Japan Australian Migratory Birds Agreement
LNG	Liquified natural gas
MarLIN	Marine Laboratories Information Network
MARPOL	International Convention for the Prevention of Pollution from Ships
MECO	Model of Estuaries and Coastal Oceans
MOU	Memorandum of Understanding
MPAs	Marine Protected Areas
MEMS	Marine Environmental Management Study
MSE	Management Strategy Evaluation
NCEP - NCAR	National Centre for Environmental Prediction – National Centre for Atmospheric Research
NEPC	National Environmental Protection Council
NEPM	National Environment Protection Measures
NGOs	Non government organisations
NRSMPA	National Representative System of Marine Protected Areas
NWQMS	National Water Quality Management Strategy
NWS	North West Shelf
NWSJEMS	North West Shelf Joint Environmental Management Study
NWSMEMS	North West Shelf Marine Environmental Management Study
ICIMF	Oil Company International Marine Forum
OCS	Offshore Constitutional Settlement
PFW	Produced formation water
P(SL)A	Petroleum (Submerged Lands) Act
PSU	Practical salinity units
SeaWiFS	Sea-viewing Wide Field-of-view Sensor
SOI	Southern Oscillation Index
SMCWS	Southern Metropolitan Coastal Waters Study (Western Australia)
TBT	Tributyl Tin
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention of the Law of the Sea
UNEP	United Nations Environment Program
UNESCO	United Nations Environment, Social and Cultural Organisation
UNFCCC	United Nations Framework Convention on Climate Change
WADEP	Western Australian Department of Environmental Protection
WADME	Western Australian Department of Minerals and Energy
WAEPA	Western Australian Environmental Protection Authority
WALIS	Western Australian Land Information System
WAPC	Western Australian Planning Commission
WHC	World Heritage Commission
WOD	World Ocean Database
www	world wide web

TECHNCIAL SUMMARY

The Western Australian Department of Environmental Protection (WADEP) is conducting a \$2.7M North West Shelf Marine Environmental Management Study (NWSMEMS) ('the Study') over four years. The Study, which began in January 1998, is developing and consolidating the technical information base, scientific understanding and predictive capability required to underpin environmental decision making in both the public and private sectors. It is drawing on the support and involvement of the scientific, industry, community and State and Commonwealth government agencies through representations on a Steering Committee and Technical Group, the provision of data, direct contributions of research and consultations on a range of environmental issues.

The ultimate outcome of the Study is to recommend options for a coordinated management framework under existing legislation and policies to ensure an integrated approach to sustainable development on the North West Shelf.

This report compiles and summarises existing International Conventions and Treaties, Commonwealth and State legislation, policies, strategies and other instruments relevant to marine resource allocation, use, conservation and environmental protection on the North West Shelf. It identifies the agencies in which legislation is vested and the cross-jurisdictional arrangements that are in place between Commonwealth and State agencies in implementing the legislation.

The report will be used in at least two ways:

- to ensure that there is a complete and accurate understanding of the existing legislative and management framework so that technical outputs of the Study provide the strategic and tactical information required to support the objectives of the existing management framework; and
- to provide the basis for evaluating the effectiveness of the existing management framework and developing options to address any identified deficiencies.

1. INTRODUCTION

1.1 Background

In recognition of rapidly increasing development pressures on the poorly understood marine environments of the North West Shelf in Western Australia, the Western Australian Department of Environmental Protection (WADEP) is conducting a \$2.7M North West Shelf Marine Environmental Management Study (NWSMEMS) ('the Study') over the four years, 1998 to 2001. The Study is developing and consolidating the technical information base, scientific understanding and predictive capability required to underpin environmental decision making in both the public and private sectors. It is drawing on the support and involvement of the scientific, industry, community and State and Commonwealth government agencies through representations on a Steering Committee and Technical Group, the provision of data, direct contributions of research and consultations on a range of environmental issues.

While the Study outputs are technical, and most of the resources will be directed at obtaining critical scientific information, the ultimate outcome of the Study is to recommend options for a coordinated management framework under existing legislation and policies to ensure an integrated approach to sustainable development on the North West Shelf. For the Study to be useful its technical outputs must be relevant and support the existing or any future management framework operating on the North West Shelf.

The first step in the process of developing management options is to identify and explain the current management framework and its technical requirements. This involves preparation of a concise summary, including a statement of the objectives, of the main legislative and management instruments and cross-jurisdictional arrangements on the North West Shelf.

1.2 Purpose

The purpose of this report is to provide an accurate and comprehensive compilation and description of existing legislation, policies and other instruments governing marine resource allocation, use, conservation and environmental protection on the North West Shelf. This includes cross-jurisdictional arrangements between Commonwealth and State agencies in which responsibilities for legislation and other initiatives is vested.

The report will be used in at least two ways:

- to ensure that there is a complete and accurate understanding of the existing legislative and management framework so that technical outputs of the Study provide the strategic and tactical information required to support the objective of the existing management framework; and
- to provide the basis for evaluating the effectiveness of the existing management framework and developing options to address any identified deficiencies.

1.3 Approach and scope

This report presents summaries of International conventions and Commonwealth and State legislation that provide the high level legal mechanisms and provisions for protecting, conserving and managing the use of marine environmental resources. Many of the more detailed provisions and procedures that affect regional resource allocation, use, conservation and environmental protection are located outside the Acts themselves, in regulations, policies, strategies, plans, position statements, guidance documents and the like. These secondary, but important, instruments are at various stages of completion or yet to be enacted.

The information in this report has been compiled through direct and indirect consultation with different Commonwealth and State government agencies, as well as through retrieval of information available in existing reports and other sources made available through agency libraries. Summaries of legislation, policies, strategies and other initiatives have been accessed, either in hard copy or in electronic form, the latter from material currently available at Commonwealth and State Government web sites on the Internet.

Regional-related information is focused on the Pilbara region of Western Australia, in particular coastal and marine waters between Exmouth and Port Hedland, consistent with requirements to specifically address issues affecting the North West Shelf, (figure 1).

The legal and constitutional framework for marine areas in Australia is outlined in section 2 of this report, based on information provided in Australia's Oceans Policy (Commonwealth of Australia, 1998).

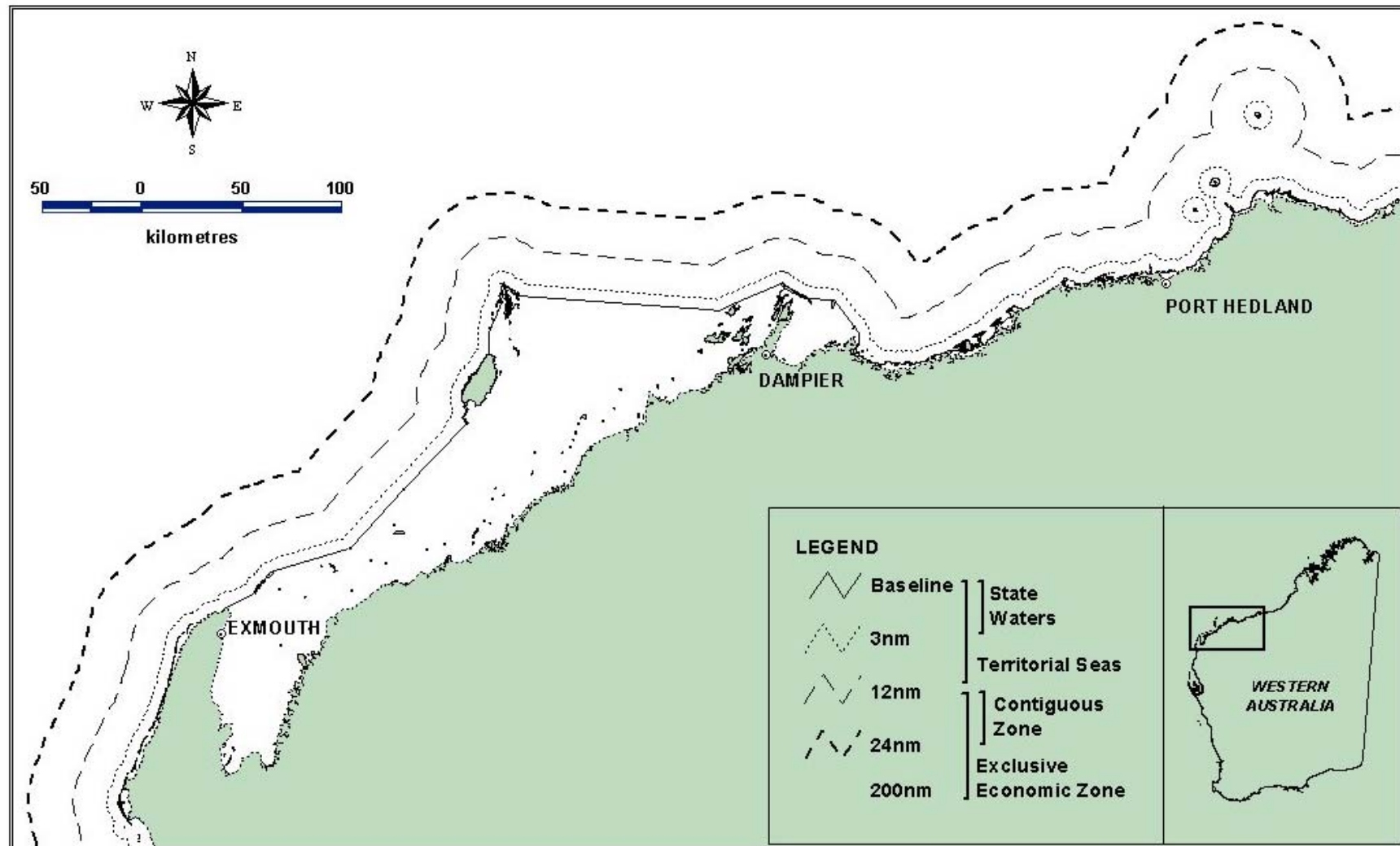


Figure 1: Location map of the North West Shelf.

2. LEGAL AND CONSTITUTIONAL FRAMEWORK OF AUSTRALIA'S MARINE AREAS

Information about Australia's marine areas, its international obligations, constitutional powers and the legal framework governing use, conservation and protection of marine areas is summarised below. This is based largely on information in Australia's Oceans Policy (Commonwealth of Australia, 1998) and in the Commonwealth Government's working group paper for the Prime Minister's Science and Engineering Council (Commonwealth of Australia, 1995).

2.1 Maritime zones

Under provisions of international law, Australia has declared a range of Maritime Zones under the Commonwealth *Seas and Submerged Lands Act* 1973.

The Maritime Zones are measured from the Territorial Sea Baseline, located for the most part at the low water line (figure 2). The zones include:

- **State Coastal Waters** from the Territorial Sea Baseline seaward to 3 nautical miles (nm);
- **Territorial Seas**, from the Territorial Sea Baseline seaward to 12 nm;
- **Contiguous Zone**, from 12 nm seaward to 24 nm;
- **Exclusive Economic Zone (EEZ)**, extending seaward from 12 nm across the continental shelf to 200 nm; and
- **The Australian Fishing Zone (AFZ)**, extending seaward from 3 nm to 200 nm.

Australia has sovereignty over the waters defined by the **Territorial Seas** and may impose comprehensive controls in this zone although it must respect the right of innocent passage of foreign vessels.

In the **Contiguous Zone** Australia can take limited enforcement measures in relation to customs, fiscal, sanitary and immigration matters.

The **AFZ**, declared in 1979 encompasses waters seaward of the State Coastal Waters, and is now under *the Fisheries Management Act* 1991.

Within the **EEZ**, Australia has the right to explore and exploit living and non-living resources and also has an obligation to protect and to conserve the marine environment

Waters seaward of 200 nm and extending to 350 nm encompass the continental slope and continental rise and are claimable. The High Seas and Deep Seabed that extend seaward of 350 nm (or 100 nm from the 2 500 m isobath) are designated as common heritage of mankind (figure 2).

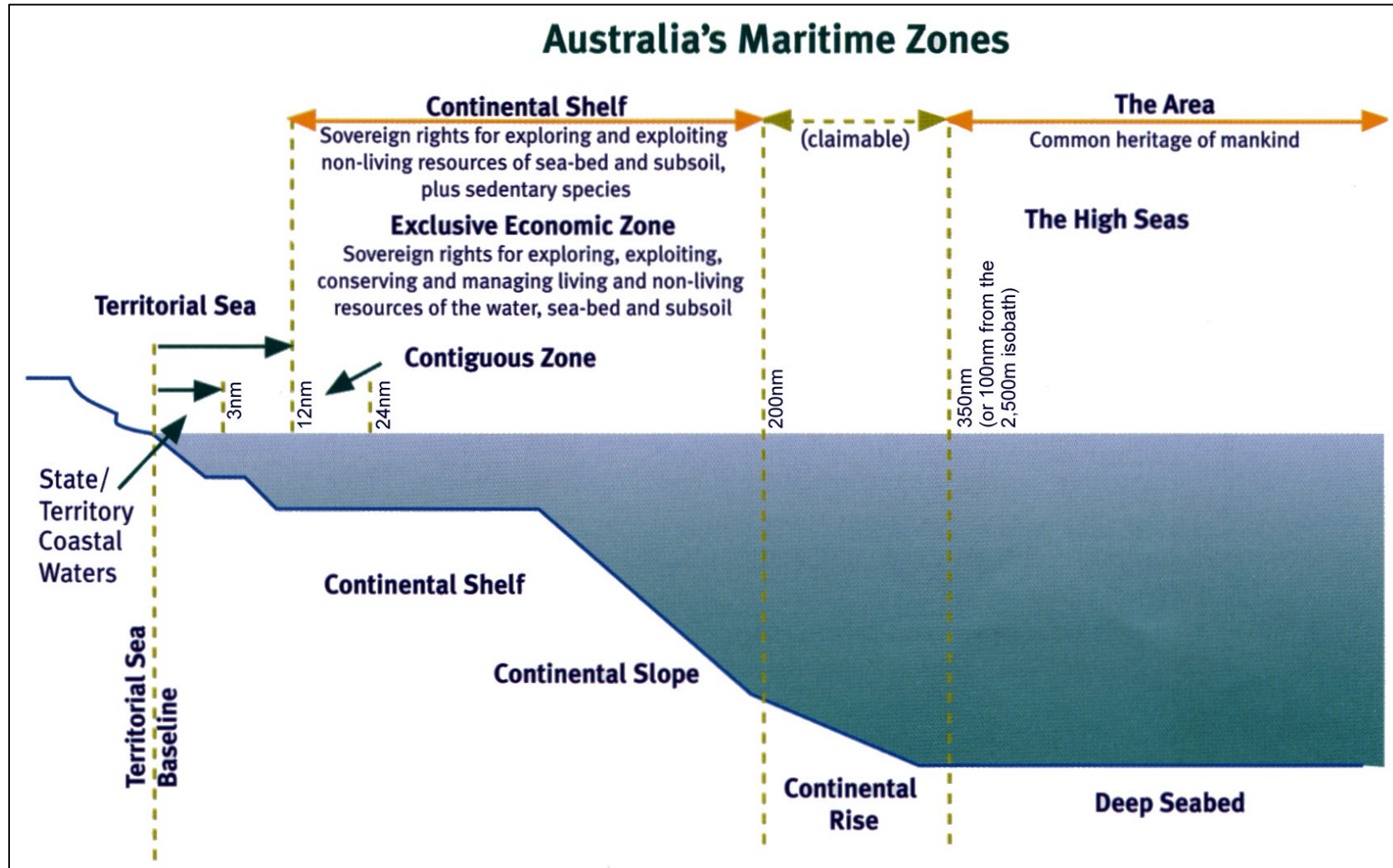


Figure 2: Australia's Maritime Zones.

2.2 Australia's obligations in respect of its Ocean Territory

Australia is one of over 120 signatory nations, which have taken control of the resources of their marine zones under the provisions of the United Nations Convention on the Law of the Sea (UNCLOS). Australia's ratification of UNCLOS imposes obligations with implications for sustainable development, including conservation, protection of living and non-living resources and control of pollution. Ownership of offshore resources carries responsibilities to further advance exploration and marine research, so as to exploit, preserve and protect the marine environment in a sustainable way. Importantly, failure to act on these responsibilities can lead to loss of the privileges bestowed under the Convention (Commonwealth of Australia, 1995).

Article 61 of UNCLOS imposes obligations for conservation. For this, countries with large EEZs, like Australia, must determine allowable fish catches, ensure species are not endangered by over-exploitation, maintain stocks at levels that produce maximum sustainable yield and prevent depletion of incidentally harvested species. Moreover, they must promote the conservation of living marine resources by exchange of scientific information through competent international organisations (Commonwealth of Australia, 1995).

Ratification of UNCLOS requires also that Australia must take all measures necessary to prevent, reduce and control pollution in the marine environment. UNCLOS outlines fundamental provisions such as an obligation not to cause damage by pollution to other countries and their environment, or to areas beyond the limits of sovereign rights. Other obligations include requirements not to transfer pollution or pollute the environment by use of technologies or through introduction of new, harmful species (Commonwealth of Australia, 1995).

UNCLOS treats the formulation of international rules to control pollution according to their source e.g. land, atmospheric, shipping, dumping etc. UNCLOS is recognised as being weak on provisions relating to environmental protection from specific sources of pollution. Nevertheless, the action plan (Agenda 21) that arose out of the 1992 United Nations Conference on Environment and Development (UNCED) brought up to date new concepts and set out measures to be adopted in all sectors within the framework of the conference (Commonwealth of Australia, 1995).

2.3 The Offshore Constitutional Settlement (OCS)

The Offshore Constitutional Settlement (OCS) refers, collectively, to a series of arrangements between the Commonwealth and the States to give the States a greater legal and administrative role in offshore areas. The Settlement developed out of a challenge from the States over the Commonwealth's (upheld) assertion of sovereignty *under the Seas and Submerged Lands Act 1973* over the (then) 3 nm territorial sea. The principle legislation implementing the OCS is the *Coastal Water States Power and Title Act 1982*, which entered into force in early 1983.

Two fundamental elements underpin the OCS with respect to States and Territory title:

- title to coastal waters landward of 3nm but excluding internal waters within the constitutional limits of a State; and
- Concurrent legislative power over coastal waters, as would be with lands.

The legislation implementing the OCS made it clear that should the territorial sea subsequently be extended to 12 nm the OCS arrangements would continue to apply only to the 3 nm limit. The limit was extended to 12 nm in 1990 but the relevant limit for the purposes of the OCS remains at 3 nm.

Through the OCS, the Commonwealth, in effect, agreed to give States primary responsibility over coastal waters out to 3 nm. Beyond that limit the Commonwealth retains primary responsibility. In some cases there are Joint Authority agreements in place between Commonwealth and State agencies to provide the mechanisms for satisfying legal and regulatory requirements set out by different tiers of Government, including the OCS. Examples include arrangements to enable a fishery within and outside State coastal waters to be managed by one authority under one law and for managing offshore petroleum approvals (see section 3).

2.4 Constitutional powers and legal framework

Constitutional powers that enable the Commonwealth Parliament to pass laws relating to the oceans and their management include Commonwealth powers over trade and commerce, external affairs, corporations, defence, fisheries, territories and quarantine. Aspects of the external affairs powers that are particularly relevant to this report are those that allow the Commonwealth to legislate with respect to matters beyond low water mark. The Commonwealth can also legislate under external affairs powers to give effect to treaties, other matters of international concern, including those affecting relationships with other countries (Commonwealth of Australia, 1998).

The States and Territory were given power to legislate over coastal waters as part of the OCS. After its implementation in 1983, the High Court held that the general power of each State to make laws for the good of the State enabled each State to legislate in relation to its adjacent maritime area. This was provided that there was a reasonable connection between the State and the activity covered by the legislation. The result is that the extension of State legislative powers to coastal waters as part of the OCS is now largely redundant (Commonwealth of Australia, 1998).

The OCS does not prevent either the Commonwealth or the States from exercising their full legislative powers in the offshore area. The practice has generally been to exercise these powers consistent with the OCS. Should there exist conflict, however, between State and Commonwealth laws applying to the maritime area, then in accordance with Section 109 of the Constitution, the Commonwealth law would prevail and the State law would be invalid to the extent of the inconsistency (Commonwealth of Australia, 1998).

3. SUMMARIES OF CONVENTIONS, LEGISLATION AND OTHER INSTRUMENTS RELEVANT TO THE NORTH WEST SHELF

3.1 Key infrastructure and industry sectors

The main infrastructure and industry-related sectors on the North West Shelf for which International conventions and Commonwealth and State legislation have effect include:

- Infrastructure:
 - Planning
 - Environment
 - Conservation and Heritage
 - Shipping and Navigation
 - Transport and Communications
- Industry:
 - Oil and gas
 - Fishing and Aquaculture
 - Tourism
 - Mining
 - Agriculture

3.2 Conventions, legislation and other instruments

Summaries of international conventions, Commonwealth and State legislation are presented in tables 1 to 3. National, State and regional policies, strategies and other instruments relevant to the North West Shelf are presented in tables 4 and 5. Information is presented in each table according to the headings and order of key infrastructure and industry sectors listed in section 3.1 above. Where legislation or other initiatives are relevant to two or more sectors or activities, they are presented under “Multiple Sectors” towards the end of each table. The agencies in which the conventions, legislation or other instruments are invested are shown in italics.

