



Department of Environment and Conservation

Your ref:
Our ref: Mark Jefferies
Enquiries: 6467 5403
Phone: 6467 5556
Fax: mark.jefferies@dec.wa.gov.au
Email:

Mr Corey Dykstra
cdykstra@allenconsult.com.au

Dear Mr Dykstra

COAG REVIEW OF WESTERN AUSTRALIAN PORTS

I refer to Pam Meehan's email of 11 July 2008 regarding the COAG Review of Western Australian Ports. I note that submissions closed on 8 August, however, I understand you have agreed to accept a late submission from the Department of Environment and Conservation (DEC).

The following general comments in relation to the review are provided for your consideration.

The Issues Paper focuses on the issue of whether ports in Western Australia should be subject to economic regulation and whether there are public benefits in restricting competition in the provision of port and related infrastructure facility services.

In particular, page 22 of the Issues Paper outlines the functions of Port Authorities as defined in the *Port Authorities Act 1999*. One of these functions is the requirement that Port Authorities "protect the environment of the port and minimise the impact of port activities on that environment". On page 28 the Issues Paper redefines the obligations of Port Authorities in terms of two primary functions:

- to facilitate trade within and through the port and plan for future growth and development of the port; and
- to undertake or arrange for activities that will encourage and facilitate the development of trade and commerce generally for the economic benefit of the State through the use of the port and related facilities.

In referring only to these two primary functions, the Issues Paper significantly underestimates the public benefit role that Port Authorities have in managing the environmental and potentially the health impacts of ports on the wider community. DEC regulates ports through the *Environmental Protection Act 1986* and the existence of Port Authorities as entities capable of being licensed provides for management of the cumulative environmental impacts of ports in relation to air quality, noise, odour and maintaining both the environmental values of the land and the marine environments.

Additionally, Port Authorities serve an important function in strategic planning for development. Poorly planned and multiple new user facilities have the potential to have significant environmental impacts both in terms of developing multiple facilities

DIRECTOR GENERAL AND ENVIRONMENTAL SERVICES DIVISIONS: The Atrium, 168 St Georges Terrace, Perth, Western Australia
Phone: (08) 6364 6500 Fax: (08) 6364 6520 TTY: 1880 555 630

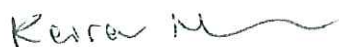
PARKS AND CONSERVATION SERVICES DIVISIONS: Executive: Corner of Australia II Drive and Hackett Drive, Crawley, Western Australia
Phone: (08) 9442 0300 Fax: (08) 9386 1578 Operations: 17 Dick Perry Avenue, Technology Park, Kensington, Western Australia
Phone: (08) 9334 0333 Fax: (08) 9334 0498 Teletype: (08) 9334 0546

POSTAL ADDRESS FOR ALL DIVISIONS: Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
www.dec.wa.gov.au

and provision of infrastructure requirements to service the ports. Individual proponents do not often have the capacity to undertake the necessary strategic planning or environmental investigations to demonstrate to Government and the community that ports and related infrastructure will not have an environmental impact or can be managed to be environmentally acceptable.

There are also environmental benefits in the sharing of port infrastructure. However, the public benefit of Port Authorities having explicit obligations within legislation to plan for their cumulative environmental impacts, and manage the day to day operations to minimise impacts on the environmental values of ports and on the communities adjacent to the ports, should not be underestimated.

Yours sincerely



Keiran McNamara
DIRECTOR GENERAL

15 August 2008