

28th Annual Meeting of the International Association for Impact Assessment
THE ART AND SCIENCE OF IMPACT ASSESSMENT
IAIA08 Session Chair's Report

Session number and name: TF3.3 Public participation and the practice of EIA in Western Australia

Day: Wednesday **Date:** 5 May, 2008 **Time:** 10:30-12:00 **# Persons attending session:** 100

Name(s) of Session Chair(s)

John F Devlin

Contributors

Cameron Poustie, Principal Solicitor, Environmental Defenders' Office of Western Australia (Inc)
Chris Tallentire, Director, Conservation Council of Western Australia
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(a) Three current issues in application of assessment processes discussed in this session

- Weakness of public input into EA processes in Western Australia.
- Lack of EA of existing operations in Western Australia even when obviously hazardous.
- Weakness of health impacts assessment in Western Australia.

(b) One or more emerging trends

Greater attention by resource extraction firms to processes of public engagement for oil and gas developments in northern areas of WA.

(c) Issues relating to impact assessment effectiveness:

(i) dimensions of IA effectiveness (i.e. what are the characteristics of effective IA?)

- Giving the public an opportunity and the time to prepare and engage in EA processes.
- Addressing health impacts in EA processes.
- Full access to information for all parties.

(ii) challenges/barriers to IA effectiveness

- The WA Department of Environment and Conservation is under-resourced and disinclined to take enforcement action against projects that violate EA provisions.
- Many more government staff devoted to approval of industrial and mining projects than to check compliance and audit projects after approval.
- Site selections and commitments are made before EAs are conducted.
- Limited number of members of the public are engaged in EA consultations.
- Projects which continue to be pursued even after several years of public objections.
- Project sites being sold to new proponents who ignore previous commitments.
- Governments changing and failing to adhere to commitments of previous governments.
- Pressure on governments to approve projects on economic ground despite environmental problems.
- Lack of RAMSAR protection on privately owned land.
- Once approved projects are rarely closed down even if mitigation conditions are not met.
- Absence of health impact assessment in Western Australia.

(iii) how these barriers might be overcome

- At state level (Western Australia) and the Federal level allow for third-party (public) enforcement of criminal law and third-party civil enforcement of legal and mitigation measures.
- Ease conditions for legal "standing" at both state and federal levels.

- Introduce “whole life” project analysis including decommissioning assessment.
- Maintain on-going dialogue between project developer and stakeholders.
- Recognize the principle of Community Right to Know.
- The Environmental Protection Act 1986 should be expanded to include health impact assessment and role of the WA Department of Health in EA process should be increased.

(d) Comments on the Art and Science of Impact Assessment (i.e. the relative importance and interplay between science and values/politics/subjectivity in impact assessment)

The main concern in this theme forum was over the politics of EA in Western Australia. There is opportunity for public participation enshrined in the legal requirements for EA but the practice of EA leaves much to be desired. Information is often not shared adequately, public consultations are limited, enforcement of mitigation measures is weak, follow-up is inadequate. Most of this is linked to the pressure for project development and the limited resources devoted by state and federal governments to IA follow-up. Although public participation is formally encouraged its impact on decision making remains problematic.