3.2.1 International conventions, treaties, protocols

Relevant international conventions, treaties and protocols to conventions, and other high level instruments are summarised in table 1.

Table 1: International conventions, treaties, protocols.

Instrument	Description/purpose
Environment	
Agenda 21	Agenda 21 was one of several treaties and agreements adopted at the United Nations on Trade and Development (UNCED) in 1992. It was described as an action plan for the 1990s and into the 21 st Century. Marine environmental protection is covered in chapter 17. It urges Governments to support wider ratification and implementation of relevant shipping conventions and protocols such as MARPOL 73/78. In relation to marine debris, the Conference regarded the main failure of the programs were due to lack of attention to waste management.
United Nations Framework Convention on Climate Change (UNFCCC) 1992 <i>[United Nations, Department of Foreign Affairs]</i>	The UNFCCC was signed for Australia at Rio de Janeiro June 1992 and came into force in March 1994. It provides the focus for international action to address the threat of climate change. The objective of this treaty is to achieve “stabilisation” of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure the food production is not threatened and to enable economic development to proceed in a sustainable manner. Greenhouse (the Enhanced Greenhouse Effect) is a priority concern identified in the WA State of the Environment report and thus has a high priority for government and community action in the State.
Kyoto Protocol to the United Nations Framework Convention on Climate Change 1997 <i>[United Nations, Department of Foreign Affairs]</i>	<p>The Kyoto Protocol is an international agreement reached at the Kyoto Climate Change Conference in December 1997 amongst Parties to the Protocol. The Parties voted to commit to several significant undertakings, as defined under different Articles. Article 2 indicated that in achieving quantified emissions limitations and reduction commitments under Article 3 to promote sustainable development, Parties were required to (1) implement and further elaborate policies and measures such as enhancement of energy efficiency in relevant sectors of the national economy; (2) protect and enhance sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol, taking account of commitments under international environmental agreements; promote sustainable forest management practices, afforestation and reforestation; (3) promote sustainable forms of agriculture; (4) promote research and development and increased use of new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced, innovative environmentally sound technologies; (5) progressive reduction or phasing out of market imperfections and other fiscal, tax and duty exemptions; (6) encouragement of appropriate reforms aimed at promoting policies and measures to reduce greenhouse gases not controlled by the Montreal Protocol; (7) measures to limit or reduce emissions of greenhouse gases in the transport sector; (8) limitation and or reduction of methane through recovery and use in waste management, as well as in production, transport and distribution of energy.</p> <p>Parties were to enhance individual and combined effectiveness of their policies and measures adopted under Article 2 as well as pursue limitation and reduction of emissions of greenhouse gases from aviation, marine bunker fuels, working through the Civil Aviation Organisation and the IMO, respectively.</p>

Instrument	Description/purpose
	Article 3 included requirements in relation to Parties individually, or jointly, to ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of greenhouse gases listed under Annex A of the Convention did not exceed assigned amounts (calculated to commitments under Annex B) and with a view to reducing overall emissions of such gases in developed countries by at least 5% below 1999 levels in the period 2008 to 2012 (called the 2010 budget period). This agreement, when ratified, represents a significant first step in an effective international response to climate change. The conference adopted differential targets of which Australia's was 8% growth above 1990 levels.
Montreal Protocol on Substances That Deplete the Ozone Layer 1987	Multilateral international treaty to provide agreements for reducing and depleting ozone producing substances. It entered into force in January 1989 and has had subsequent Amendments in 1992 and 1994. Follows on from, and is related to the earlier Vienna Convention for the Protection of the Ozone Layer 1985.
United Nations Convention on the Law of the Sea (UNCLOS) 1982 <i>[Department of Foreign Affairs; Attorney Generals Department]</i>	This is a framework convention governing all uses of the ocean. The convention establishes maritime zones of the coastal States. Australia's claims to maritime areas are reflected in UNCLOS 1982, which entered into force (Australia's ratification) on 16 November 1994 (see section 2 of this report). The UNCLOS allows states to claim six maritime zones: Territorial Seas, Contiguous Zones, Exclusive Economic Zones (EEZ), Continental Margins, Archipelagic Waters and Internal Waters. Chapter XII of the Convention covers protection and preservation of the marine environment. Signatories to this Convention have imposed on them international obligations to conserve and manage sustainable living and non-living resources in the Australian EEZ, the continental shelf and the territorial sea. The Convention also imposes obligations with respect to preventing, reducing and controlling pollution and also in preventing transfer of pollution through technologies or introduction of harmful species.
Convention on Biological Diversity 1992 <i>[Department of the Environment and Heritage-Environment Australia. Biodiversity Group]</i>	The objectives of this convention are: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of genetic resources, including appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding. The Convention was signed for Australia in June 1992 and the instrument of ratification was deposited for Australia in June 1993.
Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973 (CITES) <i>[Department of the Environment and Heritage-Environment Australia. Biodiversity Group]</i>	This Convention was signed for Australia in September 1973 and entered into force for Australia in October 1976. It regulates trade in species threatened with extinction. The Convention has links to Australian Commonwealth environmental legislation, particularly Schedules of the Endangered Species Protection Act 1992, which list identified endangered, threatened and vulnerable species of plants and animals (fish, amphibians, reptiles, birds, mammals) in Australia (see more detailed information under Commonwealth Legislation in table 2). There are several marine species that are either threatened or endangered along the North West Shelf, including reptiles and mammals e.g. whales and dugong. The latter is listed by IUCN as "vulnerable to threatened" but is not listed under the Commonwealth's Endangered Species Protection Act.

Instrument	Description/purpose
Convention on Wetlands of International Importance (Ramsar Convention) 1971 <i>[IUCN]</i>	The Convention, including the List of Wetlands of International Importance, established under it, promotes conservation of wetland and waterfowl, establishes nature reserves on wetlands, provides adequately for their protection and management, and to train personnel competent in the field of wetlands research and management. UNESCO is the depository for ratification, accession etc. It was signed for Australia without reservation as to ratification in May 1974.
Agreement for the Protection of Migratory Birds and Birds in Danger of extinction and their environment between the Government of Australia and the Government of Japan 1974 (JAMBA) <i>[Department of the Environment and Heritage-Environment Australia. Biodiversity Group]</i>	This bilateral Agreement reinforces the Ramsar Convention as well as extending Australia's commitment to protect migratory birds other than waterfowl, birds in danger of extinction and their environment. Its relevance to the North West Shelf region relates to the potential and actual use of coastal tidal flats/shorelines and offshore areas by migratory wading birds and seabirds, respectively, for resting, shelter or breeding.
Agreement for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment between the Government of Australia and the People's republic of China 1986 (CAMBA) <i>[Department of the Environment and Heritage-Environment Australia. Biodiversity Group]</i>	This bilateral Agreement reinforces the Ramsar Convention as well as extending Australia's commitment to protect migratory birds, birds in danger of extinction and their environment. This was placed on hold pending stabilisation of the political arrangement in what is now the Commonwealth of Independent States. Its relevance to the North West Shelf region relates to the potential and actual use of coastal tidal flats/shorelines and offshore areas by migratory wading birds and seabirds, respectively, for resting, shelter or breeding.
International Convention for the Regulation of Whaling (International Whaling Convention) 1946 <i>[Department of the Environment and Heritage-Environment Australia]</i>	This Convention established the International Whaling Commission (IWC). Its main objective is to provide for the regulation of whaling. Australia was a signatory in December 1946 and the Convention came into force in November 1948. While Australia, historically, has a history of whaling, this is now banned in Australia's waters. Humpback whales, which migrate north and may overwinter in areas including the North West Shelf, have not been taken since whaling stopped in 1963. Whaling has been replaced by a new "ecotourism" industry (whale watching), although there have been concerns that boats, aircraft and divers may have impacts on whale behaviour. Regulations have been introduced to govern how closely observers may approach whales. An Australian Government paper to the International Whaling Commission in 1994 recognised that the increase in whale watching required better and more coordinated management.

Instrument	Description/purpose
<p>MARPOL 73/78 [AMSA]</p>	<p>This is an international Convention under which all sea areas are protected from discharge of harmful substances from ships. It consists of the International Convention for the Prevention of Pollution from Ships (MARPOL 1973) and the 1973 and 1978 Protocols to the Convention. The Convention MARPOL 73 did not enter into force but was given effect, with modifications and additions, through subsequent signing of the 1978 Protocol.</p> <p>MARPOL is implemented in Australia through the Commonwealth's Protection of the Sea (Prevention of Pollution from Ships) Act 1983. Most sea areas have a level of protection which is considered adequate. In those instances where additional protection is necessary, MARPOL provides additional protection through the designation of an area as a special area and imposes correspondingly more stringent restrictions on the disposal of harmful substances. The Convention includes five technical Annexes. Annexes I, II, III and V are ratified by Commonwealth legislation, these dealing with oil, noxious liquids, packaged harmful substances and garbage. These four Annexes entered into force in October 1983 (I and II), April 1987 (III) and July 1992 (V).</p> <p>Important regulations under Schedule 3 Annex, Amendments to the 1978 Protocol, deal with requirements for control and management of oil pollution and dirty ballast water discharge, including conditions under which ballast can be carried in cargo tanks. Controls on oil and ballast water discharge are defined under Regulations 9 and 15 of the Schedule.</p> <p>Annexes I, II and V define sea areas as special areas in relation to the type of pollution covered by each annex. A special area is defined as "a sea area where for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by oil, noxious liquid substances, or garbage, as applicable, is required". Under the Convention, these special areas are provided with a higher level of protection than other areas of the sea.</p> <p>Parties to the Convention have, by obligation, agreed to give effect to the provisions of the Convention in order to "prevent pollution of the marine environment by the discharge of harmful substances or effluents containing such substances". Under the Convention this agreement is made by the parties "being conscious of the need to preserve the human environment in general and the marine environment in particular". The parties also recognise that "deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution" and desire to "achieve complete elimination of intentional pollution of the marine environment by oil and other harmful substances as well as minimisation of accidental discharge of such substances".</p> <p>IMO is currently undertaking a major revision of Annex II MARPOL (a detailed discussion of recent status and changes to MARPOL Annexes is presented by Crayford 1999). Recent developments affect the pollution categorisation of products under Annex II. This has made it necessary for the IMO to reconsider the criteria used to assign "pollution category" and "ship type". The most important include improvements in ship technology, greater appreciation of the relationship between properties of chemicals and their impact on the marine environment, the outcomes of UNCED 1992, new GESAMP Hazard Evaluation Procedure for evaluating products and the reviews of MARPOL Annexes I and II. With respect to the marine environment, IMO, GESAMP and others have recognised that properties of chemicals not previously considered are equally important whilst the importance of other properties may have been over-emphasised.</p>

Instrument	Description/purpose
International Chamber of Shipping: Shipping and the Environment: the ICS Environment Code of Practice 1993 [ICS]	The International Chamber of Shipping's (ICS) Environment Code of Practice provides recommendations and suggestions for environment plans of shipping companies to include management standards that reflect IMO resolutions to protect the marine environment.
International Oceanographic Commission (IOC): Global Investigation of Pollution of the Marine Environment [IOC, UNEP, IMO]	This program, established by the IOC, is directed jointly by the IOC, United Nations Environment Program (UNEP) and the International Maritime Organisation (IMO). It develops and provides manuals and guides to help monitor and deal with marine debris, such as the Marine Debris Survey manual prepared by the National Oceanic Atmospheric Administration (NOAA) in the United States of America.
International Convention on Oil Pollution Preparedness, Responses and Co-operation 1990	The objectives of the convention are reflected in the title. Australia acceded to this convention in 1992. In September 1994, Australia and New Zealand made a bilateral agreement for oil pollution preparedness and response. This agreement involves mobilisation and sharing of response equipment and expertise in the event of large scale oil spills.
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention) 1972	This international Convention controls dumping from any ships, aircraft or platforms in Australian waters and by Australian ships or aircraft in any part of the sea. It was signed for Australia in 1973 and entered into force in 1985. Three Amendments were made to Annexes between 1978 and 1989. These Amendments entered into force in 1979, 1981 and 1990, respectively. The Amendments of November 1993 concerned the phasing out of sea disposal of industrial waste. This Amendment entered into force generally in February 1994. It was accepted for Australia in 1994, except in relation to jarosite waste, where the option of dumping at sea was retained for a short while after the January 1996 deadline, but not beyond December 1997. Australia signed the 1996 Protocol to the Convention on 25 March 1999. Implementation of the Protocol will be via the proposed amended Environment Protection (Sea Dumping) Act 1981 which is currently before the Senate (in the Environment and Heritage Legislation Amendment Bill, 1999).
Conservation and Heritage	
UNESCO World Heritage Convention 1972 [IUCN, Department of the Environment and Heritage]	This Convention was ratified in Australia in 1974 and came into force in 1975. The aim of the Convention is to protect, anywhere in the world, natural and/or cultural heritage of such outstanding universal value that its conservation is of concern to all people. Places on the World Heritage List should be conserved for all time. Member countries must ensure that they identify, protect, conserve and present their listed World Heritage properties. There were 11 such properties in Australia as of June 1995, none of which include the North West Shelf (see also Commonwealth legislation: World Heritage Properties Conservation Act 1983 in table 2).

Instrument	Description/purpose
<p>Convention on Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979</p> <p><i>[Department of the Environment and Heritage-Environment Australia Biodiversity Group]</i></p>	<p>This Convention provides a framework for enhancing the conservation status of rare and threatened migratory species. As outlined in Australia's Oceans Policy 1998 (refer to Table 4 of this report) the Government will nominate for international protection under the Bonn Convention all dolphins and porpoises inhabiting Australian waters that meet the criteria. In addition, it will strengthen protection for whales by legislating to create the Australian Whale Sanctuary and to ban capture for live display.</p> <p>Besides its implications on conservation of marine mammals such as whales, the Convention also has relevance to other migratory species on the North West Shelf e.g. seabirds and wading birds.</p>
<p>Convention for the Protection of the World Cultural and Natural Heritage 1972</p> <p><i>[Department of the Environment and Heritage-Australian Heritage Commission]</i></p>	<p>This Convention establishes a scientific system for permanent protection of cultural and natural heritage of outstanding universal value.</p>
Shipping and Navigation	
<p>International Maritime Organisation (IMO) Resolution A.720 (17) Guidelines for the designation of special areas and the identification of particularly sensitive sea areas</p> <p><i>[IMO]</i></p>	<p>This Resolution adopts the IMO Guidelines for the designation of Special Areas and the identification of Particularly Sensitive Sea Areas. It invites Governments to observe the Guidelines when proposing designation of special areas under MARPOL 73/78. It also requests the Marine Environment Protection Committee and the Maritime Safety Committee to keep the Guidelines under review and requests the Maritime Safety Committee to incorporate relevant provisions of these Guidelines into the resolution A.572: General Provisions on Ships' Routeing.</p>
<p>International Maritime Organisation (IMO) International Safety Management Code (ISO): International management code for the safe operation of ships and for pollution prevention</p> <p><i>[IMO]</i></p>	<p>Objectives as per title of Code. The Maritime Safety Committee, a sub-group of IMO, deals with issues relevant to implementation of the International Safety Management Code, competence of crews, ship routeing and reporting, navigation aids and, in joint committee with the Marine Environment Protection Committee, adequacy of worldwide salvage capacity.</p>
<p>Memorandum of Understanding (MOU) on Asia-Pacific Region Port Control</p>	<p>This MOU is under the IMO Conventions. Australia and New Zealand participate through this agreement, which ensures that foreign shipping conforms to international maritime conventions on safety and environment. Member countries can access a database on ship inspections within the region and similar information from similar databases operated by organisations in other regions. The scheme provides an early warning system for sub-standard ships and allows better targeting of port inspections.</p>

3.2.2 Commonwealth legislation

Relevant Commonwealth legislation is presented in table 2.

Table 2: Commonwealth legislation.

Instrument	Description/Purpose
Environment	
Intergovernmental Agreement on the Environment (IGAE) and its Schedules	The IGAE came into effect in May 1992. It was designed to avoid damaging disputes about environmental matters between the different levels of government in the country. It establishes conditions under which Australia's various governments will interact and includes a set of principles to guide the development of environmental policies. It consists of nine schedules covering areas such as data collection, environmental impact assessment, and is intended to provide a cooperative national approach to environmental management, management of World Heritage Areas and nature conservation.
Environment Protection (Impact of Proposals) Act 1974 <i>[Department of the Environment and Heritage-Environment Australia. Environment Protection Group]</i>	This Act makes provision for Protection of the Environment in relation to Projects and Decisions of, or under the control of, the Australian Government. The object of this Act is to ensure, to the greatest extent that is practicable, that matters affecting the environment to a significant extent are fully examined and taken into account in and in relation to: (a) the formulation of proposals; (b) the carrying out of works and other projects; (c) the negotiation, operation and enforcement of agreements and arrangements (including agreements and arrangements with, and with authorities of, the States); (d) the making of, or the participation in the making of, decisions and recommendations; and (e) the incurring of expenditure, by, or on behalf of, the Australian Government and authorities of Australia, either alone or in association with any other government, authority, body or person.
ANZECC Interim Ocean Disposal Guidelines (December 1998) <i>[Department of the Environment and Heritage-Environment Australia. Marine Group]</i>	<p>The Guidelines include an overview of relevant international conventions and Commonwealth and State responsibilities, information on dredging and dumping disposal and treatment, permitting and process of applications, overview of investigations and assessments of dredged or excavated material, site selection, environmental management and monitoring. They also include detailed guidelines for the investigation and assessment of dredged and excavated material and for the site selection for disposal, management, environmental assessment and monitoring. Appendices to the Guidelines include information about the Annex II 1996 protocol for assessing wastes and other matters, a Dredged material Assessment Framework, a statistical sampling approach for large projects, ANZECC Water Quality Guidelines, recommended procedures for sample collection, preservation and storage and a list of Sea Dumping Advisors for Commonwealth Sea Dumping Permits.</p> <p>The main aims of the Guidelines are:</p> <ul style="list-style-type: none"> • To provide a consistent framework to assess likely environmental impacts from sea dumping of dredged or excavated material; • To provide advice to applicants on selection of dump sites and assessment and monitoring of spoil; • To help applicants, especially new applicants, to understand Australian and international laws that regulate sea

Instrument	Description/Purpose
	<p>dumping.</p> <p>The Guidelines illustrate how contaminated material may be assessed through sampling, chemical testing and biological (toxicity) testing to determine whether or not material is suitable for disposal at sea. The Guidelines allow for case-by-case considerations of dredging and dumping requirements of individual ports, which account for more than half of sea dumping applications. The procedures in the Guidelines take into account the port operations viability, while protecting the marine environment and community interests.</p> <p>The Guidelines have particular relevance to planned or existing industrial and port -related activities in the vicinity of Dampier, Port Hedland and Point Samson, these being key foci of development activities along the North West Shelf.</p>
<p>Environment Protection (Sea Dumping) Act 1981</p> <p><i>[Department of the Environment and Heritage-Environment Australia. Marine Group]</i></p>	<p>An Act providing for the protection of the environment by regulating the dumping into the sea and the incineration at sea, of wastes and other matter and the dumping into the sea of certain other objects, and for related purposes. The Act implements the Convention on Marine Pollution by Dumping of Wastes and Other Matter 1972. Provisions of the Act prohibit the dumping of radioactive wastes and licence the dumping of all other wastes. The Act requires an environmental assessment of all proposals to dump excavated material and dredge spoil at sea. The Act is administered by Environment Australia.</p>
<p>Ozone Protection Act 1989</p> <p><i>[Department of the Environment and Heritage-Environment Australia. Environment Protection Group]</i></p>	<p>This Act, and the associated Ozone Protection Regulations and Acts pertaining to Licence Fees for Import and Manufacture, are administered by the Environment Protection Group of Environment Australia. The objectives of the Act are: (1) to institute a system of controls on manufacture, import and export of substances that deplete ozone in the atmosphere, giving effect to Australia's obligations under the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substance that Deplete the Ozone layer, as in force in Australia; (2) to institute controls on manufacture, import, export, distribution and use of products that contain or use ozone depleting substances; (3) to use best endeavours to encourage Australian industry to replace ozone depleting substances and to achieve faster and greater reduction in the levels of production and use of ozone depleting substances that are provided for in the Vienna Convention and Montreal Protocol.</p>
<p>Hazardous Waste (Regulations of Exports and Imports) Act 1989</p> <p><i>[Department of the Environment and Heritage-Environment Australia. Environment Protection Group]</i></p>	<p>This Act, and associated Regulations, as well as the later Hazardous Waste (Regulations of Exports and Imports) Amendment Act 1996, provide regulations and procedures governing export and import of hazardous wastes into and out of Australia.</p>

