

MEDIA RELEASE

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EDOWA'S RESPONSE TO EPA GUIDANCE ON GREENHOUSE GAS EMISSIONS

The Environmental Defender's Office Western Australia is a not-for-profit and non-government community legal centre that specialises in public interest environmental law.

The Environmental Defender's Office WA supports the governance framework developed by the WA Environmental Protection Authority for greenhouse gas emissions through the Environmental Factor Guideline and Technical Guidance documents. The requirement for proposals with scope 1 greenhouse gas emissions in excess of 100,000 tonnes per annum (tpa) to offset all residual direct emissions, following best practice efforts to avoid and reduce emissions, forms an integral component of that governance framework.

The *Environmental Protection Act 1986* (WA) establishes the EPA as an independent body and requires the EPA to use its best endeavours to protect the environment and to prevent, control and abate pollution and environmental harm. The EPA has acted in accordance with its statutory function and role in updating its governance framework for environmental impact assessments to expressly address greenhouse gas emissions.

The EPA's function in conducting environmental impact assessment does not include weighing the social, commercial or economic benefits of a proposal against the environmental impacts of the proposal. The EPA's advice and recommendations about a proposal must be made on the basis of the environmental factors alone.

The EPA's governance framework for greenhouse gas emissions does not determine how the State or Commonwealth Governments will deal with climate change. Rather, the framework provides clear guidance about how the EPA will consider greenhouse gas emissions and climate change in its environmental impact assessments and in the provision of advice to the Minister for Environment.

The *Environmental Protection Act 1986* contemplates that the Minister will consider the EPA's advice and recommendations while also taking into account economic, commercial and social factors.

The EPA’s governance framework for greenhouse gas emissions is well-positioned to adjust to any policy or legislative reforms at the State and/or Commonwealth levels, such as the introduction of a carbon price or other market-based mechanism. Core elements of the governance framework, including requirements for proponents to describe direct and indirect emissions associated with a proposal and to offset all residual (net) direct emissions, are consistent with the EPA’s mitigation hierarchy and other elements of its governance framework for environmental impact assessment. They are also consistent with the object and guiding principles of the *Environmental Protection Act 1986*.

The Environmental Defender’s Office WA welcomes public debate regarding Australia’s obligations under the Paris Agreement and the need for Western Australia to contribute to a collective effort to reduce greenhouse gas emissions. That public debate should properly reflect the factual basis on which the EPA developed its governance framework for greenhouse gas emissions. Relevantly, the EPA’s Technical Guidance for mitigating greenhouse gas emissions observes that Western Australia is the only Australian jurisdiction in which greenhouse gas emissions increased substantially between 2000 and 2016 (by 27%) and that “future resource and energy proposals...particularly large upstream liquefied natural gas projects, have the capacity to further increase the State’s emissions by a large margin to 2030 and materially contribute to Australia’s total emissions”.¹

A national approach to climate change in Australia is essential. However, until this can be achieved the EPA’s governance framework for greenhouse gas emissions is crucial to guide the EPA’s decision-making in relation to future energy proposals. The EPA’s governance framework marks an important step in reducing the State’s rising emissions and contribution to climate change.

Contacts:

Hugh Finn
Chairperson
Management Committee
Environmental Defender’s Office WA Inc.
E: h.finn@curtin.edu.au
M: 9266 4553; 9420 7271

¹ Technical Guidance – Mitigating Greenhouse Gas Emissions, p 3.