

Release of Implementation Plan in response to independent scientific panel inquiry into hydraulic fracture stimulation in Western Australia

29 October 2019

On 8 July 2019, the Western Australian State Government (State Government) announced that it had released a new Implementation Plan (Plan). The 18-month transitional Plan is the State Government's response to the Final Report of the Independent Scientific Panel Inquiry into hydraulic fracture stimulation in Western Australia handed down on 12 September 2018 (the Report) and the Western Australian State Government Policy on fracking released on 27 November 2018 (which are both outlined in our recent article, [Western Australia's updated fracking policy](#)). Following careful consideration of the Report, the State Government accepted in principle the recommendations set out in the Report and announced a raft of new controls for all hydraulic fracture stimulation exploration and production proposals and activities within Western Australia. The recommendations and State Government decisions have been consolidated into 20 key implementation actions outlined in the Plan. The Plan also outlines the methodology and a timeline regarding the process of implementing the actions.

1.1 Key actions outlined in the plan

The key actions outlined in the plan include:

- (a) Lifting the hydraulic fracturing moratorium on *existing* onshore petroleum titles as at 26 November 2018 these cover an area of approximately two percent of Western Australia's total land area and are located in the Kimberly, Gascoyne, and mid-west region of Western Australia, whilst maintaining the ban over the South-West, Peel, and Metro regions (effectively meaning that hydraulic fracturing activities will not be permitted over land released in future for oil and gas exploration).
- (b) Banning hydraulic fracturing within 2000 meters of gazetted Public Drinking Water Source Areas, in national parks, the Dampier Peninsula, and iconic natural heritage areas.

- (c) The requirement for traditional owner and private landowner consent prior to hydraulic fracture production.
- (d) Referring all hydraulic fracture stimulation exploration and production proposals to the Environmental Protection Authority (EPA).
- (e) Strengthening current regulations to ensure high health, safety and environmental protection standards.
- (f) Restore the 10 percent royalty rate for all onshore petroleum.
- (g) Establish a Clean Energy Future Fund (CEFF) to support facilitation of clean energy developments.

1.2 The Senior Officials Steering Group

The Senior Officials Steering Group (SOSG) consists of officials from the Departments of Premier and Cabinet; Water and Environmental Regulation; Mines, Industry Regulation and Safety; Health; Biodiversity, Conservation and Attractions; Jobs, Tourism, Science and Innovation; Planning, Lands and Heritage; and Treasury. The SOSG is responsible for developing and overseeing implementation of the actions within the Plan. The SOSG will be working with the Australian Petroleum Production and Exploration Association and key stakeholders to action the policy decisions and deliver the Plan.

1.3 Stakeholder consultation

The State Government has encouraged stakeholders to contribute during the 18-month implementation phase of the Plan. Key stakeholders will also be consulted regarding specific actions and the implementation process of the Plan. Some actions will require complex reforms across various agencies, involving further policy development, amendments to legislation and regulations, which may take a significant amount of time to fully implement.

A series of consultation procedures are anticipated to be used throughout the stakeholder consultation process where required, including:

- (a) Conducting workshops and briefings with impacted stakeholders.
- (b) Releasing draft proposals for public comments and feedback.
- (c) Publishing response to feedback on the dedicated Plan website.
- (d) Informing stakeholders through the Plan website once actions have been completed.

Exposure drafts in the form of discussion papers, draft guidance material, codes of practice, and other relevant proposals will be released on the Plan website for public comment.

1.4 What is happening next?

The release of the Plan has marked the end of the moratorium on hydraulic fracturing in Western Australia and companies can now submit applications to the EPA for assessment under the *Environmental Protection Act 1986 (WA)*. The State Government aims to implement the actions outlined in the Plan by the end of 2020, and also during this period, develop and release a code of practice, prescribing minimum enforceable standards for hydraulic fracturing activities.

For more information about the State Government's response to the Independent Scientific Panel Inquiry into hydraulic fracture stimulation, please visit: www.hydraulicfracturing.wa.gov.au

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