Instrument	Description/purpose
Protection of the Sea (Prevention of Pollution from Ships) Act 1983 [AMSA]	<p>This Act is in four Parts and relates to the protection of the sea from pollution by oil and other harmful substances discharged from ships. The Act applies both within and outside Australia and extends to every external Territory. Part II deals with prevention of oil pollution, including prohibition of discharge of oil and oily mixtures into the sea. It includes duty to report incidents involving oil. Part III deals with prevention of pollution by specified noxious substances, including oil and deals with other prevention measures including cleaning of tanks of ship.</p> <p>Part IIIA deals with prevention of pollution from packaged harmful substances. Part IIIB deals with prevention of pollution by sewage. Part IIIC deals with prevention of pollution by garbage. Part IV deals with miscellaneous issues, including powers of inspectors, prosecution of offences, regulations, orders and repeal of the Protection of the Sea (Discharge of Oil from Ships) Act 1981.</p> <p>The Act links to the MARPOL Convention: International Convention for the Prevention of Pollution from Ships 1973 (Schedule 2), Amendments to the Annex of the Protocol of 1978 relating to the above Convention (Schedule 3), Adoption of Amendments to the Annex of the Protocol of 1978 relating to the 1973 Convention in respect of Annex II of the Convention and Protocol 1 to the 1973 Convention (Schedules 4 and 5, respectively). (See MARPOL Convention under International Conventions).</p> <p>Important regulations under Schedule 3 Annex, Amendments to the 1978 Protocol, deal with requirements for control and management of oil pollution and dirty ballast water discharge, including conditions under which ballast can be carried in cargo tanks. Controls on oil and ballast water discharge are defined under Regulations 9 and 15 of this Schedule.</p>
Protection of the Sea Legislation Amendment Act 1986 [AMSA]	<p>This Act amends the Navigation Act 1912 and certain other Acts in relation to protection of the sea from pollution. The Act is in five Parts and has eight Schedules, the latter dealing with certain Amendments to Parts of the Navigation Act 1912 and to Parts of the Protection of the Sea (Prevention of Pollution from Ships) Act 1983. The Schedules also include certain Annexes and Schedules added or substituted to the protection of the Sea (Civil Liability) Act 1981. Part II of the Protection of the Sea Legislation Amendment Act 1986 deals with Amendments (related to MARPOL Convention) to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983, specifically including amendments dealing with prohibition of oil discharge to the sea and certain liquid substances to be treated as oil. Parts IIIA, B and C of the Amendment Act 1986 deal with prevention of pollution by packaged harmful substances, sewage and garbage, respectively. Parts IV and V deal with Amendments of the protection of the Sea (Civil Liability) Act 1981 and Protection of the Sea (Civil Liability) Act 1981 and Protection of the Sea (Shipping Levy Collection) Act 1981.</p>
Endangered Species Protection Act 1992 [Department of the Environment and Heritage-Environment Australia. Biodiversity Group]	<p>The objective of the Act is to provide the legislative basis for Commonwealth responsibilities with regard to the conservation of endangered species and communities and the amelioration of the processes that threaten them. Schedules of the Act list specific species considered to be either endangered, vulnerable or extinct. These cover species of plants and animals (fish, amphibians, reptiles, birds, mammals) in Australia. The lists are compiled from a national perspective and do not necessarily take account of species, subspecies or discrete populations that might be threatened or vulnerable at the regional or local scale. The list excludes threatened marine plants, marine invertebrates or marine fish and lichens.</p>

Instrument	Description/purpose
	<p>The lists do include species that occur in the environments of the North West Shelf. The most obvious species that are considered to be endangered include, without exhaustively reproducing the list, species of wading birds and marine mammals such as Humpback and Southern Right whale. Humpback whales are sighted occasionally along the North West Shelf when they migrate north in winter to calve. Species that are considered vulnerable include green turtle, hawksbill turtle, Barrow Island black and white fairy wren, Barrow Island Euro, Airlie Island Ctenopus as well as some bird species and other terrestrial mammals that inhabit coastal areas and islands. The marine sea-cow, or dugong, is listed by IUCN as “vulnerable to threatened” but is not listed under the Commonwealth’s Endangered Species Protection Act 1992.</p> <p>The ANZECC Fauna Network also provides conservation status recommendations on addition or removal of fauna from the list of threatened or vulnerable species listed in the Schedules of the Endangered Species Protection Act 1992. Examples relevant to the North West Shelf environment include recommendation to add the Thevenard Island Mouse to the endangered list.</p>
<p>National Parks and Wildlife Conservation Act 1975</p> <p><i>[Department of the Environment and Heritage-Environment Australia. Environment Protection Group]</i></p>	<p>The object of this Act is to make provision for the establishment and management of national parks and reserves in Commonwealth Areas. Under the Act, National Parks may be established in the Australian coastal sea, for purposes related to international rights and obligations related to the continental shelf of Australia, or for facilitating the carrying out by Australia of obligations under international agreements. The Act is in seven Parts, these dealing with various processes and functions, including Parks and Reserves, Boards established under the Act, Functions, powers and activities of the Director of National Parks and Wildlife, aspects of Administration and enforcement, Finance and Transfer of Officers and employees.</p>
<p>Whale Protection Act 1980</p> <p><i>[Department of the Environment and Heritage-Environment Australia. Biodiversity Group]</i></p>	<p>The objective of the Act is to provide for the preservation, conservation and protection of whales and other cetaceans in the Australian EEZ. Commercial whaling was banned in 1978 in Australian waters and in 1986 in all international waters. Thus, the Act prohibits the killing and taking of whales in all territorial waters of Australia and the States and territories of Australia without a permit. Under the Act, permits may be applied for which authorise the taking of whales for scientific or educational purposes, preservation or conservation purposes or incidental to commercial fishing purposes.</p>
<p>Environment Protection and Biodiversity Conservation Act 1999</p> <p>[not yet enacted]</p> <p><i>[Department of the Environment and Heritage]</i></p>	<p>This new Act defines the environmental responsibilities of the Commonwealth and proposes fundamental reforms to strengthen existing environmental standards in areas of Commonwealth responsibility. It implements the Council of Australian Government (COAG) Agreement 1997 defining the Commonwealth’s role by reference to matters of national environmental significance. It will come into force on 16 July 2000.</p> <p>The Act repeals five existing Commonwealth Acts dealing with environmental issues. These are: Environment Protection (Impact of Proposal) Act 1974, Endangered Species Protection Act 1982, National Parks and Wildlife Conservation Act 1975, Whale Protection Act 1980 and World Heritage Properties Conservation Act 1983.</p> <p>As outlined in Australia’s Oceans Policy 1998, the Act identifies the marine environment as one of a range of matters on national significance, consistent with the Council of Australian Governments Heads of Agreement on Roles and</p>

Instrument	Description/purpose
	<p>Responsibilities for the Environment. Matters of national significance relevant to the NWS may be Commonwealth marine areas, listed threatened species and communities and listed migratory species.</p> <p>With limited exceptions, all actions which may have significant impact on these matters of national significance will require approvals under the new legislation. The Act provides for protection of whales and other cetaceans. It also provides for strategic assessments of the impacts of actions arising out of policies, plans and programs, allowing for recommendations from the Minister for the Environment and Heritage and subsequent endorsement of policies, plans and programs by the Minister.</p>
<p>Wildlife Protection (Regulation of Exports and Imports) Act 1982 <i>[Department of the Environment and Heritage-Environment Australia. Biodiversity Group]</i></p>	<p>The WP(REI) Act is Australia's legitimate basis for conservation-oriented controls on the export and import of wildlife (animals and plants) and wildlife products. The WP(REI) Act fulfils Australia's obligations to the Convention on International Trade of Endangered Species of Wild Flora and Fauna (CITES) and the NPWC Act. The Biodiversity Group grants permits or authorities to those who apply to export Australian species (or products) or import species (or products) which are under CITES control. Some examples of marine species which are affected by the AP(REI) Act include corals, shells and seaweed.</p>
<p>Sea Installations Act 1987 and Sea Installations Amendment Act 1987 <i>[Department of the Environment and Heritage-Environment Australia. Marine Group]</i></p>	<p>The objects of the Act are (1) to ensure that sea installations (i.e. any man-made structure, part structure or remnant structure that, when brought into contact with the seabed, or when floating, can be used for an environment-related activity) installed in adjacent areas (i.e. waters that are outside the outer limits of the Territorial Sea of Australia and are either within the outer limits of the EEZ or outside the EEZ limits but within the outer limits of the continental shelf) are operated with regard to the safety of the people using them and of the people, ships and aircraft near them; (2) to apply appropriate laws in relation to such sea installations; and (3) to ensure that such sea installations are operated in a manner that is consistent with the protection of the environment (defined as all aspects of the surroundings of a person and involving activities relating to tourism, business, exploring and exploiting or using living resources of the seabed, including fishing, pearling, fish farming). Sea installations, as defined in the Act, exclude cargo ships as defined under the Navigation Act 1912. They also exclude excluded dumping vessels, fishing installations, pearling vessels or excluded wrecks. Also excluded are navigational aids, resource industry fixed structures, submarine cables, military, naval or air force structures as defined, and pipelines of which licences are required under P(SL)A 1967.</p>
<p>Sea Installations Levy Act 1987 <i>[Department of the Environment and Heritage-Environment Australia. Marine Group]</i></p>	<p>The objective of this Act is to provide for a levy to be paid to the Commonwealth by a permit holder in relation to the operation of sea installations. To date no levies have been collected under this Act as enabling regulations, which are necessary to prescribe the amount of levy payable, have not been made.</p>

Instrument	Description/purpose
<p>Conservation and Heritage</p> <p>World Heritage Properties Conservation Act 1983 [WHC, IUCN, ICOMOS, <i>Department of the Environment and Heritage. Environment Australia. Australian and World Heritage Group</i>]</p>	<p>The World Heritage Properties Conservation Act 1983 provides that once an Australian area is placed on the World Heritage List, various activities, including any kind of development work, is prohibited without the consent of the relevant Federal Minister.</p> <p>In becoming a State Party to the 1972 World Heritage Convention, the Commonwealth accepted obligations to the world community to protect, preserve and present World Heritage properties in Australia. To this end, the government passed the World Heritage Properties Conservation Act 1983. Only the Commonwealth, as a State Party, can nominate places to the World Heritage List. Decisions on listing are made by the World Heritage Commission (WHC) with advice from the IUCN and the International Council of Monuments and Sites (ICOMOS).</p> <p>Australian experts work with IUCN and ICOMOS and the WHC to facilitate nomination of cultural areas in Australia and to change the Operational Guidelines. The IGAE includes a schedule to improve World Heritage nomination, community liaison and management arrangements. Since then, the States have approved all nominations submitted. In 1993, the Prime Minister announced that the Commonwealth would work with the State governments to develop a 'World Heritage Indicative List of Cultural Sites' as required by the WHC. This list currently only includes existing properties and previous deferred nominations. National conservation bodies with association with IUCN have prepared their own indicative lists of natural areas for future consideration by the Commonwealth and the States. Currently there are no areas, onshore or offshore, along the North West Shelf, from Exmouth to Broome, that are included in the existing World Heritage property list.</p>
<p>National Parks and Wildlife Conservation Act 1971 [<i>Department of the Environment and Heritage-Environment Australia. Environment Protection Group</i>]</p>	<p>The objective of the Act is to conserve nature conservation values of the Australian natural environment and wildlife, to increase knowledge, appreciation of and access to Australian biota, and to enhance awareness of and access to the natural environment. The Act provides for the establishment of parks and reserves, including marine parks and reserves in Commonwealth waters to the edge of the continental shelf.</p>
<p>Natural Heritage Trust of Australia Act 1997 [<i>Department of the Environment and Heritage. Environment Australia. Biodiversity Group</i>]</p>	<p>This Act establishes the Natural Heritage Trust of Australia Reserve. The main source of money for the Reserve is \$1.1 billion from partial sale of Telstra. The main objective of the Reserve is to conserve, repair and replenish Australia's natural capital infrastructure. Money in the Reserve will be spent on the environmental protection (Section 15), to support sustainable agriculture (Section 16) and natural resource management (Section 17). Section 30 establishes the Natural Heritage Trust Advisory Committee.</p> <p>For the purposes of the Act, environmental protection means maintaining, conserving, preserving, protecting, restoring components of the natural environment, conserving or restoring Australia's biodiversity and developing or promoting waste minimisation and clean production. It also means preventing, combating or rectifying pollution of the environment, natural or otherwise, and carrying on research, or disseminating information, about Australia's natural environment and biodiversity.</p>

Instrument	Description/purpose
	The meaning of sustainable agriculture under the Act includes use of agricultural practices that maintain or improve ecologically sustainable use of Australia's biodiversity, its natural resource base and ecosystems influenced by agricultural activities.
<p>Australian Heritage Commission Act 1975 <i>[Department of the Environment and Heritage-Australian Heritage Commission]</i></p>	<p>The Act establishes the Australian Heritage Commission to identify the National Estate for present and future generations and to assist in its conservation and preservation. The AHC identifies, through a Register, significant places of natural, historic or indigenous environments, as assessed by criteria under the Act. The primary purpose of the Register is to educate and alert people, particularly planners and decision makers, to places of national estate significance, so that areas are not needlessly or inadvertently destroyed or degraded. The Act requires Commonwealth Ministers and agencies to take into account effects on National Estate places of any proposed actions for which they have a decision-making role. While the Act relates to Commonwealth Government activities, as well as State/Territory Local Governments, private owners are not affected.</p>
<p>Historic Shipwrecks Act 1976 <i>[Department of the Environment and Heritage. Environment Australia. Australian and World Heritage Group]</i></p>	<p>The Act provides for the protection of shipwrecks in Australian waters below low water mark and is administered by the States or Territory. Historic ships can be registered on the Register of the National Estate.</p>
<p>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 <i>[Department of the Environment and Heritage. Environment Australia. Australian and World Heritage Group]</i></p>	<p>The purposes of the Act are the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters (i.e. the territorial sea of Australia and any sea on the landward side of the territorial sea, as well as territorial sea of any external territory and the sea over the continental shelf) of areas and objects that are of particular significance to Aboriginal people in accordance with Aboriginal tradition (i.e. traditions, observances, customs and beliefs relating to persons, areas, objects or relationships).</p>
<p>Native Title Act 1993 <i>[National Native Title Tribunal]</i></p>	<p>This Act provides for Aboriginal people to claim Native Title and a process for negotiation and compensation where the land is to be released by the State. The objective is to provide for the recognition and protection of Native Title, to establish ways in which future dealings affecting Native Title may proceed and to set standards for those dealings, to establish a mechanism for determining claims to Native Title, and to provide for, or permit, the validation of past Acts invalidated because of the existence of Native Title.</p> <p>In Western Australia, the (State) Department of Land Administration (DOLA) carries out historical land searches to determine whether any native title is extinguished or may exist. If native title may exist, the Department undertakes referrals and processes required by the (Commonwealth) Native Title Act.</p>

Instrument	Description/purpose
Australian Maritime Safety Authority Act 1990 <i>[Department of Transport, AMSA]</i>	The main objectives of this Act are: <ul style="list-style-type: none"> (a) to promote maritime safety; (b) to protect the marine environment from: <ul style="list-style-type: none"> (i) pollution from ships; and (ii) other environmental damage caused by shipping; (c) to provide for a national search and rescue service; and (d) to promote the efficient provision of services by the Authority.
Shipping and Navigation	
Beaches, Fishing Grounds and Sea Routes Protection Act 1932	This Act prohibits the discharge from vessels of any garbage, rubbish, ashes or organic refuse in Australian waters. The Act also makes provision for applications to be made for certain vessels to be sunk at sea.
Control of Naval Waters Act 1918 <i>[Department of the Navy]</i>	This Act provides for control of naval waters, removal of hazards and for implementation and observance of measures designed to ensure safe navigation that reduces the chance of environmental damage caused by collision at sea.
Transport and Communications	
Transport and Communications Legislation Amendment Act (No. 3) 1992 <i>[Department of Transport]</i>	This is an Act in 13 Parts that amends various Acts relating to matters dealt with by the Commonwealth Department of Transport and Communications, and for related purposes. It includes Amendments of the Australian Broadcasting Corporation Act 1993, the Australian National Railways Commission Act 1983, the Broadcasting Services Act 1992, the Civil Aviation Act 1988, the Federal Airports Corporation Act 1986, the Protection of the Sea (Prevention of Pollution from Ships) Act 1983, the Radio Communications Act 1983, the Telecommunications Act 1991. It also deals with protection of communications, validation of certain notifications under the Telecommunications Act 1989, Amendments of the Telecommunications Act (transitional Provisions and Consequential Amendments) Act 1991 and Amendments of the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992. Significantly, Part 7 (Section 26) includes important amendments to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 relating to discharge requirements and spatial limits for discharge of oil and oily mixtures into the sea from ships of specified tonnage, location and routes.

Instrument	Description/purpose
Industry: Oil and Gas	
<p>Petroleum (Submerged Lands) Act 1967 [P(SL)A 1967]</p> <p>[DISR and also DISR and WADME under Joint Authority (JA) arrangement]</p>	<p>The Petroleum (Submerged Lands) Act 1967 is “an Act relating to the Exploration for, and the Exploitation of, the Petroleum Resources, and certain other Resources, of the Continental Shelf of Australia and of certain Territories of the Commonwealth and of certain other Submerged Land”. The Act establishes an offshore regime for the exploration and development of petroleum resources in their territorial waters of the Commonwealth of Australia. The objective is to permit, under government supervision, the exploration and production of petroleum within offshore areas under Commonwealth jurisdiction.</p> <p>Projects and proposals that are located offshore from Western Australia between 3 nm and 200 nm are in Commonwealth waters and are under the joint jurisdiction of the Commonwealth’s Department of Industry, Science and Resources (DISR) and the WA Department of Minerals and Energy (WADME) (See also below the draft P(SL) (Management of Environment) Regulations 1999 below).</p>
<p>P(SL)A (Management of Environment) Regulations 1999</p> <p>[DISR, WADME under JA]</p>	<p>The object of these regulations is “to ensure that any petroleum activity in an adjacent area (defined under Section 5(1) of the P(SL)A as waters not within the outer limits of the territorial sea but within the outer limits of the continental shelf) is carried out in a way that is consistent with the principles of ecologically sustainable development, in accordance with an Environment Plan that has appropriate environmental performance objectives and standards as well as measurement criteria for determining whether the objectives and standards are met”. These regulations are to commence on 1 July 1999, and require that an accepted Environment Plan is in force before the commencement of a petroleum activity, and that such petroleum activity does not contravene any such plan. The regulations set out the content of such plans, and provide a framework for the reporting of certain reportable incidents to a designated authority. “Petroleum activity” is defined by the regulations and includes most aspects of petroleum operations including exploration, pipeline construction, production and transport (based on draft Regulations at 27 April 1999).</p> <p>The Regulations describe requirements and procedures for gaining environmental approvals for petroleum related development projects. The Regulations include the requirements to prepare an “Environment Plan”, similar in some respects to the “Safety Case” required to address safety requirements under P(SL)A. On the basis of the proposal presented in the Environment Plan, the State authority, as the Designated Authority (DA), notifies the Commonwealth Department of Industry Science and Resources (DISR) and determines whether environmental assessment be carried out by WADME or by WADME/DISR under a Joint Authority (JA) arrangement. The JA consists of the Commonwealth Minister for Resources and Energy (through DISR) and the WA State Minister for Mines (through WADME). Proposals or activities that are perceived to have significant environmental issues are assessed by the WADME/DISR under the JA arrangements. WADME uses the ANZECC criteria, including environmental resilience and characteristics of the receiving environment, to assess appropriate designation of a proposal under Commonwealth jurisdiction. WADME/DISR recommend to the JA on whether or not Commonwealth EIA process is triggered under the Environmental Protection (Impact of Proposals) Act 1974 [EP(IP) Act]. Other Ministers may trigger the EP (IP) Act, for example where foreign investment or other issues are</p>

Instrument	Description/purpose
	involved. Assessment is designated to Environment Australia (EA) for oil & gas activities (i.e. seismic exploration, exploration and appraisal drilling, production drilling and development) in protected areas or in areas where there is potential for significant impact. WADME, as the DA, would normally assess other proposals.
Liquefied Petroleum Gas (Grants) Act 1980 [DISR]	An Act to grant financial assistance to the States and the Northern Territory in connection with the prices, when sold for certain uses, of liquefied petroleum gas and gas produced by the use of liquefied petroleum gas or naphtha.
Industry: Fisheries and Aquaculture	
Fisheries Management Act and Fisheries Administration Act 1991 [<i>Australian Fisheries Management Authority</i>]	The objective of the Act is to implement efficient and cost-effective fisheries management, to ensure that fisheries activities are conducted according to the principles of ecologically sustainable development, and to maximise economic efficiency in exploitation of fisheries. Fisheries management plans are prepared under this Act. The Act controls fishing in Commonwealth waters and manages foreign fishing throughout the Australian Fishing Zone. Jurisdictional structures provide for joint management of certain fisheries by the State and Commonwealth.
Industry: Mining	
Offshore Minerals Act 1994 [Department of Primary Industries & Energy]	The Offshore Minerals Act 1994 is “an Act relating to exploration for, and the recovery of minerals (other than petroleum) in certain offshore areas, and for related purposes”. It is similar to the P(SL)A, in that it establishes an administrative structure for the granting and renewal of various offshore mining tenements, including exploration licences, retention licences and mining leases, however this Act does not apply to petroleum.
Multiple Sectors	
Offshore Constitutional Settlement (OCS)	The OCS came into effect on February 1995 to provide joint Commonwealth and State agreed arrangements for managing activities and to overcome disputes over marine resources jurisdiction. The OCS provides a range of “agreed arrangements” related to managing marine resources, including oil and gas, seabed minerals, fisheries, marine parks, historic shipwrecks, ship-sourced pollution, shipping and navigation. In 1979, the OCS established that the States would be responsible for management within the 3 nm limit, with the Commonwealth responsible for management from this boundary to the edge of national jurisdiction, as defined by UNCLOS.
Coastal Water (State Powers) Act 1980 [<i>Attorney Generals Department</i>]	The objective of the Act is to extend the legislative powers of the States in relation to coastal waters and is part of the Offshore Constitutional Settlement (OCS)
Coastal Waters (State Titles) Act 1980 [<i>Attorney Generals Department</i>]	The objective of the Act is to grant the States title to the seabed of coastal waters and is part of the Offshore Constitutional Settlement (OCS)

Instrument	Description/purpose
Seas and Submerged Lands Act 1973 [<i>Attorney Generals Department</i>]	This legislation declared Commonwealth jurisdiction from the low water mark. The Act's legality was challenged by the States but was upheld by the High Court in 1975. Negotiations held between Commonwealth and States led to the Offshore Constitutional Settlement (OCS), which formalises their responsibilities (see OCS). The Act provides Articles and Sections under which Australia's territorial limits are defined for the purposes of international law. This includes the baseline or inner limit from which Australia's territory was measured under Section 7 of the Act and declaration of Australia's 24 nm Contiguous Zone by inclusion of a provision in the Act to enhance the enforcement of customs and other laws.
Export Control Act 1982	The Export Control Act 1982 is the means by which the Commonwealth Government controls the export of certain prescribed goods by requiring the grant of a licence to export those goods. It is a contravention of the Act to export in breach such a licence or without a required licence. Regulations can be made declaring certain goods to be prescribed goods, and the conditions for their export.

