

WA fracking ban and moratorium announced

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Yesterday, Minister for Mines Bill Johnston announced the WA State Government has implemented a ban on hydraulic fracturing for unconventional gas for all existing and future petroleum titles in the South-West, Peel and Perth metropolitan regions in Western Australia (**Fracking Ban Area**).

In addition, the Minister formally confirmed a moratorium on fracking throughout the rest of Western Australia pending an independent scientific inquiry into the potential impact of fracking outside of the Fracking Ban Area.

The terms of reference of the inquiry include:

- identifying environmental, health, agricultural, heritage and community impacts associated with the process of hydraulic fracture stimulation in Western Australia, noting that impacts may vary in accordance with the location of the activity;
- using credible scientific and historical evidence to assess the level of risk associated with identified impacts;
- describing regulatory mechanisms that may be employed to mitigate or minimise risks to an acceptable level, where appropriate;
- recommending a scientific approach to regulating hydraulic fracture stimulation; and
- holding community meetings in Perth, and the Midwest and Kimberley regions.

This is Western Australia's second inquiry^[1] into fracking and the sixth inquiry into fracking in Australia. The panel is made up of four experts chaired by Environmental Protection Authority chairperson Tom Hatton. The other panel members have not yet been announced.

The Minister announced that the ban and moratorium will be implemented through delegated legislation and the Department of Mines, Industry Regulation and safety has issued a policy statement in relation to the ban and moratorium. The industry looks forward to details of the delegated legislation implementing the ban and moratorium being released.

We agree with the comments of Minister Bill Johnston that "the Government's ban and moratorium will have a major impact on unconventional oil and gas because it is highly unlikely these resources can be developed without fracking." We call on the Government and inquiry panel to conduct a balanced and scientifically based process to bring the moratorium to a swift resolution and deliver much needed certainty to industry.

For further information or discussion, please contact HopgoodGanim Lawyers' [Resources and Energy](#) team.

[1] In 2015 there was a WA Parliamentary Inquiry into the Implications for WA of Hydraulic Fracturing for Unconventional Gas which resulted in the publishing of a report dated 17 November 2015.

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