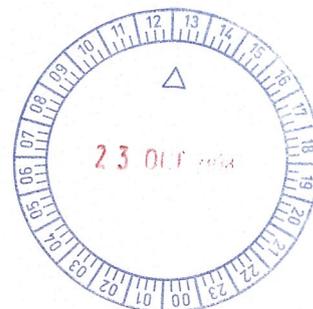




**Minister for Environment; Disability Services
Deputy Leader of the Legislative Council**

Your Ref: Petition No 74
Our Ref: 62-10269



Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs
Legislative Council Committee Office
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn *Matthe*

Thank you for your correspondence, received in this office on 19 September 2018, regarding Petition No 74 – Protection of rock art in Murujuga.

In response to the three issues raised in Petition No 74, I advise as follows:

- As a matter of urgency, the petitioner reiterates the call for Dampier Archipelago to be nominated for World Heritage listing at the State Government's earliest opportunity.

The process for nominating some or all of the Dampier Archipelago, including the Burrup Peninsula and surrounds, traditionally referred to as Murujuga, to the World Heritage list has begun. A letter advising the Federal Minister for the Environment, Hon Melissa Price MP, that the McGowan Government and Murujuga Aboriginal Corporation (MAC), representing the Murujuga Traditional Owners, have agreed to progress a World Heritage nomination was sent on 27 August 2018 following a formal announcement made by the Premier and MAC.

The McGowan Government will now work with MAC, the Australian Government and other stakeholders to prepare a tentative list submission for consideration and publication by the United Nations Educational, Scientific and Cultural Organization's (UNESCO) World Heritage Committee. This is the first major and required step toward World Heritage listing, as a property will not be considered by the World Heritage Committee for World Heritage listing until it has been on the tentative list for at least 12 months. The UNESCO deadline for World Heritage submissions is 1 February each year, and it is hoped that Murujuga will be added to Australia's World Heritage tentative list in February 2020. A formal comprehensive nomination dossier will then be prepared.

The Australian Government is currently a member of the World Heritage Committee and has given an undertaking not to submit any nominations, other than an existing nomination for Budj Bim, during its term on the Committee (2017–2021). Therefore, the earliest that a final nomination dossier will be considered by the World Heritage Committee is 2022.

- The petitioner opposes further development of heavy industry on Murujuga and, by inference, recommends all future heavy industry be placed on the Maitland Heavy Industry Estate.

The Maitland Strategic Industrial Area has been set aside for projects focused on the domestic market and potential future export-orientated industrial development. The area currently lacks basic infrastructure, is some distance from existing port infrastructure, and would require considerable investment to attract major projects. The McGowan Government acknowledges the significant environmental, social, cultural and economic value of the Burrup Peninsula and considers that with appropriate management, industry and tourism can successfully co-exist with the area's cultural heritage and environmental values.

- The petitioner declares the need for evaluation of the cumulative air shed of pollutants and all emissions that impact on Murujuga (the Gazettal's of the Burrup Peninsula and Dampier) which, along with 43 other islands, constitutes the Dampier Archipelago as covered by the National Heritage listed area No. S127.

In relation to new industrial developments on the Burrup Peninsula, I understand that the Environmental Protection Authority (EPA) will consider any proposals on a case-by-case basis. The EPA provides independent advice to Government and undertakes environmental impact assessment under Part IV of the *Environmental Protection Act 1986* (EP Act). As set out in the EPA's Environmental Factor Guideline for air quality, existing or future cumulative impacts to an air shed are an important consideration when undertaking environmental impact assessment. The EPA's assessment process provides opportunities for public participation (consultation.epa.wa.gov.au).

Industrial emissions and discharges are regulated by the Department of Water and Environmental Regulation (DWER) under Part V of the EP Act. Cumulative impacts of air emissions are also considered as part of assessments under Part V. The Department's assessment process for licences and works approvals provides opportunities for public comment (see www.der.wa.gov.au/our-work/licences-and-works-approvals/lwa-applications).

Approvals are subject to conditions for the prevention and control of pollution and environmental harm.

The McGowan Government remains committed to ensuring that there is a long-term strategy to guide the monitoring of emissions from industrial sources and management responses to protect the rock art of Murujuga. I understand that DWER is currently finalising the Murujuga Rock Art Strategy following consideration of public comments on the draft and the findings of the Australian Senate Committee inquiry.

A stakeholder reference group comprised of a wide range of stakeholders and chaired by Dr Ron Edwards has been established. This group will inform the finalisation of the Strategy and assist with its successful implementation. The first meeting of the stakeholder reference group was on 10 September 2018. Further information is available at www.der.wa.gov.au/our-work/major-initiatives/36-burrup-rock-art-monitoring-program.

With respect to the submissions from the principal petitioner and tabling Member requesting that the precautionary principle should be invoked, section 4A of the EP Act establishes the object and principles of the Act.

The precautionary principle is one of the principles identified in the EP Act. In the application of the precautionary principle, decisions are to be guided by (a) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and (b) an assessment of the risk-weighted consequences of various options. The object and principles guide the overall application of the powers of the EP Act. The principles are matters to which the EPA is required to have regard as a condition of the valid exercise of its powers to assess and report on proposals under the EP Act, and the principles guide DWER's environmental regulation functions.

I trust this information will assist the Committee.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dawson', with a long horizontal flourish extending to the right.

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

17 OCT 2018