3.2.3 State legislation

Relevant State legislation is presented in table 3.

Table 3: State legislation.

Instrument	Description/Purpose
Planning	
Western Australian Planning Commission Act 1985 <i>[Ministry of Planning. WA Planning Commission]</i>	The purpose of this Act is to establish a body with responsibility for urban, rural and regional land use planning and land development and related matters in the State. The Western Australian Planning Commission is established under Part 2 and the Town Planning Department is abolished. The Act sets out various administrative and financial matters relevant to the Commission.
Regional Development Commissions Act 1980 <i>[Ministry of Planning. WA Planning Commission]</i>	The objectives of this Act are to establish regional development commissions to coordinate and promote the economic development of regions of Western Australia, to provide for the establishment of regional development advisory committees, to establish a Regional Development Council, to continue existing regional development bodies as commissions under this Act, and to repeal certain Acts. Several Regional Development Commissions are established under Part 2 of the Act and their constitution, functions and powers are set out in part 3. A regional Development Council is established under Part 4 and its functions are set out. See also planning initiatives and strategies under way through the WA Ministry for Planning.
Planning Legislation Amendment Bill 1998	The Bill was tabled in the Autumn sitting of Parliament. It intends to amend the current planning legislation as follows: (1) changes to the Town Planning and Development Act to provide new rights of appeal and to provide a head of power for local government fees and charges for planning services and (2) changes to the WA Planning Commission Act to introduce provisions for country region schemes consistent with those of the metropolitan Region Scheme.
Land Act 1933 <i>[Department of Land Administration]</i>	This Act provides the legislative procedures for the grant of title to vacant crown land or other land in which the State has a major interest in accordance with the Act. Under the Land Act 1933 areas of land may be set aside for public purposes. Once set aside, the land is accorded an “A”, “B” or “C” classification, which indicates that it must remain reserved until declared otherwise by an Act of Parliament (“A”), Governor Cancellation (“B”), or Ministerial Authority (“C”). Reserves are usually vested in one of the several State management authorities (e.g. under the CALM Act). The powers of this Act extend only to the Low Water Mark and it cannot be used to establish marine reserves (which are dealt with under the CALM Act).
Land Drainage Act 1925 <i>[Department of Land Administration]</i>	This is an Act “to provide for the drainage of land, the use of drains and drainage water and the constitution of Drainage Districts and for other relative purposes”. It provides for the declaration of drainage districts under Parts 2 and 3, and for the construction of drains under Part 4. A range of offences relating to drainage is detailed in Part 11, the rest of the Act relates to administrative matters. Regulations pertaining to land drainage are provided in the Land Drainage Regulations 1978.

Instrument	Description/purpose
Local Government Act 1995 [<i>Local Government Authority</i>]	<p>This is an Act “to provide for a system of local government in Western Australia, to amend the Local Government Act 1960 and for related purposes”. Section 1.3 summarises the main content of the Act and what it intends to achieve. It provides: “(1) for a system of local government by” (a) providing for the constitution of elected local governments in the State; (b) describing the functions of local governments; (c) providing for the conduct of elections and other polls; and (d) providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.</p> <p>(2) This Act is intended to result in: (a) better decision-making by local governments; (b) greater community participation in the decisions and affairs of local governments; (c) greater accountability of local governments to their communities; and (d) more efficient and effective local government.</p>
Town Planning and Development Act 1928 [<i>Local Government Authority</i>]	<p>This Act, and the Town Planning Regulations 1967, provides the legislative arrangement for approvals of projects on land situated within the boundaries of a Town Planning Scheme. The approvals are the responsibility of the Local Government Authority (e.g. a City, Town or Shire Council). Any zoning or rezoning applications are initiated by the Local Government Authority and approved by the Minister for Planning. Application to a Local Government Authority to amend an existing Town Planning Scheme involves triggering a sequence of steps, including referral to the WADEP for environmental assessment, to the Local Government Authority for assessment and recommendation to the WA Planning Commission prior to a decision by the Minister for Planning. An example of a Town Planning Scheme that involves requirements under the Act, and is relevant to the North West Shelf region, is the Shire of Roebourne’s Town Planning Scheme No. 8 (see also Table 4).</p>
Health Act 1911 [<i>Health Department</i>]	<p>The objective of this Act is to consolidate the law relating to Public Health. The Act is administered by the relevant Minister, and each local Government is authorised and directed to carry out the provisions of the Act in its district. The Act contains far reaching provisions on a wide range of matters, which are divided into parts: Sanitary Provisions (Part 5), Dwellings (Part 6), Public Buildings (Part 7), Nuisances and Offensive Trades, Animal Produce, Drugs, Medicines, Disinfectants, Therapeutic Substances and Pesticides (Part 7A), Food (Part 8) and various Disease, Hospital and Medical related provisions (Parts 9-13).</p>
Regulations under the Health Act [<i>Health Department</i>]	<p>Several Regulations relate to requirements for infrastructure development along the North West Shelf coast and islands. These include: Fly Eradication Regulations 1961, Health Act (Carbon Monoxide) Regulations 1975, Health Act (Air Handling and Water Systems) Regulations 1994, Health (Construction Works) Regulations 1973, Health (Prescribed Insect Pests) Regulations 1991, Local Authorities (Sewerage Undertakings Regulations 1971, Pesticides Regulations 1956, Public Buildings Regulations 1992, Sewerage (Lighting Ventilation and Construction) Regulations 1971, Treatment of Sewage & Disposal of Effluent & Liquid Waste Regulations 1985,</p>
Housing Act 1980 [<i>State Housing Commission</i>]	<p>This Act, and associated Regulations, relate to housing, and its objectives are “to make better provision for housing and improving housing standards and conditions in the State, to encourage the use, development and redevelopment of land for housing and related purposes, to enable the carrying out of agreements and arrangements with respect to housing, to preserve and continue The State Housing Commission and for other purposes”. The powers and functions of the State</p>

Instrument	Description/purpose
	Housing Commission are provided for under Part 2 of the Act, Part 3 deals with the powers of the Commission to acquire, develop and dispose of property. Under Parts 4 and 5, the Commission can provide financial assistance and loans for housing. Part 8 deals with specialised housing and community facilities, the rest of the Act deals with administrative matters.
Housing Agreement (Comm. and State) Act 1990	This Act relates to financial assistance from the Commonwealth to the States for the purpose of housing. It approves and ratifies an agreement between the States and the Commonwealth under which the Commonwealth agreed to provide financial assistance for the purposes of housing. The primary principle of this agreement is to ensure that every person in Australia has access to secure adequate and appropriate housing at a price within his or her capacity to pay by seeking to: alleviate housing-related poverty; and ensure that housing assistance is, as far as possible, delivered equitably to persons resident in different forms of housing tenure.
Jetties Act 1926 [<i>Department of Transport</i>]	This is “an Act to provide for the Construction, Maintenance, and Preservation of Jetties and other works, and to make better provision for securing and regulating their use and management”. Under the Act, no private jetty can be constructed without a licence first being granted by the relevant Minister. Therefore, if port facilities are required for a major project, authorisation and a permit must first be obtained from the government.
Water Corporation Act 1995 [<i>Water Corporation</i>]	The purposes of the Water Corporation Act are to “establish a corporation with the function of providing water services, and with functions necessary for and related to that purpose, and for connected purposes”. It establishes the Water Corporation under Part 2 and sets out its functions and powers in Part 3. Matters relating to accountability of the Corporation are set out in Part 4.
Water Authority Act 1984: Rights in Water and Irrigation Act 1914 [<i>Water Corporation</i>]	This Act provides regulatory tools to regulate water supply, drainage and wastewater disposal.
Water Agencies (Powers) Act 1984 [<i>Water Corporation, Water and Rivers Commission</i>]	This is an Act “to vest powers in the Water Corporation, the Water and Rivers Commission and the Coordinator of Water Services, to make other provision in respect of their functions, and for related and other purposes”.
Country Areas Water Supply Act 1947 [<i>Water Corporation</i>]	This is an Act to make provision for the construction maintenance and administration of reticulated supplies of water to country areas, to safeguard water supplies, to repeal the Goldfields Water Supply Act 1902-1942, and for other incidental purposes. It applies to all parts of the State apart from the metropolitan area. Under Part 2 of the Act, the Governor may establish country water catchment areas and gives the Water Corporation the power to divert, intercept and store water in these areas. Part 2A restricts activities in catchment areas, including clearing of land. The Act also deals with a number of other matters including construction and maintenance of water works (Part 4) and Water supply (Part 5).

Instrument	Description/purpose
Environment	
Environmental Protection Act 1986-93 (or as amended) [WADEP]	This Act provides for an Environmental Protection Authority that has powers for preventing, controlling and abating environmental pollution. It also provides for conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the above. The Act establishes head powers to provide mechanisms for the development of Environmental Protection Policies, the referral and assessment of proposals (Environmental Impact Assessment), the control of pollution and enforcement. The most relevant functions of the Act are to control the review of environmental impacts of proposed developments, including petroleum exploration and development, and to control pollution. The Act binds the Crown and it prevails over other State legislation with the exception of State Agreement Acts, which received Royal Assent before 1 January 1972.
Environmental Protection (Liquid Waste) Regulations 1996 [WADEP]	These regulations apply in respect of liquid waste produced, collected, transported, stored, or disposed of, in the municipalities of local government districts in the Perth Metropolitan area and Bunbury.
Environmental Protection Regulations 1987 [WADEP]	These regulations provide for a variety of matters relating to forms of pollution. Of particular relevance is Part 3 which deals with the control of pollution on “prescribed premises” (including premises on which aquaculture, oil and gas and mining activities are conducted). This Part encourages owners of prescribed premises to register, which then authorises the disposal of a certain amount of waste specified in Schedule 2 of the Regulations.
Western Australian Marine (Sea Dumping) Act 1981 [WA Department of Transport]	This Act provides for the protection of the environment by regulating the dumping into the sea and the incineration at sea, of wastes and other matter. It has 35 sections. Sections 5, 6, 7 and 8 deal specifically with dumping and loading of wastes and associated penalties. Sections 11 and 12 include requirements for environmental restoration or mitigation of effects of dumping and liability for expenses resulting from dumping, respectively. Section 17 deals with requirements with respect to radioactive wastes. The Act governs granting and administration of permits for dumping and makes a person convicted under the Act liable for any expenses incurred by the State in remedying any problem caused as a result of dumping or incinerating. The Act has three Schedules, of which the first is the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter. The Act binds the Crown but nothing in the Act renders the State liable to be prosecuted for an offence.
Pollution of Waters by Oil and Noxious Substances Act 1987 [WA Department of Transport]	This is “an Act relating to the protection of the sea and certain waters from pollution by oil and other noxious substances discharges from ships and places on land and for related purposes”. The Act prohibits the discharge of oil or oily mixtures, establishes a duty to report discharges and sets penalties for breaches of the Acts provisions. The Act complements Commonwealth legislation however it refers to only to pollution of the sea with oil and noxious substances, as defined in Annex I and II of the MARPOL Convention 1973.

Instrument	Description/Purpose
Biological Control Act 1986 [<i>Agriculture WA</i>]	The Biological Control Act 1986 deals with the biological control of pests in Western Australia. It provides for the declaration of target organisms (Part 2), agent organisms (Part 3), and emergency declarations (Part 4). It establishes the Biological Control Authority of Western Australia (Part 1) and details their powers of inquiry (Part 7). The Act also allows agent organisms to be released in the State and indemnifies the State against any resultant damage (Part 5).
Environmental Protection (Noise) Regulations 1997 [<i>WADEP</i>]	These regulations deal specifically with all noise passing from one premise to another, noise from public places, as it affects adjacent premises and provide a basis for determining acceptable noise levels in relation to land use. The new regulations make provision for certain cases to allow reasonable amounts of activity that benefits the community. The activity must comply, however, with conditions set in the Regulations. The Regulations include guidance on special considerations for noise related to activities that include industry sources, blasting, agricultural noise, and construction noise equipment used on residential premises and community activities. The Regulations include information on what can be done if assigned noise levels cannot be met (Regulation 17).
Water and Rivers Commission Act 1995 [<i>Water and Rivers Commission</i>]	The Waters and Rivers Commission Act 1995 is “an Act to establish a Commission with functions relating to water resources, including functions under various written laws and for connected purposes”. The Water and Rivers Commission has water resources conservation, protection and management functions vested in it by various written laws, including the Waterways Conservation Act 1958. Among other functions, the Commission can make by-laws to prevent various forms of pollution to waterways.
Waterways Conservation Act 1976 [<i>Water and Rivers Commission</i>]	The Waterways Conservation Act 1978 is “an Act to make provision for the conservation and management of certain waters and of the associated land and environment, for the establishment of a Rivers and Estuaries Council and certain Management Authorities, to repeal the Swan River Conservation Act 1958, and for incidental and other purposes”. This Act is subordinate to a number of specified Acts including the Environmental Protection Act, and any Act providing for the conservation of wildlife or indigenous flora. It empowers the Minister, on the recommendation of the Environmental Protection Authority, to declare any area of the State containing one or more rivers, inlets or estuaries to be a management area, and to assign a management authority to that area. The Act applies to these management areas, and makes it an offence to pollute any waters in such areas without a licence, which can be applied for under the Act.
Radiation Safety Act 1975 [<i>Health Department</i>]	The objectives of this Act, and its Regulations, are to “regulate the keeping and use of radioactive substances, irradiating apparatus and certain electronic products, and for matters incidental thereto”. It imposes a duty on the Minister to protect the public health and safety against the dangers of radiation, and requires him/her to have regard to the expressed views of the Radiological Council. The Radiological Council is created under the Act (Part 2), and given powers under Part 4 to enforce the licensing and registration system established under Part 3 of the Act.

Instrument	Description/Purpose
Conservation and Heritage	
Conservation and Land Management Act 1994 [CALM]	The purpose of the Act is to “make better provision for the use, protection and management of certain public lands and waters and the floras and fauna thereof, to establish authorities to be responsible therefore, and for incidental or connected purposes”. This Act establishes the National Parks and Nature Conservation Authority, the statutory authority in which land-based reserves are vested, the Marine Parks and Reserves Authority, the statutory authority in which marine reserves are vested, and the Department of Conservation and Land Management as the management agency. The Act defines the categories of marine reserves, and stipulates the procedures for their declaration (Part 1 Division 3), the development of Management Plans (Part V, Division 1) and provides head powers for classification (zoning) of reserved areas (Part V, Division 2, Section 62), issuance of leases (Part VIII) and for relevant regulations (Part X).
Acts Amendment (Marine Reserves) Act 1997 [<i>Marine Parks and Reserves Authority;</i> <i>CALM, Fisheries WA, WADME</i>]	The Acts Amendment (Marine Reserves) Act 1997 amends the Conservation and Land Management Act 1984, Mining Act 1978, Petroleum (Submerged Lands) Act 1982, Fish Resources Management Act 1994 and the Pearling Act 1990. In relation to the CALM Act, it creates a third class of marine reserve called ‘marine management areas’. It also sets out the purpose of marine nature reserves, marine parks and marine management areas, which provides a framework for what activities can and cannot be carried out in these areas. It prohibits exploratory drilling for, or production of, petroleum in marine nature reserves and certain prescribed areas of marine parks, without a permit. The Act also establishes the Marine Parks and Reserves Authority (Division 3A) and the Marine Parks and Reserves Scientific Advisory Committee (Division 3B) and sets out their functions and membership criteria. The amendments to the other Acts are relatively minor. In relation to the mining legislation, a system is put in place to ensure that approvals from the relevant Ministers have been obtained before any mining activity in these areas occurs.
Wildlife Conservation Act 1950 [CALM]	The Wildlife Conservation Act 1950-1979 provides for the “conservation and protection of wildlife” and is administered by the Department of Conservation and Land Management. Native flora and fauna are ‘protected’ under the provisions of Section 14 of the Act. The Act provides penalties for taking protected flora or fauna unlawfully. It also contains provisions for the declaration of species as “rare or likely to become extinct” (i.e., endangered) for which there are larger penalties. “Fauna” is defined as meaning any animal indigenous to any State or Territory of the Commonwealth or the territorial waters thereof (i.e., it includes fish), and “flora” as any plant which is native to the State. Prior to passage of the Conservation and Land Management Act 1984, responsibility for wildlife management and management of nature reserves was held by the Fisheries and Wildlife Department. The Acts Amendment (Conservation and Land Management) Act 1994 transferred many of the powers of the Wildlife Conservation Act to the Conservation and Land Management Act 1984, notably the provisions for establishment and management of Nature Reserves.
Aboriginal Heritage Act 1972 [<i>Aboriginal Cultural Material Committee,</i> <i>Aboriginal Affairs Department</i>]	The Aboriginal Heritage Act is an act to make provision for the preservation on behalf of the community of places and objects customarily used by, or traditional to, the original inhabitants of Australia or their descendants. The Act outlines the nature of places and objects to be protected and establishes the Aboriginal Cultural Material Committee

Instrument	Description/Purpose
Aboriginal Affairs Planning Authority Act 1972 [<i>Aboriginal Cultural Material Committee, Aboriginal Affairs Department</i>]	This Act provides for the process of approval to enter onto an Aboriginal reserve to carry out any activity. Entry requires consultation with the Aboriginal Affairs Department through a Reserve Entry Application. The Department refers the application to the Aboriginal Lands Trust, which then makes recommendations, following advice from relevant Aboriginal groups, to the Minister for Aboriginal Affairs.
Aboriginal Communities Act 1979 [<i>Aboriginal Affairs Department</i>]	The principle objective of this Act is to assist certain Aboriginal communities to manage and control their community lands. This Act applies to the Aboriginal communities incorporated as the Bidyadanga Aboriginal Community La Grange Inc. and the Bardi Aborigines Association Inc. and any other communities that the Governor declares. The act empowers a council of a community to make by-laws relating to numerous matters, including the admission of persons, use of vehicles and conduct of persons in the community area.
Heritage of Western Australia Act 1990 [<i>Heritage Council of WA</i>]	The objectives of this Act, and associated Regulations (1991) are to provide for, and to encourage, the conservation of places which have significance to the cultural heritage in the State, and to establish the Heritage Council of Western Australia. It establishes the Heritage Council and defines its functions under Part 2. The rest of the Act is divided into the following parts: Heritage agreements and Conservation Incentives (Part 4), Registered Places (Part 5), Enforcement (Part 6), Acquisitions and Compensation (Part 7), and Effect on Development Proposals (Part 8).
Maritime Archaeology Act 1973 [<i>Department for Culture & the Arts</i>]	The Act provides for the preservation of the remains of historic ships and of associated relics. The Act establishes the right to possession of historic ships and maritime archaeological sites as being vested in the WA Museum on behalf of the Crown.
Museum Act 1968 [<i>Department for Culture & the Arts</i>]	This is an Act to make provision for the re-establishment, control and management of the Western Australian Museum, the preservation of areas and objects of historic interest and other incidental purposes.
Western Australia Museum (Historic Wrecks) Regulations 1970	These regulations relate to the discovery of a historic wreck, and the procedures for notifying the WA Museum.
Shipping and Navigation	
Dampier Port Authority Act 1985 [<i>Dampier Port Authority</i>]	This is an Act to establish the Dampier Port Authority, to provide for the control and management of the Port of Dampier and to amend section 10 of the Shipping and Pilotage Act 1967. The Act sets out the establishment, property and functions of the Authority as well as other matters. The Dampier Port Authority Regulations 1989 regulate the conduct of business of the Port Authority, conduct of vessels in the port, impose requirements to use the port's pilotage services, stipulate the various port and storage charges, deal with goods and cargo and the handling of dangerous goods.
Marine and Harbours Act 1981 [<i>Department of Marine and Harbours</i>]	The Marine and Harbours Act 1981 concerns the functions and activities of the Department of Marine and Harbours. The Act provides for advancement of efficient safe shipping and effective boating and port administration through identified functions, facilities and services and reference to connected incidental purposes. The Marine and Harbours (Fuelling) Regulations impose a requirement to obtain a licence under the Jetties Act 1926 before erecting or carrying on the business of a fuelling station on Departmental land. They also empower the Department to remove any unlawful fuelling installations.

Instrument	Description/Purpose
Marine Navigational Aids Act 1973 [<i>Department of Marine and Harbours</i>]	This Act relates to the establishment, maintenance and use of marine navigational aids. The Act makes it an offence to wilfully or negligently interfere with any marine navigational aid so as to hinder its effective operation.
Shipping and Pilotage Act 1967 [<i>Department of Marine and Harbours</i>]	This act relates to Shipping and Pilotage in and about the Ports, Fishing Boat Harbours and Mooring Control Areas of the State; and repeals the Shipping and Pilotage Act 1855-1954 and the Ports and Harbours Act 1917. It empowers the Governor to appoint harbour masters and pilots to any port. The Harbour master has control over various aspects of the port including entry and departure of vessels, control of movement of vessels and removal of any wreckage. Marine Navigational Aids Regulations 1985 are made under the Shipping and Pilotage Act 1967 and require the owners of certain fishing boats to pay scheduled fees to the Department.
Western Australian Marine Act 1982 [<i>Department of Marine and Harbours</i>]	This Act regulates navigation and shipping. It does not apply to Naval ships, but it does apply to most other vessels, including fishing, pleasure, and trading vessels. The Act provides for certification procedures for various crew positions and makes it an offence to employ anyone in that capacity who is not duly certified, or act in that capacity without being duly certified. It also deals with many other safety-related aspects of shipping and navigation.
Prevention of Collision at Sea Regulations 1983 [<i>Department of Marine and Harbours</i>]	These regulations comprise the Rules set out in the International Regulations for Preventing Collisions at Sea 1972 and apply to State seas and waters. Their objective is to prevent collisions at sea, which is done by prescribing a code of conduct for vessels in various situations of visibility.
WA Marine Regulations 1983 [<i>Department of Marine and Harbours</i>]	The WA Marine Regulations set down requirements in relation to various marine activities and marine safety issues. They include regulations dealing with Certificates of Competency and Safety Manning, Construction Stability and Engineering, Emergency Procedures and Safety of Navigation, Hire and Drive Vessel Regulations, Regulations pertaining to Life Saving and Fire Appliances and other miscellaneous equipment, Load Line regulations, Mercantile Marine Regulations, Radiotelephony regulations and Surveys and Certificates of Survey regulations.
Transport and Communications	
Air Navigation Act 1937	This Act provides for the application of the Commonwealth Air Navigation Regulations to the State of Western Australia. The function of this Act is to remove the constitutional difficulties inherent in the Commonwealth Parliament enacting uniform Australian navigation legislation.
Civil Aviation (Carriers Liability) Act 1961	This Act relates to the carriage of passengers in Australia. The function of this Act is to apply Part 4 of the Commonwealth equivalent of this Act in order to remove the constitutional difficulties inherent in the Commonwealth Parliament enacting uniform Australian civil aviation legislation.

Instrument	Description/Purpose
Damage by Aircraft Act 1964	This Act's main objective is to make provision in respect of Liability for Damage caused by Aircraft. It provides that no trespass or nuisance is caused by an aircraft flying over property, provided the flight is reasonable, and the navigator's instructions are followed. The Act also provides that the owner of an aircraft will be liable, notwithstanding negligence, for damage caused by any object falling from the aircraft.
Industry: Oil and Gas	
Liquefied Petroleum Gas Subsidy Act 1980	The Liquefied Petroleum Subsidy Act is "an Act to subsidise the cost of liquefied petroleum gas and certain other gas when used for certain purposes". The Act establishes an administrative structure for the payment of subsidies to registered distributors of liquefied natural gas and reticulation gas used for non-industrial purposes such as homes, hospitals and schools.
Liquid Petroleum Gas Regulations 1957	The Liquid Petroleum Gas Regulations 1957 empower the Director of Energy Safety to appoint "testing officers" who have a role of testing liquefied natural gas at any place where the LNG is stored (including a vessel) or is to be sold from. The purposes of the testing officers is to ascertain if any of the provisions of the Liquefied Petroleum Act are being contravened by determining whether the standard of the LPG stored, used or intended for sale complies with the standard set by the Act. Detailed testing procedures are provided for in the Regulations.
Petroleum Act 1967 [WADME]	The Petroleum Act 1967 is "an Act relating to the exploration for, and the exploitation of, petroleum resources, and certain other resources, within certain lands of the State; to repeal the Petroleum Act 1936, and for incidental and other purposes". The Act vests ownership of all Petroleum "on or below the surface of all land within this state" in the Crown and provides for the granting and administration of exploration permits and production licences for petroleum mining. Petroleum Regulations 1987 provide for various matters under the Act including prescribed fees, objections to the granting of a permit on grounds of traditional usage, and compensation to private landowners affected by permits granted under the Act.
Petroleum Act 1967 Schedule of Onshore Petroleum Exploration and Production Requirements 1991 [WADME]	These regulations provide for the standard of pipeline construction, the materials to be used in pipeline construction, testing of pipelines, and various other safety aspects.
Petroleum Pipelines Act 1969 [WADME]	The Petroleum Pipelines Act 1969 governs "the construction, operation and maintenance of pipelines for the conveyance of petroleum and for the purposes connected therewith". The Act makes provision for the issuance and control of pipeline licences which regulate such issues as constructions and operation of pipelines. It contains certain Clauses relevant to environmental approvals for operations, protection of the environment, waste disposal and management, decommissioning and restoration/rehabilitation. The Petroleum Pipelines Regulations 1970 provide for the standard of pipeline construction, the materials to be used in pipeline construction, testing of pipelines, and various other safety aspects.

Instrument	Description/Purpose
Petroleum (Submerged Lands) [P(SL)A] Act 1982 [WADME]	The Petroleum (Submerged) Lands Act 1982 is an Act “to make provision with respect to the exploration for and the exploitation of the petroleum resources, and certain other resources, of certain submerged lands adjacent to the coast of Western Australia... and for incidental and other purposes”. The Act outlines the Parliament of Western Australia’s powers to legislate in respect of petroleum exploration and development on lands beneath waters inside the 3 nm Territorial Sea. It may be exercised with respect to any areas of land under the sea within State jurisdiction, whether Crown or private and provides a right of access for searching and operations of obtaining petroleum. The Act is primarily concerned with establishing the following functions: the Minister’s role as the State’s representative on the Joint Authority which administers the Commonwealth area adjacent to the State Territorial Sea; and the administrative arrangements in respect of the grant and continued control of exploration permits, production licences and pipeline licences. The Act includes certain Clauses for waste disposal and management and decommissioning and restoration/rehabilitation.
P(SL)A Schedule Specific Requirements as to Offshore Petroleum Exploration and Production 1995 [WADME]	P(SL)A 1995 Schedule regulates both State and Commonwealth operations). This Schedule contains certain Clauses outlining procedures and requirements in respect of approvals for onshore and offshore operations, protection of the environment, waste disposal and management, decommissioning and restoration/rehabilitation.
Petroleum (Registration Fees) Act 1967 [WADME]	The objective of this Act is to provide for the payment of Fees in respect of the Registration of certain Instruments under the Petroleum Act 1967. The Act imposes fees for the transfer of petroleum tenements between parties and other dealings contemplated by the Petroleum Act. The Petroleum (Registration Fees) Regulations 1990 prescribe certain registration fees for certain sections of the Act.
Barrow Island Royalty Trust Account Act 1985 [WADME]	This Act relates to the royalty payable to the State Government under the Barrow Island petroleum lease. It provides for the Barrow Island Royalty Trust Account to be created in which the royalties arising pursuant to the Barrow Island Petroleum mining lease are to be paid. It also provides for the Commonwealth to be paid their share of the royalty out of the account.
Barrow Island Royalty Variation Agreement Act 1985 [WADME]	This is an Act “to ratify an agreement between the State of Western Australia and West Australian Petroleum Pty Ltd relating to Petroleum Lease 1H granted under the Petroleum Act 1936, to amend the Petroleum Act 1967 and for related purposes”. Under this agreement, the State and the Lessee agreed to new arrangements to change the royalty payable under the Barrow Island petroleum lease. This involved agreeing that the royalty be paid to the State, and that this royalty then be shared between the Commonwealth and the State.
Industry: Fisheries and Aquaculture	
Fisheries and the Offshore Constitutional Settlement (OCS)	The Offshore Constitutional Settlement is a series of offshore constitutional arrangements with the States, including WA, which essentially gives jurisdiction and administrative control over fish resources out to the EEZ boundary. This applies to almost all fish resources except deep sea trawling outside the 200 m isobath and tuna (into State Territorial limits up to the high water mark). Except for tuna (Commonwealth law) and certain sharks (Joint Authority under State law) all other resources are managed under State law.

Instrument	Description/Purpose
Fish Resource Management Act (FRMA) 1994 [Fisheries WA]	The Fisheries Resources Management Act (FRMA) 1994 replaces the previous Fisheries Act 1905 and is administered by Fisheries WA. The objectives of the Act are to conserve fish stocks and their habitat, develop fishing and aquaculture industries, achieve optimum economic, social and other benefits from the use of fish resources and to ensure that the exploitation of the resources is carried out in a sustainable manner. Management plans or orders made under the Act controls the number and size of boats, the area of the fishery, the amount or type of fishing gear permitted and the total allowable catch. The Act provides head powers for regulations governing both commercial and recreational fishing, including aquaculture, aquatic eco-tourism, and for the designation of fishing zones. The Act also contains provisions under Part II for the declaration of marine areas as Fish Habitat Protection Areas which have some of the features of Marine Parks. Note that Fish Habitat Protection Areas may not be created in areas already declared a Marine Park or Marine Nature Reserve and cease to exist once there is an approved Management Plan for any Marine Park or Marine Nature Reserve subsequently established over the same area. The provisions for Fish Habitat Protection Areas contain clauses establishing the primacy of The Mining Act 1978, Petroleum Act 1967 and Petroleum (Submerged Lands) Act 1982, which are directly comparable to those in the Conservation and Land Management Act 1984 relating to Marine Parks and Marine Nature Reserves. The Act includes Regulations, Management Plans, Orders and Notices that indicate ongoing arrangements, amendments and new requirements with respect to the fishing and aquaculture resources.
Fish Resources Management Regulations 1995 [Fisheries WA]	These regulations set the bag limits for certain fish species and rock lobsters, declare certain species to be protected, and control other matters relating to recreational and commercial aspects of fishing.
Spear-Guns Control Act 1955 [WA Police Service]	This Act controls the use of spear guns. It prescribes a list of offences in relation to the use of spear guns in certain geographic areas of the State, in certain situations, and for certain purposes. It empowers the Governor to proclaim prohibited areas and details particular powers of police officers and fisheries officers in relation to the Act.
Fishing and Related Industries Compensation (Marine Reserves) Act 1997 [Fisheries WA]	This Act deals with compensation to fishing industry related to marine reserves. The Act commenced operation in December 1997 and is administered by the Minister for Fisheries.
Fisheries Adjustment Schemes Act 1987 [Fisheries WA]	This Act provides for adjustment schemes for fisheries legislative requirements. A number of recent amendments to the Act are contained in the Fishing and Related Industries Compensation (Marine Reserves) Act 1997 and the Statutes (Repeals and Minor Amendments) Act (No. 2) 1998.

Instrument	Description/Purpose
Pearling Act 1990 [<i>Fisheries WA</i>]	The Pearling Act 1990 regulates pearling and pearl oyster hatchery activities, provides for the conservation and management of pearl oyster fisheries, and repeals the Pearling Act 1912. The Act applies to certain geographic zones and species of pearl oysters which are declared under Part 1 of the Act. It establishes a permit system for the carrying out of pearling and hatchery activities, and regulates many pearling related activities under part 2. Part 3 of the Act introduces a leasing system for the operation of pearl farms. Part 6 establishes the Pearl Industry Advisory Committee. The rest of the Act deals with administrative matters. Pearl Oyster Fishery (issued pursuant to section 24 of the Pearling Act 1990)
Industry: Tourism	
Tourism Commission Act 1983 [<i>WA Tourism Commission</i>]	This is an Act to establish the WA Australian Tourism Commission, to repeal the Tourist Act 1973-1981, and for incidental and other purposes. The functions of the Commission include promotion, support and coordination of activities that promote Western Australia as a holiday, event and convention destination, to develop or facilitate the development or improve tourism facilities in Western Australia. See also under Tourism strategies.
Industry: Mining	
Mining Act 1978 [<i>WADME</i>]	The Mining Act is “an Act to Consolidate and Amend the Law relating to mining and for incidental and other purposes”. It establishes an administrative framework for the granting and renewal of mining tenements, including exploration licences, prospecting licences and mining leases. Exploration licences and mining leases are issued at the discretion of the Minister, who, under section 111A, can take into account public interest grounds such as the environmental impact in deciding whether or not to grant.
State Agreement Acts-general [<i>DRD</i>]	Agreements Acts are the development vehicle for specific projects. They are non-compulsory agreements negotiated between the State Government and a developer. The Agreements, which are ratified by Parliament, set down the obligations of both parties throughout the life of a project. The developer benefits from the Agreement by gaining total Government support, avoiding the requirements of many pieces of legislation, receiving security of tenure and being protected from zoning changes. The Government benefits by maximising State economic development, by cost-sharing for infrastructure development, facilitating expansion into regional centres, providing jobs. To be considered for an Agreement Act, a developer must demonstrate to the Government that it is firmly committed to the project by completing a satisfactory feasibility study, addressing all environmental, Aboriginal Heritage and Native Title issues, and identifying all participants in the project. Most agreements carry an obligation on the proponent to undertake an approved Environmental Management Program and carry out a continuous self-monitoring program to ascertain the effectiveness of the measures it is taking pursuant to such approved proposals for rehabilitation and the protection and management of the environment and report this to the Minister.

Instrument	Description/Purpose
Dampier Solar Salt Industry Agreement Act 1967 [DRD]	This is an Act to approve an Agreement between the State of Western Australia and Dampier Salt Limited relating to the establishment and carrying on at and in the vicinity of Dampier of a solar salt industry and certain other industries and for incidental and other purposes. This agreement was made in 1900 and covers a solar salt mine in the vicinity of Dampier. Under this agreement the State agreed to lease approximately 28,600 acres to the company for an initial period of 21 years, and further 21-year renewals, subject to conditions, including the payment of royalties to the State. The agreement also provides that the government will allow the company to build a jetty and a stockpiling facility it so requires. Section 15 deals with the company's unrestricted right to take and use seawater and to discharge residual brines resulting from those operations at State approved sites. There are no environmental obligations imposed on the company under the agreement.
Leslie Salt Solar Salt Industry Agreement Act 1966 [DRD]	This is an Act to approve an Agreement made between the State and Leslie Salt Company [now Cargill Salt] and for purposes connected therewith. The Agreement was made in 1966 and covers the activities of a solar salt processing facility, including evaporation and salt crystalliser ponds along the coast east of Port Hedland.
Onslow Solar Salt Agreement Act 1992 [DRD]	This is an Act to ratify an Agreement between the State and Onslow Salt Pty Ltd to establish and operate a solar salt field at Onslow and for incidental and other purposes. Under the agreement, the company must carry out a continuous program of investigation, research and monitoring to ascertain the effectiveness of the measures it is taking for the protection of the environment.
Iron Ore Beneficiation (BHP) Agreement Act 1996 [DRD]	This is an Act to ratify, and authorise the implementation of, an agreement between the State and BHP Direct Reduced Iron Pty. Ltd. relating to the establishment and operation of material handling facilities and a plant for beneficiating iron ore at Port Hedland. Under this agreement, BHP must undertake an approved Environmental Management Program, and must carry out a continuous monitoring program to ascertain the effectiveness of the measures it is taking pursuant to such approved proposals for rehabilitation and the protection and management of the environment and report this to the Minister.
Iron Ore (Dampier Mining co. Ltd) Agreement Act 1969 [DRD]	This is an Act to ratify an agreement between the State and Dampier Mining Company Limited relating to certain iron ore deposits, and for other purposes. This agreement was made in 1969 and covers iron ore activities and the establishment of port and railway facilities by BHP in the Robe River area. It also provides for cooperation between BHP and Cleveland-Cliffs Pty Ltd, who have an agreement with the State in an adjacent area. The agreement runs for 21 years with rights of further 21-year renewals thereafter. Under the agreement, BHP can mine up to 150 000 tonnes of Iron Ore.
Iron Ore Direct Reduced Iron (BHP) Agreement Act 1996 [DRD]	This is an Act to ratify, and authorise the implementation of an agreement between the State and BHP Direct Reduced Iron Pty. Ltd. relating to the establishment and operation of a direct reduction plant at Port Hedland capable of processing iron ore to produce at least one million tonnes of direct reduced iron per annum. This agreement is subject to the usual conditions, including the undertaking of a comprehensive and continuous environmental management program.

Instrument	Description/Purpose
Iron Ore (Goldworthy-Nimingarra) Agreement Act 1972 [DRD]	This is an Act to ratify an Agreement relating to the Exploration for and Development of iron ore in certain areas in the North West of the State and for incidental and other purposes. The agreement was made in 1964 between the State and a joint venture of three mining companies. The agreement covers three unspecified mining areas in the Goldworthy-Nimingarra region, with the possibility of expanding to two more areas.
Iron Ore (Hamersley Range) Agreement Act 1963 [DRD]	This is an Act to approve an agreement relating to iron ore deposits at or near the Hamersley Range, and for incidental and other purposes. This agreement with Hamersley Iron was made in 1961, and as well as covering the mining of iron ore, covers the establishment of a town site, railway line, port facility, and processing plant.
Iron Ore Processing (BHP Minerals) Agreement Act 1994 [DRD]	This is an Act to ratify and authorise the implementation of an agreement between the State and BHP Minerals Pty. Ltd. relating to investigations into the feasibility of establishing further iron ore processing facilities in Western Australia. Under this agreement, BHP and the State can undertake ongoing investigations into the technical and economic feasibility of establishing facilities for further processing within Western Australia, with the expectation that a new processing plant be developed if the results suggest this is feasible.
Iron Ore (Robe River) Agreement Act 1964 [DRD]	This is an Act relating to an Agreement between the State of Western Australia and Basic Materials Pty. Limited with respect to certain iron ore deposits, and for other purposes. This is an agreement between Cliffs Co. regarding the mining of iron ore in the Robe River area by the pelletization process. It requires Cliff to submit plans regarding the development of a harbour, railway, town sites, water supply and roads.
Iron Ore (Robe River) Cape Lambert Ore & Service Wharves By-laws 1995	These by-laws apply to the company's private Ore Wharf and Service Wharf at Cape Lambert. They regulate safety matters, loading and unloading of oil vessels, use of the wharf by the state and limitation of liability.
Iron Ore (the BHP Co. Ltd) Agreement Act 1964 [DRD]	This is an Act relating to an Agreement between the State of Western Australia and BHP with respect to certain iron ore deposits and for other purposes. Under this agreement, BHP agreed to take a mineral lease and pay the State a royalty, and construct a railway facility, port facility, and secondary processing facility.
Industry: Agriculture	
Agriculture & Related Resources Protection Act 1976 [Agriculture WA]	The objective of this Act is to “to provide the for the management, control and prevention of certain plants and animals, for the prohibition and regulation of the introduction and spread of certain plants and of the introduction, spread and keeping of certain animals, for the protection of agriculture and related resources generally, and for incidental and other purposes”. The Act includes a number of important Regulations that pertain to quarantine requirements, animal traps, weed control and other activities.

Instrument	Description/Purpose
<p>Agriculture Act 1988 [Agriculture WA (Department of Agriculture)]</p>	<p>The Agriculture Act relates to the Department of Agriculture and the Director General of Agriculture. The purposes of the Act are to provide for the continuance of the Department of Agriculture and the office of the Director General of Agriculture. It details the functions and power of these and other offices of the Department, and makes provision for the limitation of legal liability of the Department and its Staff. Under the Act, the Governor is empowered to make regulations prescribing all matters that are necessary or convenient to give effect to the purposes of the Act.</p> <p>There are several Regulations under the Act that are relevant to environmental management of coastal and island areas, including controls of animals, declared, restricted plants, noxious weeds and animals, and also quarantine restrictions. Specific Regulations: Declared Animals Regulations 1985, Declared Plants and Restricted Animals Regulations 1982, Payment for Destruction of Declared Animals Regulations 1979, Property Quarantine Regulations, Spraying Restrictions Regulations 1979, Traps Regulations 1982, Noxious Weeds Regulations 1982 and Fencing Regulations 1985.</p>

3.2.4 National initiatives: policies, strategies and other instruments

National policies, strategies, plans and other instruments are presented in table 4.

Table 4: National policies, strategies, plans, guidelines and other instruments.

Instrument	Description/Purpose
<p>Environment</p> <p>Australia's Oceans Policy <i>[National Oceans Ministerial Board, Regional Marine Plans Steering Committee, ANZECC]</i></p>	<p>Australia's Ocean Policy was developed out of actions subsequent to the 1996 announcement that the Commonwealth Government, in cooperation with the States, Territories, Local Governments, Industry and the Community, would prepare Australia's first comprehensive, integrated Oceans Policy. The Commonwealth then released, in March 1997, the Oceans Policy Consultation paper "Australia's Oceans: New Horizons." which identified that Australia lacks a comprehensive framework with clear, agreed and shared objectives for resolving conflicts and competing interests and identifying management gaps. The Oceans Policy was subsequently released in December 1998.</p> <p>The Policy outlines a vision and goals for Australia's oceans as well as providing principles of ecologically sustainable ocean use. The key elements of the Policy include a National Oceans Ministerial Board, a National Oceans Advisory Board, National Oceans Office and Regional Marine Plan Steering Committees. Regional Marine Plans will be developed for each major region of Australia's EEZ. The Plans will improve links between sectors and across jurisdictions to maintain ecosystem health and integrity while promoting multiple use of ocean resources. Each Plan will provide a framework within which to balance commercial interests and conservation requirements and to establish complementary management regimes across State, Territory and Commonwealth waters.</p> <p>The aim of the Planning process will be to determine the conservation requirements of each region, including the establishment of marine protected areas, prevention of conflict on resource allocation and provision of long term security to all ocean users.</p> <p>The first Regional Marine Plan will be developed for the south-eastern region of the EEZ. Regional Marine Plan Steering Committees will comprise key non-government and government stakeholders and will be established by the Ministerial Board for each region. The Steering Committees will guide development of Regional Marine Plans, working closely with the National Oceans Office and reporting to the Ministerial Board.</p> <p>It is proposed that ANZECC be the coordination forum for Commonwealth-State consultations on the implementation of the Policy.</p>
<p>Ocean Rescue 2000</p>	<p>This program was initiated in 1991 and aimed to establish a national network of Marine Protected Areas (MPAs) around Australia and building on existing marine conservation and management programs. It is part of the National Strategy for Ecologically Sustainable Development. Other aims were to develop and implement a marine conservation plan to guide the use and management of Australia's marine resources, ensure adequate baseline and monitoring information, activities and management and foster an educated, informed and involved community. The program comprises six elements. These include the national representative system of MPAs, the Australian marine conservation Plan, the State of the Marine Environment Report and the marine and coastal community network.</p>

Instrument	Description/Purpose
National Representative System of Marine Protected Areas (NRSMPA), 1998 [ANZECC]	<p>Australian Governments endorsed the NRSMPA under the Intergovernmental Agreement on the Environment (IGAE). The goals of the NRSMPA are, primarily, to establish and manage a comprehensive, adequate and representative system of Marine Protected Areas (MPAs) to contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and systems, and to protect Australia's biological diversity at all levels. Secondary goals are to promote the development of MPAs within the framework of integrated ecosystem management, to provide a formal management framework for a broad spectrum of human activities, including recreation, tourism, shipping and the use of extraction of resources, the impacts of which are compatible with the primary goal, to provide scientific reference sites, to provide for the special needs of rare, threatened or depleted species and threatened ecological communities. Other secondary goals are to provide for the conservation of special groups of organisms, including species with complex habitats or vulnerable species, to protect areas of high conservation value, including those with high species diversity, natural refugia and centres of endemism. Secondary goals also are to protect for recreational, aesthetic and cultural needs of indigenous and non-indigenous people.</p> <p>ANZECC established the Task Force to advance establishment of the NRSMPA. The Commonwealth Government is identifying priority areas within the EEZ for establishing marine protected areas and is committed to progressing establishment of the NRSMPA in cooperation with the States and Territory.</p>
National Greenhouse Strategy	<p>This Strategy developed out of a review of the National Greenhouse Response Strategy, the latter reviewed by the Council of Australian Governments (COAG) High Level Working Group. That Council replaced the Greenhouse Working Group of the Intergovernmental Committee on Ecologically Sustainable Development (ICESD). The ICESD comprised representatives from Commonwealth, State and Territory and local governments. Measures in the National Greenhouse Strategy would go beyond the "no regrets" concept of the earlier National Greenhouse Response Strategy and includes both the greenhouse gas emissions reduction measures outlined in the Australian Prime Minister's "Safeguarding the Future" statement of December 1997 as well as outcomes of the UN Framework Convention on Climate Change in Kyoto in December 1997. For WA, the main relevant issues are adoption of a differentiated target approach and accreditation of land clearance measures.</p>
National Greenhouse Gas Inventory 1988 and 1990 [Minister for the Environment; WADEP, National Greenhouse Gas Inventory Committee]	<p>This Inventory provides the basis for a number of greenhouse strategic objectives, the main one being to provide direction for the development of policies to mitigate the threat of global warming. Other reasons underscoring this objective include provision of a comprehensive database for use in designing response measures, monitoring emissions of greenhouse gases associated with relevant sector activities, evaluating the efficacy of abatement policies, developing emission projection scenarios.</p>

Instrument	Description/Purpose
<p>Australian Methodology for the Estimation of Greenhouse Gas Emissions and Sinks 1994 [<i>National Greenhouse Gas Inventory Committee</i>]</p>	<p>The purpose behind the Australian Methodology is to contribute to development of internationally comparable national greenhouse gas inventories. In Australia, a methodology based on the Intergovernmental Panel on Climate Change (IPCC) default methodology has been used in the compilation of the Australian National Greenhouse Gas Inventory. Methodology workbooks have been prepared for different major sectors, including Workbooks for Energy (fuel consumption, fugitive fuel emissions, transport), Land Use Change & Forestry (carbon dioxide from the biosphere), Agriculture.</p>
<p>Draft Australian Ballast Water Management Strategy [<i>AQIS</i>]</p>	<p>This Strategy was developed by the Australian Quarantine and Inspection Service (AQIS) to manage the environmental concerns and issues associated with introduction of exotic organisms in ballast waters of ships. Ballast water management is a significant international, national and regional issue. Australia has developed a “Draft Australian Ballast Water Management Strategy” (AQIS 1994). It is consistent with IMO Marine Environmental Protection Committee’s “Guidelines for preventing the introduction of unwanted aquatic organisms and pathogens via ships’ ballast water and sediment discharges”. The IMO is working to have the guidelines developed as a mandatory Annex to the UN International Convention for Prevention of Pollution from Ships (MARPOL 73/78).</p> <p>A key element of the Strategy is the Australian Ballast Water Management Advisory council. In 1994, the Australian Government established a national Centre for Research on Introduced Pests (CRIMP) within CSIRO’s Marine laboratory at Hobart. CRIMP will research and develop early warning tools, better assessment of risks and costs and improved control methods for pests. The research is guided by the Advisory Committee.</p> <p>As indicated in the State of Environment for Australia in 1996, at least 55 species of fish and invertebrates plus several seaweeds have been introduced into Australia, mainly through ships’ fouling, ballast water or aquaculture sources. Significant outbreaks attributed to ballast or sediment discharge from ships have occurred in south-eastern Australia and have been recorded from temperate waters in Western Australia.</p> <p>The ports under AQIS control ballast water from international shipping. Voluntary guidelines put out by AQIS on the introduction of exotic marine species have been largely accepted by the IMO and may become mandatory.</p> <p>At the regional level, Specific Actions 23-28 that came out of the Western Australian Southern Metropolitan Coastal Waters Study (SMCWS) should be noted. Through these Actions, the WADEP will recommend to the Minister for Environment that the WA Government request the Australian Government to encourage IMO to expedite as a matter of priority, the finalisation of the Annex to MARPOL requiring new vessels, especially bulk carriers and tankers, to have upgraded ballast water management systems. Other Specific Actions included WADEP recommending to the Minister that the WA Government request the Australian Government to implement incentives to encourage ships with appropriate ballast management systems. In addition, the Actions also included a request from WADEP to the Department of Transport to further encourage ship operators to adopt the guidelines recommended in the Australian Draft Ballast Water Management Strategy.</p>

Instrument	Description/Purpose
National Environment Protection Measures (NEPM)	This is an initiative of the National Environment Protection Council (NEPC) to develop national environment protection measures. The NEPMs include the National Pollutant Inventory, where the emissions of specific substances that can pose a threat to human health or the environment will be measured in quantity and point of emission. Another such measure is the Movement of Controlled Waste between States and Territories, which establishes a uniform approach to notification and licensing of interstate waste transport. Another NEPM is the Ambient Air Quality NEPM, which sets goals for the six most common urban air pollutants and protocols for monitoring and reporting ambient levels to enable a nationally consistent approach to air quality standards.
National Water Quality Management Strategy And Draft State Water Quality Management System (WA) [WRC, ANZECC]	<p>The National Water Quality Management Strategy (NWQMS) has been progressively developed since the early 1990's. The NWQMS comprises more than 20 documents. As a signatory of the National Competition Policy in 1994, the WA Government committed to implementing a NWQMS in Western Australia. The WRC has the primary role in coordinating the State's commitments under the NWQMS.</p> <p>A project is now underway to implement the NWQMS through a State Water Quality Management Strategy. It aims to set processes and mechanisms for employing a consistent approach across government and the community for water quality management in the State. The Final Draft State Water Quality Management Strategy is open for public comment until mid June 1999.</p> <p>Environmental water quality guidelines have been produced by ANZECC in 1992. (See also Draft Environmental Quality Objectives (EQCs) under State initiatives in Table 5.</p>
Conservation and Heritage	
National Strategy for Ecologically Sustainable Development 1992	<p>This Strategy, and the wider International Convention on Biological Diversity, has objectives of conserving biodiversity and ecologically sustainable human usage of the natural environment. A major mechanism by which these objectives are to be met is through developing comprehensive, representative systems of terrestrial and marine conservation.</p> <p>Western Australia, with other states and territories, agreed to implement the Strategy in November 1994. It commits Western Australia to ensuring that, in delivering economic prosperity to the community, development will not compromise the ecological integrity of the natural environment reserves.</p>
A Framework for setting priorities in the National Reserve System Co-operative Program, 1995 [ANCA]	This Framework was developed through the Australian Nature Conservation Agency in Canberra to set priorities in the National Reserve System under the National Reserve System Co-operative Program. It includes development of an interim biogeographic regionalisation for Australia (1995)

Instrument	Description/Purpose
<p>National Strategy for the Conservation of Australia's Biological Diversity 1996 <i>[Department of Environment and Heritage, Environment Australia, Biodiversity Group, ANZECC]</i></p>	<p>This Strategy has been signed by the Commonwealth and all States and Territory governments in 1996. It provides an integrated framework of actions to strengthen conservation efforts across Australia with the object of protecting biological diversity and maintaining ecological processes and systems. It covers six main areas: (1) conserving biological diversity across Australia; (2) integrating biological diversity conservation and natural resource management; (3) managing threatening processes; (4) improving our knowledge; (5) involving the community; (6) defining Australia's international role.</p> <p>While the Strategy takes a broad approach to conservation of biodiversity, it has also been necessary to provide a focus on endangered and vulnerable species through a national strategy developed by Commonwealth, State and territory governments: Conservation of Australian Species and Ecological Communities Threatened with Extinction: the National Strategy. No broad-scale legislation for conservation of biodiversity yet exists, however, refer also to the Commonwealth's Endangered Species Protection Act 1993 now in place, which lists endangered and vulnerable species and commits the government to producing recovery plans for their protection.</p>
<p>Marine Biorap Guidelines. Rapid Assessment of Marine Biological Diversity 1998 <i>[CSIRO Marine Research and Great Barrier Reef Marine Park Authority]</i></p>	<p>This document provides guidelines for the rapid assessment of marine biological diversity using protocols derived from those in the Terrestrial BioRap Methodology. Marine BioRap is a methodology and set of analytical tools for identifying and assessing, in less than 18 months, priority areas of marine biodiversity. It may be used to identify priority areas for conservation of biodiversity in marine protected areas, or to guide management outside priority areas to plan for sustainable use. It is a decision support tool and can assist planning and decision-making by identifying priority areas at local, regional, national or ocean-basis scales. Identified applications include: prioritising actions and expenditures to conserve biodiversity, identifying gaps in the suite of biodiversity in a nation's marine protected areas, identify areas where developments such as tourism and oil & gas can proceed without compromising biodiversity excessively, identifying manageable areas of reef and islands where marine biodiversity can be conserved, identify areas where existing activities eg fishing may be in conflict with biodiversity conservation and help monitor marine biodiversity.</p>
<p>Marine Science and Technology Plan</p>	<p>This Plan is designed to improve knowledge of Australia's marine jurisdictions. Under the broad umbrella of the Oceans Policy, the Plan will address existing and emerging priorities for marine science, technology and engineering at a national scale.</p>
<p>Transport and Communications</p>	
<p>Australian Code for the Transport of Dangerous Goods by Road and Rail (Australian Dangerous Goods Code)</p>	<p>Code published by the AGPS, Canberra. Objectives of Code, as indicated from the title, are to provide a code for the safe transport of dangerous goods by road and by rail.</p>

Instrument	Description/Purpose
Industry: Oil and Gas	
APPEA Code of Environmental Practice [APPEA]	The Code of Practice was prepared by the oil and gas industry's Australian Petroleum Production and Exploration Association Limited (APPEA). APPEA's mission is to promote a legislative, administrative and social framework which efficiently and effectively facilitates safe, environmentally responsible and profitable oil and gas exploration, development and production. APPEA's Environmental Policy, as outlined in its Code of Environmental Practice, is to encourage and, where appropriate, support member companies to: comply with applicable laws, regulations, standards and guidelines for the protection of the environment and in their absence adopt the best practicable means available to prevent or minimise adverse impacts. Other objectives of the Policy are to encourage members to work and consult with government agencies drafting policies, laws, regulations and procedures to protect the environment, to ensure adequate waste management practices are carried out, to provide adequate training for environmentally responsible work practices, to promote research to conserve resources, minimise wastes and improve understanding of risks and impacts, to develop emergency plans and procedures, to develop and maintain risk management systems that comply with government requirements and industry guidelines and to communicate openly with government and other bodies on environmental matters which relate to the activities of the industry.
Oil Company International Marine Forum (OCIMF) Guidelines [OCIMF]	These Guidelines were developed to ensure an acceptable standard and compatibility of marine equipment in use.
Industry: Fisheries and Aquaculture	
ASIC Marine Protected Areas (MPA) Policy [ASIC]	The Australian Seafood Industry Council's (ASIC) recently released Marine Protected Areas (MPA) policy has been developed to ensure: unnecessary uncertainty, job loss and other economic and social impacts in the industry are avoided, reduction in the level of conflict that has accompanied the MPA push in the past, recognition of common sense environmental goals and objectives for MPAs that are justifiable and acceptable to the industry. The nine core components of ASIC's MPA policy are: (1) Planning and management mechanisms for MPAs to be predicated on multiple-use, be on a regional scale and be catchment-based; (2) Assessment of effectiveness of MPAs in Australia should be undertaken before new ones are created; (3) Defining clear and agreed objectives a the first step; (4) Assessment of potential economic and social impacts of limiting industry access undertaken before MPAs are created; (5) Rigorous performance assessment methodology and criteria developed for all MPAs before implementation of new ones; (6) Removal or modification of those MPAs assessed as having failed to meet their objectives; (7) Industry and fisheries agencies to be central in decision making, with MPAs managed through the fisheries management process and enacted under fisheries legislation; (8) Decisions to close areas should be for ecological reasons and not for stock re-allocation reasons; and (9) Structural adjustment assistance must be offered to the industry for any loss of access because of the establishment of an MPA.

Instrument	Description/Purpose
National Bycatch Policy [AFMA]	<p>Bycatch reduction is a key area for action by governments. WA has recently formally adopted the National Bycatch Policy and bycatch action plans are being drafted for each fishery.</p> <p>In Australia's Oceans Policy 1998, a Commonwealth Bycatch Policy which promotes an ecosystem-based approach to fisheries management is being finalised by AFFA and EA. Fundamental to this Policy will be the development of fisheries specific action plans, including the formal incorporation of Bycatch Action Plans in Commonwealth fisheries management arrangements. The National Bycatch Policy will draw on the development of the Commonwealth Policy. As outlined in Australia's Oceans Policy, the Commonwealth Government is providing funds to assist in establishing a network of fisheries officers to promote environmentally sound fishing practices. This is in support of a joint initiative by ASIC, Oceanwatch and the Australian Marine Conservation Society. The Government will also implement the Threat Abatement Plan to reduce the impact of fishing on seabirds.</p>
National Policy on Recreational Fishing in Australia 1995	<p>The Commonwealth's "Recreational Fishing in Australia: A National Policy" is part of the ecologically sustainable development guidelines and was developed to improve the management of recreational fishing stocks at a national level.</p>
National Strategy on Aquaculture in Australia 1994 [DPIE]	<p>The Strategy was prepared by the Working Group on Aquaculture through the Commonwealth Department of Primary Industries and Energy, Canberra. It includes standards and controls to ensure the environment is protected.</p> <p>As indicated in Australia's Oceans Policy 1998, the challenge is "to ensure that Australia's aquaculture industries are managed in an ecologically sustainably and internationally competitive manner which generates economic benefits for Australia". The Response to the Challenge in the Oceans Policy includes several Government initiatives, including implementing the National Strategy on Aquaculture.</p> <p>At the regional level, in Western Australia, Fisheries WA is focusing on managing and developing its Pearling and Aquaculture Sub-program in association with the industry advisory body and the Aquaculture Development Council. Its Mission is "to optimise the value, and opportunities for, a vibrant, diverse and environmentally sustainable aquaculture industry for all Western Australians through partnership with stakeholders." The agency supports the State Government's aquaculture development initiatives with focus of future activities in the Gascoyne and Kimberley regions.</p> <p>There are a number of aquaculture sites located within the North West Shelf region. These include pearl leases within Exmouth Gulf, within waters in the Dampier Archipelago, including north of Dolphin Island and near the Lowendal and Montebello Island groups. There are also aqua-carotene industries located near Nickol Bay, Karratha.</p> <p>Environmental concerns with aquaculture in temperate waters, viz. those indicated from the WADEP's out of its SMCWS, have implications on aquaculture activities in the North West region. Actions included a request that the Inter-Departmental Committee on Aquaculture to develop guidelines to ensure that cumulative impacts of existing aquaculture ventures are taken into account when evaluating new aquaculture proposals, and to assist in achieving/maintaining ecosystem integrity, recreation values and aesthetic values.</p>

Instrument	Description/Purpose
Industry: Tourism	
National Ecotourism Strategy 1994 [<i>Commonwealth Department of Tourism</i>]	This Strategy is an initiative produced by the Commonwealth Department of Tourism in 1994 to provide a framework to facilitate an integrated approach to the development of eco-tourism in Australia. The Commonwealth committed \$10 million over 4 years to implement the Strategy. Since being established in 1991, the Department has initiated programs for Forest Ecotourism, Sites of National Tourism Significance and Regional Tourism Development, and has developed a National Rural Tourism Strategy. In 1994, the Aboriginal and Torres Strait Islanders Commission released draft tourism industry and cultural industry strategies to address needs of indigenous communities.

3.2.5 State and regional initiatives: policies, strategies and other instruments

State policies, strategies and other instruments are presented in table 5.

Table 5: State and regional policies, strategies and other instruments.

Instrument	Description/Purpose
Planning	
State Planning Strategy 1997 <i>[WA Planning Commission, Ministry for Planning]</i>	<p>The Strategy is developed through the Western Australian Planning Commission. Its aim is to assist government in long-term land use planning and to assist all State and local government agencies, as well as the private sector, to achieve a coordinated response to the challenges of the future. The Strategy provides a framework to help the community think about future planning and how it should be shaped. Part 1 of the Strategy summarises the main strategic planning issues facing the State up to 2029 and establishes the key principles for future planning. Part 2 provides a series of strategies and actions for achieving the main principles. These should be used as a guide in preparing plans across government. Part 2 includes matters of statewide importance in setting out actions to achieve fundamental environmental, community, economic and infrastructure principles (Chapter 7). It also includes actions desirable within the State's 10 regions (Chapter 8).</p>
Coastal Planning and Development in Western Australia: Towards a Policy Framework 1966 <i>[WA Planning Commission, Ministry for Planning]</i>	<p>This discussion paper raises a number of key issues facing coastal planning in the State. A set of strategic objectives has been formulated, setting out a philosophy relating to the management of resources in the coastal zone. The proposed planning policies facilitate a wide range of uses and developments along the coast while maintaining and enhancing special scenic resources and environmental qualities of the coast. The paper was put forward as a basis for public comment.</p> <p>The policy statement applies to the coastal zone that includes all beaches, coastal vegetation communities, estuaries, and shorelines and near shore waters. It applies also to foreshore open space, private land adjacent to the foreshore and land included within the coastal viewshed.</p> <p>The overall objective is “to accommodate all reasonable demands along the coast for housing, tourism, recreation, commercial and other economic activities, while sustaining or enhancing coastal resources and environmental quality at an acceptable community cost”.</p> <p>Specific objectives include (1) promoting non-intrusive coastal development, recreation and tourism development; (2) ensuring that development is compatible with coastal resources and their environmental quality and is ecologically and economically sustainable; (3) ensuring that development is located and designed to be visually compatible with the coastal landscape; minimising risk to people and property as a result of hazards associated with natural coastal processes e.g. shoreline movement and storm surge; (4) Identifying and protecting areas and features of cultural heritage or scientific significance.</p> <p>Policy suggestions are provided for a number of critical issues, including planned urban development, tall buildings and structures, coastal tourism development, land use, visual character, coastal reserve widths, building setbacks, leasing of public land, coastal systems, coastal cultural heritage, coastal industries and facilities.</p> <p>Implementation measures by the WAPC will involve, among others, reviewing and, where necessary, replacing existing</p>

Instrument	Description/Purpose
	coastal planning policies, cooperation between WAPC and relevant State agencies and local government authorities, developing appropriate regional coastal planning strategies and encouraging and fostering community participation in the management of the coastal environment.
<p>Country Coastal Planning Policy (Policy No DC 6.1)</p> <p>[WA Planning Commission, Ministry for Planning]</p>	<p>In Western Australia there are a number of State Government agencies operating under a variety of Acts with the task of planning and managing the State's coastline. The WA Planning Commission is the State's lead agency for coastal planning. The Ministry for Planning also plays a role in providing coastal planning advice to other State Government agencies, local government authorities and others.</p> <p>A draft policy on coastal planning was prepared initially in 1986, which resulted in, among others, the formulation of the Country Coastal Planning Policy (DC 6.1). The hierarchy of Coastal Plans includes Regional Plans, Structure Plans and Strategies, along with Local Area Management Plans and Foreshore Management Plans. Coastal plans may be adopted as non-statutory policy or incorporated in local government authority town planning schemes.</p> <p>The Country Coastal Planning Policy (hereafter "the Policy") includes details on objectives and policy requirements, the latter covering general development principles, land use priorities, coastal land tenure, ecology, visual amenity, land preservation, soil protection, water quality, pedestrian access, roads and parking and procedures for foreshore management. The Objectives of the Policy are (1) to encourage orderly and balanced development on and adjacent to the coast consistent with the protection of coastal resources; (2) to protect, conserve and enhance, as appropriate, coastal resources; (3) to permit public access to the coast consistent with the protection of coastal resources.</p> <p>The intentions of the Policy, as described in its Introduction, include goals to achieve a balance between protection of environmental quality and provision for social and economic need. The Policy is intended primarily to deal with new development and may not always be applicable to areas previously developed. The Policy establishes general guidelines but each case should be considered on its merits. The development principles developed by the Commission with respect to the Policy include: (1) avoiding linear expansion along coasts but, instead, concentrating development in nodes; (2) that development should not result in discharge of sewage, toxic chemicals and other effluent nor change water circulation patterns and impact foreshore ecology and use; (3) that marinas and canal estates be considered as special cases, with specific and detailed studies required, and with consultation with the Department of Marine and Harbours and following the Government's Recommendations for the Development of Canal Estates; (4) development of mine and related mineral land uses are important coastal land use. Rehabilitation of mine areas should comply with WADME and WAEP requirements.</p>
<p>Burrup Peninsula Draft Land Use Plan and Management Plan</p> <p>[DRD]</p>	<p>This Plan was prepared under the direction of the Burrup Peninsula Management Advisory Board, established by the Minister for Resources Development. The purpose of the study which lead to the preparation of the plan was to examine the Burrup Peninsula land use to a greater depth than was possible in the earlier Pilbara 21 study in 1992 and to prepare and recommend to Government an updated land use plan and new management plan for the Burrup Peninsula.</p> <p>The objectives were to: (1) Prepare a land use plan to meet present and future requirements for land use on the Burrup, including provision for conservation of flora, fauna and landscapes, protection of Aboriginal and historic sites and public use (recreation, tourism, education, research, industry use); (2) prepare a management plan to achieve land use objectives;</p>

Instrument	Description/Purpose
	<p>(3) recommend, as a separate submission, an appropriate management structure.</p> <p>The Plan accommodates the expansion of heavy industry and the conservation of the unique environmental, heritage and recreation values of the Peninsula through clearly defining appropriate land use areas. An implementation Group was formed, in line with the Plan recommendations, to progress land tenure, vesting and management matters.</p> <p>The key features of the Plan were: (1) division of the Burrup Peninsula into two land zones, one a conservation Zone for conservation, heritage, tourism and recreation, the other and Industrial Zone for industrial development; (2) allocation of 60% of the Peninsula to the Conservation Zone, which is recommended for inclusion in the Dampier Archipelago Conservation Estate; (3) allocation of an additional 22% to industrial land, with the emphasis on access to potential port sites; (4) recognition of existing 18% of Peninsula allocated to industrial and port purposes; (5) separation of industrial and recreation areas for safety and amenity reasons; (6) a continuous north-south corridor in the Conservation Zone to cater for flora and fauna continuity; (7) conservation of most of Conzinc Bay for recreation, habitat protection and preservation of Aboriginal sites; (8) identification of infrastructure corridors from Withnell Bay to Searipple Passage; (9) identification of land at the southern end of the Peninsula for light industrial purposes.</p> <p>It was also recommended that the Conservation Zone be vested in National Parks and Nature conservation Authority for management by CALM as part of the Dampier Archipelago Conservation Estate. It was also recommended that the Industrial Zone be vested/reserved to retain its future use by industry while allowing interim management by CALM.</p> <p>The Plan was released for public review in 1994 and the WAEPA provided its Report and recommendations in December 1995. Among the WAEPA's findings were the following:</p> <p>(1) Conzinc North should be allocated to the Conservation Zone; (2) Undertake surveys of the Conzinc South area; (3) exclude the infrastructure corridor north of Conzinc Bay; (4) concentrate industrial development south of Conzinc Bay; (5) Further investigate potential impacts of industrial development proposals on mangroves in the King Bay-Hearson Cove areas; (6) endorse the interim management arrangements for proposed industrial areas; (7) support preparation of a detailed management plan for the proposed Conservation Zone; (8) include a commitment to develop guidelines for managing impacts of industry on landscape amenity and ensure developments comply with guidelines; (9) include a commitment to develop environmental guidelines for future industrial development based upon environmental issues and objectives for the Burrup Peninsula and set out management procedures, including performance indicators, audits and regular reviews. The guidelines should reflect features of best practice and continuous improvement.</p>
<p>Port Hedland Area Planning Strategy [Pilbara Development Commission, WA Planning Commission]</p>	<p>The draft Port Hedland Area Planning Study addresses important regional issues and sets out a framework to guide State decision-making and detailed planning at the local level, with a planning horizon of 20-25 years. As at May 1999, the study has been released as a draft. A number of detailed actions and proposals have been identified as the WA Planning Commission's (WAPC) policy in relation to planning of the Port Hedland area under the headings of Environmental and Cultural, Community, Regional Development, Economic and Infrastructure. Under Environmental and Cultural, the WAPC will use its statutory land-use decision-making powers and responsibilities to secure identified natural and cultural assets of the area for future generations. Under Environmental and Cultural, actions to achieve policy position include: (1) reserving Munda Beach and Cowrie Creek as an environmental protection and recreation reserve vested between CALM and the</p>

Instrument	Description/Purpose
	<p>Town of Port Hedland; (2) reviewing the Town of Port Hedland Coastal Management Plan and widening the study area to include the coastal zone within the entire local government area; (3) supporting implementation of a whole-of-government policy for protection of mangroves along the Pilbara coastline.</p> <p>Currently under investigation under WAPC's Environmental and Cultural Policy are proposals to investigate the environmental and conservation values and agricultural potential of the lower De Grey River, devising appropriate management strategies to protect Aboriginal sites in relation to other surrounding land uses and identifying additional sensitive areas for environmental protection and recreation.</p> <p>WAPC policy under Economic includes identifying suitable marine and land-based sites for aquaculture and associated facilities in support of the Pilbara Land Use Strategy, preparing a tourism strategy for the Town and supporting preparation of a development strategy and land use plan for the proposed expansion of the Port of Port Hedland. Items for Action of further investigation under the WAPC policy on Infrastructure include establishing storm surge tag points in the townsite, identifying areas of natural heritage value and minimise potential impacts of development, sediment loading, surface run-off and erosion of those areas.</p>
<p>South Hedland Enhancement Scheme [DRD, Pilbara Development Commission]</p>	<p>This was a joint initiative between the WA State Government and BHP Iron Ore aimed at improving the quality of life of residents of South Hedland. The Scheme was established in 1995 through a State Agreement between the State Government and BHP Iron Ore following the latter's decision to build a reduced iron ore processing plant in the area. A Steering Group comprising representatives of BHP Iron Ore, the Town of Port Hedland, the Pilbara Development Commission and the Department of Resources Development (DRD) administers the Scheme. Under the Scheme, the State Government and BHP Iron Ore each agreed to contribute \$3.5 million over a three year period to improve existing road system and community recreational and leisure facilities in South Hedland.</p>
<p>Karratha Area Development Strategy</p>	<p>This Strategy is the compilation of several initiatives covering offshore and onshore areas from Cape Preston to Cape Lambert. It provides a composite development strategy for land and water use proposals and a structure plan for expansion Karratha. The Strategy has been adopted as Government policy and implementation will be achieved through current planning mechanisms, especially the Town of Roebourne's town planning scheme. As such it provides infrastructure planning for the Pilbara region, to address provisions for future roads, land corridors, pipelines, power lines and other items of industrial infrastructure. The Department of Resources Development (DRD) developed a corridor plan for the Karratha area in 1996/97 parallel to the development of the Karratha Area Development Strategy.</p>

Instrument	Description/Purpose
Pilbara Region Transport Strategy [<i>Pilbara Development Commission</i>]	This Strategy addresses actions that will form the basis for a transport system for the Pilbara to support the region's development over the next 25 years. The Pilbara Development Commission will, in partnership with the relevant parties, coordinate and facilitate the overall implementation of the Strategy. Key issues of relevance to ensure the efficient provision and use of transport infrastructure to meet industry and community needs while maintaining acceptable level of impact upon the community and environment. The Strategy includes proposed actions in response to identified needs to respond to several key issues, including increasing demands on port facilities and access to ports, establishment of a proposed major bunkering facility at the Port of Dampier and more direct access across the West Pilbara to accommodate tourism and freight.
Pilbara Economic Development Strategy. Pilbara Development Commission 1996 [<i>Pilbara Development Commission</i>]	Several strategies have been developed, drawing upon a review of Pilbara 21 and from major findings of various strategies that the Pilbara Development Commission has initiated since 1993. The primary vehicle for ensuring implementation of the strategies is the Pilbara Development Commission, in consultation with local business, government and resource companies. Nine key objectives, each with several strategies that address immediate and longer term needs. The nine objectives are: (1) to develop a broader economic base with stronger local enterprise; (2) to facilitate the participation of Aboriginal people in the economic and social growth of the Pilbara; (3) to create the opportunity for sustainable competitive advantage through the removal/reduction of artificial impediments to economic growth; (4) to develop affordable and appropriate accommodation options for Pilbara residents; (5) to ensure the population of the region has equitable access to a full range of health, education and other social services; (6) to create a positive image of the Pilbara as a place to invest in, visit and live; (7) to ensure that the Pilbara's competitive advantage is used to the full benefit of the region; (8) to ensure there is sustainable development of the Pilbara land resource; (9) to ensure that the region's infrastructure, transport systems and communications networks are able to effectively service the present and future needs of the region.
Exmouth-Learmonth (North West Cape) Structure Plan (Final) December 1998 [<i>Shire of Exmouth; WA Planning Commission; Ministry for Planning</i>]	<p>The Plan is an initiative of the WA Planning Commission, as recommended in the State Planning Strategy. The Structure Plan should guide local government in its consideration of development proposals and will also guide the Commission in its deliberations on applications to subdivide land and when considering amendments to the Town Planning Scheme.</p> <p>The need for a Structure Plan was recognised in view of the strong potential for growth and the need to provide a detailed framework for land use development. Implementation of the Plan will be the responsibility of State and local government agencies.</p> <p>Its primary focus is to promote sustainable uses that enable diversification of the economy while protecting the fragile environment of the North West Cape. The Objectives include: (1) To conserve land with significant environmental value; (2) To protect groundwater as part of the human and subterranean environment; (3) To retain the wilderness values of the fragile coastal environment of the west coast which is of national significance; (4) To provide for the orderly development of the Exmouth townsite; (5) To minimise the impact on the natural environment of future industrial development; (6) To identify and agree a defined character for Exmouth in its role as a sub-regional tourism and service centre; To appropriately locate large-scale tourism development in serviced areas.</p> <p>The Plan includes detailed Planning Objectives, Guidelines and Actions for different Planning Units, including those for</p>

Instrument	Description/Purpose
	<p>Cape Range and Ningaloo. The Structure Plan indicates the west coast is not suitable for large-scale tourism development; four general locations (Milyering, Lefroy Bay, Winderabandi and Ningaloo) have been identified for potential tourism development in the short-to-medium term. Until the impacts on the environment can be quantified, only two sites are available for development of small-scale/low-impact tourism accommodation (e.g. eco-lodges). The Structure Plan recommends that all tourism development proposals should be assessed in accordance with the Gascoyne Coast Planning Coordinating Committee's Environmental and Planning Guidelines for Tourism Development on the North West Cape (once completed and adopted).</p>
Environment	
<p>Environmental Protection (Ozone Protection) Policy 1993 [WAEPA, WADEP]</p>	<p>The State has had in place since 1988 strong legislation under the Environmental Protection Act 1986 to control the use of ozone-depleting substances, such as chloro-fluorocarbons (CFCs), in line with Australia's signatory to international conventions. The Environmental protection (Ozone Protection) Policy 1993 was gazetted in September 1993. Many of its provisions will be phased in over several years to allow industry time to comply with the policy requirements.</p> <p>The policy requires greater commitment and a higher level of self-regulation by industry to ensure ozone-depleting substances are phased out where possible and that, where their use continues, they are handled in an environmentally responsible way.</p> <p>The Policy was developed to replace existing legislation, namely the Environmental Amendment Regulations 1988 and the Environment Protection (Ozone-depleting Substances) Policy 1989. The newer legislation applies to a much larger list of ozone-depleting substances, including CFCs, halons, carbon tetrachloride, methyl chloroform, HCFCs and mixtures of these substances. It combines existing legislation into a single policy compatible with the National Strategy. The Policy is in five parts: Part 1 describes the Policy and defines terms; Part 2 controls use, sale or purchase of the substances; Part 3 and its divisions control use of ozone-depleting substances related to a number of specific manufacturing and operational activities; Part 4 provides for authorisation of "issuing bodies"; Part 5 includes penalties and exemptions from provisions as well as the Schedule of substances included in the Policy.</p>
<p>Environmental Protection Policies (EPPs) [WAEPA, WADEP]</p>	<p>Environmental Protection Policies (EPPs) are an important statutory tool for environmental protection in Western Australia. The WADEP provides the WAEPA with technical assistance in the development and implementation of EPPs.</p> <p>EPPs are developed under Part III Section 26 of the Environmental Protection Act 1986 for the protection of any part of the environment and for the prevention, control or abatement of pollution. They provide formal positions on these matters and are published by the WA Environmental Protection Authority (EPA). Policies fall into four main categories: biophysical, pollution prevention, social surroundings and management implementation and coordination.</p> <p>Each policy is developed in its own time frame and goes through specific stages with public review. The stages, depending on which factors and issues are involved, are sequential from Draft, Preliminary and Interim to Final Policy. Stakeholders are invited to comment at the Draft stage. The document is released for public comment at the Preliminary stage. At Interim stage the public comment is completed and amendments have been made. At Final stage, the EPA has signed off the policy and it has been published.</p>

Instrument	Description/Purpose
	<p>The State Marine Waters EPP was released for public comment in June 1998. The policy provides a statutory framework within which the environmental values and beneficial uses of portions of the State's marine waters may be proclaimed to be protected. Studies have commenced to define the environmental values of Perth's Coastal Waters, which will lead to the preparation of a regulation to protect this near shore area (see below for further detail).</p> <p>Another EPP, the State Groundwater EPP, was released for public comment from December 1997 to March 1998. The EPP provides a framework for protecting the environmental values of important groundwater systems across the State. Under the EPP, regulations may be prepared to protect drinking water supplies, groundwater-dependent ecosystems and recreational activities associated with groundwater systems.</p>
<p>Draft Environmental Protection (State Marine Waters) Policy 1998 [WAEPA, WADEP]</p>	<p>The EPA has developed a draft EPP for State Marine Waters to provide a consistent regulatory framework to protect marine waters under Western Australia's management jurisdiction. In doing so the EPA has declared the environmental values of the State's marine waters, the activities that may degrade them (some of which may be land-based) and has provided for programs for their protection.</p> <p>This document is the first step towards establishing a State Marine Waters EPP and: explains the nature of EPPs and how they are established; provides the basis and background for the development of the EPP; establishes links between the EPP and the national water policy framework identified under the National Water Quality Management Strategy (NWQMS); identifies the environmental values of marine waters and outlines a program policy for their protection; and presents the draft EPP for public comment.</p> <p>The draft State Marine Waters EPP is comprised of 12 clauses contained within two parts:</p> <p>Part 1 - Preliminary – which establishes the title, purpose and objectives of the policy, defines important terms used in the policy, and identifies the portion of the State to which the policy applies; and</p> <p>Part 2 – Marine Waters Protection – which identifies the principles upon which marine waters protection is based, activities which have the potential to degrade the State's marine waters, the environmental quality objectives for marine waters protection, the environmental values of marine waters and the beneficial uses which are supported by those values and establishes a program to protect the environmental values and their attendant beneficial uses.</p> <p>A map showing the extent of the marine waters to be protected is included in Annex 1 of the policy.</p>
<p>Draft State Waste Reduction and Recycling Policy [WADEP]</p>	<p>This policy is one of several draft policies and strategies by the WADEP on waste management (see below). This policy is based on the following principles: (1) minimising environmental and economic impact of waste; (2) society managing its own waste today not later; (3) cooperation across all tiers of government on waste reduction; (4) waste generator pays for treatment or disposal; (5) close community consultation in policy development; (6) waste reduction to take account of product life cycles.</p>

Instrument	Description/Purpose
Draft State Waste Strategies [WADEP]	<p>These include the Draft State Waste Management Strategy and the Draft Green and Organic Waste Strategy for WA. The former includes general principles of fewer landfills, greater recycling, waste minimisation in product design, waste charging by weight or volume. No generation of waste for which there is no re-use or disposal option. The latter Strategy is aimed at reducing the amount of landfilled organic waste, protecting ground water supplies and conserving resources.</p> <p>The above strategies have relevance to regional areas such as the North West Shelf coastline through the potential for increased wastes to be generated by an increasing population for areas where there is a focus of expansion of industrial/urban development.</p>
Draft Environmental Quality Objectives (EQO) [WAEPA, WADEP]	<p>The WAEPA and WADEP have proposed these Objectives for the State's metropolitan waters. They represent the goals of an environmental management program and relate to both ecological and cultural values of natural systems. Ecological EQOs are fundamental management goals while cultural EQOs are, by definition, negotiable and generally derived from a balance between existing and future uses after consideration of economic, social and political factors.</p> <p>Long term management of marine waters requires that a clearly stated set of EQOs has been designated. Environmental Quality Criteria (EQC) are the benchmarks upon which judgement is made concerning the ability of the environment of a given quality to meet a designated EQO.</p> <p>The EQO initiative has relevance to marine waters in other regions such as the North West Shelf, since uses of marine waters are designated by the WAEPA. These uses were formerly termed "beneficial uses", a term that has been replaced with "environmental value" in the national and draft WA water quality guidelines (see also National Water Quality Management Strategy in Table 4).</p>
Draft Policy: Protection of Waters from Pollution in Western Australia 1997 [WRC]	<p>The WRC is responsible for the "conservation, protection and management of Western Australia's water resources". The Commission is developing a series of documents to provide guidance in water quality management issues. These include Policies, Guidelines and Water Quality Protection Notes, Policy documents set out the WRC's statutory, philosophical and operational approaches to industrial, commercial and urban activities. Available Policies include the Draft Protection of Waters from Pollution in Western Australia and a draft Policy on Aquaculture.</p> <p>WRC's Guidelines are aimed at addressing key issues relating to industrial, commercial and urban activities which interact with the Commission's water resources conservation and management role, as well as providing advice on best management practices. Policies and guidelines are developed in consultation with others, including other government agencies, industry and conservation organisations.</p> <p>Water Quality Protection Notes are prepared by the WRC's Water Quality Protection Branch. They are designed to provide the agency view on land use activities and water resource protection issues. They also provide a basis for developing formal best management practice guidelines in consultation with key stakeholders. The available Notes cover a range of issues, some of which are relevant to industry sector activities in the North West Shelf coastal region. For example, topics include above ground chemical storage tanks, industrial sites near sensitive water resources, low hazard wastewater containment, soil fill for land, stormwater management, toxic and hazardous substance storage.</p>

Instrument	Description/Purpose
<p>Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) [WAEPA, WADEP]</p>	<p>Guidance statements published by the WAEPA are designed to assist proponents, consultants and the public gain additional information about the Environmental Protection Authority's thinking in relation to aspects of the environmental impact assessment (EIA) process. The series provides the basis for evaluation of and advice on development proposals subject to EIA. Like policy development, these guidance documents go through specific stages with public review. The stages of release are Draft, preliminary, Interim and Final.</p> <p>The following Guidance Statements, at different stages of release in 1998, have relevance to environmental protection of marine resources and management of industry sector activities in the North West region:</p> <p>Draft:</p> <ul style="list-style-type: none"> • No 3: Industrial residential buffer areas (separation distances). • No 8: Environmental noise. • No 9: Offshore petroleum exploration and production. • No15: Oxides of nitrogen emissions from gas turbines. • No 22: Seagrass habitat protection • No 29: Benthic primary producer habitat protection • No 43: Environmental management systems. • No 48: Groundwater environmental management areas. <p>Preliminary:</p> <ul style="list-style-type: none"> • No 2: Risk assessment and management: offsite individual risk from hazardous industrial plants • No 33: Policies, guidelines and criteria for assessing planning schemes. <p>Interim:</p> <ul style="list-style-type: none"> • No 12: Minimising Greenhouse Gas Emissions. • No 18: Air quality impacts from development sites. <p>Further details on selected Guidance Statements are provided below.</p>

Instrument	Description/Purpose
<p>Guidance for the Assessment of Environmental Factors No 2: Risk Assessment and Management: Offsite Individual Risk from Hazardous Industrial Plant 1998 [WAEPA]</p>	<p>The purpose of the Guidance Statement is to (1) ensure that the individual risk from a new hazardous industrial plant is assessed and managed to assure public safety; (2) to protect the environment as defined by the EP Act 1986; (3) to address the factor of risk assessment and management of off-site risk from hazardous industrial plant as a major environmental determinant in the EIA process; (4) to present stake holders the WAEPA's position on risk assessment and management of off-site individual risk from hazardous industrial plant.</p> <p>The environmental objective is to prevent, abate and control off-site risk from hazardous industrial plants for the protection and management of the environment. The Guidance Statement applies to all applications for new hazardous industrial plant and extensions to existing hazardous industrial plant in Western Australia. Duration of applicability and review will be inserted when final guidance is released.</p>
<p>Guidance for the Assessment of Environmental Factors. Guidance No. 9: Offshore Petroleum Exploration and Production 1998 [WAEPA]</p>	<p>The purpose of the Guidance Statement is to outline the EPA's approach to environmental assessment of offshore petroleum exploration and development proposals.</p> <p>The Guidance document identifies priority factors for which EPA guidance and position statements needed to be developed to establish grounds for judging the environmental acceptability of developments in advance of project planning and design.</p> <p>The objectives of the document are (1) to protect the environment as defined by the Environmental Protection (EP) Act 1986; (2) to address uncertainty of outcome of the EIA process raised in 1992 during the review of the EP Act 1986; (3) to address the issue of ecological impact assessment and management of offshore petroleum proposals; (4) to present to petroleum companies and the general public the EPA's approach on the assessment of offshore petroleum proposals in order to ensure consistency and transparency in decision-making in this area.</p> <p>The Guidance Statement applies to WA State waters comprising marine waters from the baseline to 3 nm offshore, including internal State waters from High Water mark to the baseline. The duration of the Statement is presently released for stakeholder review after which the WAEPA will consider comments and revise the policy for subsequent release as a preliminary guidance document for a 12 month trial period.</p>
<p>Guidance for the Assessment of Environmental Factors No 12: Minimising Greenhouse Gas Emissions 1998 [WAEPA]</p>	<p>The purpose of the Guidance Statement is to (1) ensure best available efficient technologies are used in Western Australia to minimise greenhouse gas emissions; (2) ensure that potential greenhouse gas emissions emitted from proposed projects where greenhouse gas emissions is considered to be a relevant environmental factor are adequately addressed; (3) protect the environment as defined in the EP Act 1986; (4) present to stakeholders the WAEPA's position on greenhouse gas emissions on new proposed projects and emissions subject to EIA. The Statement applies to all new proposed projects and extensions subject to EIA by the WAEPA where greenhouse gas emissions is a relevant environmental factor.</p> <p>The Guidance Statement shall be applied throughout the State for all new projects formally assessed by the WAEPA where greenhouse gas emissions are considered to be a relevant environmental factor. The duration of applicability of the guidance statement is five years unless unforeseen circumstances require it to be revised.</p>

Instrument	Description/Purpose
<p>Guidance for the Assessment of Environmental Factors No 15: Oxides of Nitrogen Emissions from Gas Turbines 1998 [WAEPA]</p>	<p>The purpose of this Guidance Statement is to provide a framework for the assessment of discharges of oxides of nitrogen (NOx) from gas turbines.</p> <p>The objectives are: (1) to protect the environment as defined in the EP Act 1986; (2) to address the factor of uncertainty of outcome of the EIA process as raised in 1992 during the review of the EP Act 1986; (3) to address the factor of NOx emissions from gas turbines as an environmental pressure; (4) to present to stakeholders the WAEPA's position on NOx emissions from gas turbines to ensure that air quality impacts are acceptable.</p> <p>The guidance statement is applicable to all new gas turbine installation sites within the State. The duration of applicability is for five years unless some unforeseen circumstance requires it to be revised.</p>
<p>Guidance for the Assessment of Environmental Factors No 22: Seagrass Habitat Protection 1998 [WAEPA]</p>	<p>The purpose of the guidance statement is to maintain the ecological integrity and biodiversity of marine ecosystems of Western Australia. This Statement refers specifically to protection of seagrass habitat.</p> <p>The objectives (in summary) are (1) to protect the environment as defined in the EP Act 1986 with a focus on state coastal waters in the context of activities which may affect seagrass habitat; (2) address the factor of uncertainty of outcome of the Environmental Impact Assessment (EIA) process as raised in the 1992 review of the EP Act 1986; (3) present the WAEPA's position on activities which may affect seagrass habitats; (4) assist in fulfilling the State Government's commitments to environmental protection as outlined in the State Conservation Strategy for Western Australia 1987; (5) ensure consistency of approach with the National Strategies for Ecologically Sustainable Development 1992 and the Conservation of Australia's Biological Diversity 1996.</p> <p>The Guidance Statement applies to proposals within areas within 3 nm seaward of the territorial baseline and landward from the territorial baseline to the mouths/entrances of rivers and estuaries. The terms of application may be changed at any time by the WAEPA without notice and will be reviewed within five years.</p>
<p>Guidance for the Assessment of Environmental Factors No 29: Benthic Primary Producer Habitat Protection 1998 [WAEPA]</p>	<p>The purpose of the guidance statement is to maintain the ecological integrity and biodiversity of marine ecosystems of Western Australia. This Statement refers specifically to benthic primary producer habitat. The objectives (in summary) are as indicated for Guidance Statement 22 above. The specific objective is to maintain the integrity of the marine ecosystems of Western Australia to support the widest possible range of environmental values while recognising the current and projected future uses.</p> <p>The Guidance Statement applies to proposals within areas within 3 nm seaward of the territorial baseline and landward from the territorial baseline to the mouths/entrances of rivers and estuaries. The terms of application may be changed at any time by the WAEPA without notice and will be reviewed within five years.</p>
<p>Environmental Protection of Cape Province. Preliminary Position Statement No 1, March 1998 [WAEPA]</p>	<p>The WAEPA, in 1998, decided to prepare and publish a series of Position Statements which set out its views on matter of environmental importance. The Statements provide an avenue for the Authority to inform the public about environmental values and visions for the future. They also provide a basis for the development of the associated series of Guidance Statements entitled "Guidance for the Assessment of Environmental Factors."</p> <p>The Position Statement on Cape Range, which includes coastal and marine areas that extend to Ningaloo Reef and</p>

Instrument	Description/Purpose
	<p>surrounds, is the first of this series. It describes the environmental features and biodiversity on land and in the sea and sets out the WAEPA's principles for environmental protection of the Cape Range Province.</p> <p>The Position Statement indicates that the key to long term environmental protection and management of the province is to manage the environment and carry on development without exceeding the long-term ability of the area to accommodate human use pressure. This relates to the availability, management and use of key natural resources, including (1) maintenance of ecological processes and important habitats; (2) needs of conservation; (3) availability of land properly suitable for development, taking account of environmental constraints; (4) availability of potable water; (5) need for key infrastructure to support a reasonable level of development.</p> <p>Among the principles that the WAEPA considers should be used to underpin environmental assessment and decision-making are the following:</p> <ol style="list-style-type: none"> (1) To manage the area according to sound ecologically sustainable development and biodiversity principles as outlined in national principles for environmental protection (Intergovernmental Agreement on the Environment, national Strategy for Ecologically Sustainable Development and the national Strategy for the Conservation of Australia's Biodiversity); (2) Recognising the natural constraints on the type and amount of development that can be supported; (3) Presume that development must demonstrate through relevant research and knowledge that the implementation of a properly planned and managed development will protect or enhance multiple environmental values of the area; (4) Ensure that development is consistent with enhancing the natural assets of the area and improve environmental knowledge and management; (5) Recognise the impact of water allocation and consumption on viability of ecological values, with water allocation and consumption in accordance with key principles from the "National principles for the provision of Water for Ecosystems". These principles include sustaining biodiversity and ecological processes, using and managing water to recognise ecological values and using appropriate water pricing strategies; (6) By ensuring developments are of the highest "best practice" with continuous improvement through an environmental management system; (7) Establishing baseline data to enable proper identification of acceptable levels of environmental change. <p>In assessing proposals according to its principles, the WAEPA will adopt the Precautionary Principle to provide a means of considering environmental impacts where a high value element of the environment would be affected and knowledge is insufficient or lacking.</p> <p>From the environmental perspective the Position Statement also indicates that there should be no major development on the west side of the Cape Range, including coastal areas within Planning Units 2 and 3 in the Exmouth-Learmonth Structure Plan.</p> <p>The principles underpinning environmental assessment and decision-making also consider that proposed extensions to the Cape Range national Park and Ningaloo Marine Park is considered by government and the decision is implemented as a priority.</p>

Instrument	Description/Purpose
Conservation and Heritage	
New Horizons in Marine Management (policy statement) [CALM]	This is a policy statement released by the Western Australian government in 1994. It stated that the central thrust of the Government's conservation effort would be through the creation of a statewide system of marine conservation reserves under the Conservation and Land Management (CALM) Act. The policy statement followed on from the Government's June 1994 report produced by the Marine Parks and Reserves Selection Working Group, entitled "A Representative Marine Reserve System for Western Australia", which identified 70 areas as worthy of consideration for marine conservation reserve status under the CALM Act.
"New Horizons" coastal strategy [Marine Parks and Reserves Authority]	This coastal strategy has been put into effect in Western Australia by legislative changes to the Conservation and Land Management Act 1984, petroleum and mining legislation and fisheries legislation to provide for the creation of a Marine Parks and Reserves Authority, creation of Marine Conservation Reserves, which may be designated as either Marine Conservation Management Areas, Marine Parks or Nature Reserves, and establishment of a Marine Parks and Reserves Scientific Advisory Committee. Under this structure, the Marine Parks and Reserves Authority is an independent body which "owns" the reserves with day-to-day management undertaken by CALM, subject to audit by the Authority (refer also to the Acts Amendment (Marine Reserves) Act 1997 (see Table 3), which gives effect to this coastal strategy).
Dampier Archipelago Nature Reserves Management Plan 1990-2000. [CALM]	This Plan was published by the Department of Conservation and Land Management in 1990 and outlines a plan for managing the environmental resources and values of the Dampier Archipelago.
Transport and Communications	
State Transport Policy [Department of Transport]	<p>The Western Australian State Transport Policy sets the overall vision and framework for planning and managing the Transport system and identifies the challenges confronting the Government in realising the Transport vision. In addition, it articulates the objectives that must be pursued to achieve the vision, describes the actions to be taken to achieve the objectives and sets out a management process for delivering the actions. The formal Policy objectives are: (1) transport efficiency and effectiveness; (2) public safety; (3) fair access to a reasonable level of transport services for all individuals, business and communities; and (4) environmental integrity and quality of life through a responsible approach to minimising adverse impacts of transport on the community and the environment.</p> <p>The Programs delivered by Transport WA are integrated with the State Transport Policy. The program objectives relate to the following transport services: licensing, safety, maritime, metropolitan transport and regional transport.</p> <p>The Program Objective for Maritime Services is: to lead in the development of a safe, accessible and clean maritime transport system that meets community needs and assists the growth in the economy and sustainable use of coastal resources. Maritime Services include Maritime Policy (developing policies on ports, shipping and maritime transport), Marine Safety (safety, education, oil pollution control and advice, boating regulations), Maritime Facilities (e.g. regional boat harbours, coastal management information, jetty and ferry licences).</p>

Instrument	Description/Purpose
Industry: Oil and Gas	
Oil Company International Marine Forum (OCIMF) Guidelines [OCIMF]	Guidelines to ensure an acceptable standard and compatibility of marine equipment in use.
Environmental Information for Petroleum Operations in Western Australia, Petroleum Division, WA Department of Minerals & Energy 1993 [WADOME]	This document is currently being updated as a Draft Guidance document in preparation. The existing document provides information to the user on: (a) key government and public bodies involved in environmental approvals for oil and gas projects; (b) the environmental impact assessments procedures for WA and Commonwealth areas; (c) legislation affecting petroleum operations; (d) government requirements, regulations and guidelines for environmental approvals and petroleum operations in inshore and offshore areas; (e) nature reserve types and categories in WA; and (f) Commonwealth/State areas of jurisdiction.
Industry: Fisheries and Aquaculture	
Fisheries Management Plans [Fisheries WA]	Along with the primary FRMA legislation, there is subsidiary legislation on fisheries that includes amended regulations to the FRMA and new and amended Management Plans (see below for recent Plans relevant to the Pilbara region). In Western Australia strategies are being developed, in line with national initiatives, to manage fisheries in a sustainable fashion. As indicated in the 1998 State of Environment report for WA, Fisheries WA statistics on stock and exploitation for major commercial fisheries indicate that some species in the North West Shelf region are considered to be over exploited (e.g. The Pilbara tropical fin fish trawl) and others are considered fully exploited (e.g. Pilbara trap and line fin fishery and the Nickol Bay and Exmouth Gulf prawn fishery).
Northern Demersal Managed Fishery Management Plan 1997	Interim managed fishery for the fishing for any species of commercial scalefish by the use of a fish trap or line in waters off the North coast of Western Australia.
Relevant Notices under the Fish Resources Management Act (FRMA) 1994	Notices are issued under the Fisheries Act. Recent notices include: 726: Pilbara Fish Trawl Fishery-Directions to Licensing Officers Amendment Notice (No.2) 1995. Amended previous directions for providing 'time units as well as 728: Marine Aquarium Fish Limited Entry Fishery Amendment Notice No 3. Created a limited entry fishery for commercial fishing for marine aquarium fish.
Nickol Bay Prawn Management Plan Amendment 1996	Amended the permitted dates of operating in the fishery.
Nickol Bay Prawn Management Plan Amendment 1998	Amended the principal Plan to provide for the closure of the fishery by the Executive Director and the carrying of other fishing gear when in waters where fishing has been prohibited.

Instrument	Description/Purpose
Pilbara Fish Trawl Interim Managed Fishery Management Plan 1997	This is a new management plan that introduced an interim managed fishery for the fishing for scalefish by the use of a trawl net in waters of the Indian Ocean and Exmouth Gulf.
Pilbara Trap Management Plan Amendment (No. 2) 1997	This Amendment amends the Schedule to the principal Management Plan by inserting a new item describing waters.
Orders issued under the FRMA 1994	These Orders include Order No. 10 of 1997: Prohibition on Commercial Fishing for Demersal Scalefish (Pilbara Area) Order 1997, which prohibits fishing for demersal scalefish from a licensed fishing boat at any time in waters of the Pilbara Area.
Notices issued under Pearling Act 1990	These include the Pearling (Declaration of Zones) Notice 1995, the Pearling (Declaration of Pearl Oysters) Notice 1995, and the Pearling (Minimum Pearl Oyster Shell Size) Notice 1995.
Aboriginal Fisheries Strategy	Fisheries WA have recently commenced this Strategy.
Issues Paper on fisheries legislation	The Issues Paper was facilitated by Fisheries WA and was adopted as the basis for providing a framework for national Competition Policy (NCP) reviews of fisheries legislation throughout Australia. In accordance with these principles, Fisheries WA has engaged consultants to review legislation relevant to the pearling and rock lobster processing industries.
Memorandum of Understanding (MOU): translocation of non-endemic species in WA	Planned achievements for the State Government's Fisheries WA over 1998/99 included developing the Memorandum of Understanding with the Environmental Protection Authority on the translocation of non-endemic aquatic organisms within and into Western Australia. The agency released Ministerial Guideline No. 5 on The Aquaculture and Recreational Fishing Stock Enhancement of Non-Endemic Species in WA.
Industry: Tourism	
Western Australian Tourism Development Strategy	This Strategy establishes a framework to enable Government and industry to manage tourism in Western Australia to 2000 and beyond. The major goal is "to provide a framework in which to develop the Western Australian tourism industry as the State's major sustainable export industry over the next ten years." Eight identified key strategies, as outlined in April 1997, are (1) establishing a system of destination based tourism planning which identifies infrastructure and product requirements; (2) providing public infrastructure Priority Tourist Destination Areas (PTDA) to facilitate private sector investment; (3) focusing higher volume tourism into PTDA's; (4) developing key nature based/Aboriginal and cultural tourism products; (5) developing a "whole of state government" approach to tourism development and achieving greater coordination across sectors and government; (6) improving quality of product and service delivery through training and accreditation mechanisms; (7) improving industry profitability; (8) creating and maintaining a regulatory environment conducive to business development and investment.
Nature Based Tourism Strategy for Western Australia	The Western Australian Tourism Commission and the Department of Conservation and Land Management developed this Strategy. The Strategy forms part of a broader strategy to manage tourism in Western Australia (see the Western Australian Tourism Development Strategy). The Strategy also has relevance to the Commonwealth Department of Tourism's National Ecotourism Strategy of 1994, which was developed to provide a framework to facilitate an integrated approach to development of ecotourism in Australia. Under the Nature Based Tourism Strategy for Western Australia, the Pilbara Islands and Hinterland and the Kimberley are Potential Zones of Opportunity. The Vision statement for the Strategy is "to

Instrument	Description/Purpose
	<p>ensure that Western Australia maintains its natural advantage and establishes itself as the leading nature based tourism destination in Australia.” The Vision is guided by five guiding principles:</p> <ol style="list-style-type: none"> (1) conservation of the natural environment; (2) involving and benefiting local communities; (3) improving knowledge, including awareness and appreciation of the environment and links between natural and cultural heritage; (4) Providing quality products and services; (5) Efficient and effective industry, by, among other things, meeting of all statutory responsibilities, establishing and agreeing on appropriate roles for Government and industry bodies to optimise involvement in the industry, establishing structures that facilitate effective communication between industry and government and integrating Government planning, administration and regulations. <p>The fundamental strategies of the Strategy are:</p> <ol style="list-style-type: none"> (1) developing awareness of community and industry of economic, social, cultural and environmental value and benefits of nature based tourism; and (2) Planning to identify specific zones of opportunity and to prepare nature based tourism action plans for each zone of opportunity.
Multiple Sectors	
Coastwest/Coastcare	<p>The Coastwest Grants Program was established by the State Government to improve the condition and amenity of the coastal zone in Western Australia. Its main functions were to provide opportunities and resources to assist local managers undertake coastal management activities, facilitate community involvement in the management of coastal resources and implement coastal management plans through local government-community cooperative actions. Coastcare is a component of the Commonwealth Coast and Clean Sea Initiative under the Natural Heritage Trust. It is designed to support direct community involvement in the care, protection and management of coastal resources. Coastwest and Coastcare are provided as a joint program administered by the WA Ministry of Planning on behalf of Local, State and Commonwealth Governments.</p> <p>The Objectives of Coastwest/Coastcare are:</p> <ol style="list-style-type: none"> (1) to engender in local communities, including local industries, a sense of stewardship for coastal and marine areas; (2) to provide opportunities and resources for residents, schools, volunteers, business and others to participate in coastal management; (3) to support community identification of natural and cultural heritage resources; and (4) to facilitate interaction between the community and bodies with responsibility for managing coastal and marine areas.

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