

Environment and Communications References Committee  
Answers to questions on notice  
**Agriculture, Water and the Environment Portfolio**

**Committee:** Environment and Communications References Committee  
**Inquiry:** Australia's faunal extinction crisis  
**Question No:** 1  
**Hearing Date:** 25 August 2020  
**Division/Agency:** Department of Agriculture, Water and the Environment  
**Topic:** Australia's faunal extinction crisis – ANAO report case studies  
**Hansard Page:**  
**Question Date:** 27 August 2020  
**Question Type:** Written

**Senator Sarah Hanson-Young asked:**

What has the government done to rectify the problems in relation to each of the 90 case studies raised in the ANAO report?

What is the current status of each of these 90 case studies?

**Answer:**

The Department is in discussions with the ANAO to seek further information regarding the types of errors they observed, to enable us to design and implement improved performance and quality control processes going forward.

Of the 90 approval decisions reviewed by the ANAO, 88 have been approved with conditions, one has been approved without conditions, and one has been refused approval.

The stage and status of each of these decisions is available on the Department's website at <http://epbcnotices.environment.gov.au/referralslist/>.

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**Committee:** Environment and Communications References Committee  
**Inquiry:** Australia's faunal extinction crisis  
**Question No:** 2  
**Hearing Date:** 25 August 2020  
**Division/Agency:** Department of Agriculture, Water and the Environment  
**Topic:** Interim review of the EPBC Act  
**Question Date:** 27 August 2020  
**Question Type:** Written

**Senator Hanson-Young asked:**

At the press conference for the release of the Interim report the Minister stated: "A lot of the lawfare, the procedural challenges don't hit the courts, so, they're actually below the surface".

- a. Can the Department provide specific detail as to what the Minister is referring to here?
- b. What would you characterise as "below the surface procedural challenges"?
- c. Can the Department give any specific examples?

The Minister also stated that she would "discuss with the Attorney General how we can remove excessive lawfare".

- a. Can the Department outline if those discussions have taken place? If so, what were the dates of those discussions?
- b. What would the measures the Minister is referring to (i.e. "to remove excessive lawfare") be?

**Answer:**

1. The Department does not have specific detail as to what the Minister was referring to. These questions are best directed to the Minister.
2. The Department is not aware of any discussions between the Minister and the Attorney-General. These questions are best directed to the Minister.

**Environment and Communications References Committee**  
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**Agriculture, Water and the Environment Portfolio**

**Committee:** Environment and Communications References Committee  
**Inquiry:** Australia's faunal extinction crisis  
**Question No:** 3  
**Hearing Date:** 25 August 2020  
**Division/Agency:** Department of Agriculture, Water and the Environment  
**Topic:** Australia's faunal extinction crisis – details on the 15 major projects announced by the Prime Minister  
**Question Date:** 27 August 2020  
**Question Type:** Written

**Senator Hanson-Young asked:**

In relation to the 15 major projects announced by the Prime Minister at the state of the nation conference on 15th June:

- a. How were the 15 major projects nominated?
- b. Were they at the request of the companies?
- c. How was the Minister involved in the selection of the major projects selected?
- d. Did the Department assemble the list of 15 or did it come from elsewhere?
- e. What was the criteria for the selected 15 major projects?
- f. Who did the assessment against the criteria?
- g. What specific approvals do these 15 projects encompass?
- h. Do all of them have active approvals or are you expecting them to submit more?

Rio Tinto

How did the Rio Tinto Iron Ore mines come to be on the list of 15 major projects? Did the company request it?

Has the department had any engagement with Rio Tinto on the reform of the EPBC Act or development of approval bilateral agreements since the federal election?

Rio Tinto requested a strategic assessment of all of their Pilbara mines in 2012 and this has not been advanced since then. The Environment Minister and Ken Wyatt, the Indigenous Affairs Minister, are jointly reviewing Aboriginal Heritage provisions to supposedly strengthen them.

- a. Will the Rio Tinto fast-tracked approval mean that approval will likely be granted before new Aboriginal Heritage safeguards are brought in?
- b. Can the department provide dates and times of any meetings with Rio Tinto that discuss reform of the EPBC Act or the development of approval bilateral agreement?

**Answer:**

- a. How were the 15 major projects nominated?**
- b. Were they at the request of the companies?**
- c. How was the Minister involved in the selection of the major projects selected?**

**d. Did the Department assemble the list of 15 or did it come from elsewhere?**

**e. What was the criteria for the selected 15 major projects?**

**f. Who did the assessment against the criteria?**

The Department provided advice to the Minister for agreement to the list of major projects, having regard to the economic contribution and strategic significance of the projects, and advice from state and Commonwealth agencies. The list was endorsed by National Cabinet on 24 July 2020. The Minister is responsible for approving the list of major projects.

**g. What specific approvals do these 15 projects encompass?**

**h. Do all of them have active approvals or are you expecting them to submit more?**

The list of major projects and current list of referrals under that list are provided at [Attachment A](#).

Additional referrals under the list of 15 major projects may be added from time to time.

**How did the Rio Tinto Iron Ore mines come to be on the list of 15 major projects? Did the company request it?**

No. Refer to response at (a) – (f) above.

**Has the department had any engagement with Rio Tinto on the reform of the EPBC Act or development of approval bilateral agreements since the federal election?**

Yes

**Rio Tinto requested a strategic assessment of all their Pilbara mines in 2012 and this has not been advanced since then. The Environment Minister and Ken Wyatt, the Indigenous Affairs Minister, are jointly reviewing Aboriginal Heritage provisions to supposedly strengthen them.**

**a. Will the Rio Tinto fast-tracked approval mean that approval will likely be granted before new Aboriginal Heritage safeguards are brought in?**

The Department is committed to reducing approval times for major projects, without undermining environmental safeguards.

Major projects undergo the same statutory assessment and approval processes that apply to all other projects referred to the Department under the EPBC Act. There will be no relaxation of any environmental standards or consultation requirements under the *Environment Protection and Biodiversity Conservation Act 1999*.

**b. Can the department provide dates and times of any meetings with Rio Tinto that discuss reform of the EPBC Act or the development of approval bilateral agreement?**

- 27 August 2019
- 11 December 2019
- 6 March 2020
- 3 April 2020

**Attachment A**

<b>MAJOR PROJECTS</b>	<b>DESCRIPTION</b>	<b>REFERRALS</b>
<b>Emergency Town Water Projects, NSW</b>	These projects aim to secure or at least extend critical human water supply to drought affected regional NSW towns and contribute to the longer-term drought resilience.	Operation of Peel River Drought Protection Works (2019/8590)
		Dungowan Dam (2020/8655)
<b>Snowy 2.0, NSW</b>	Snowy 2.0 will provide a number of important services in the National Electricity Market, including dispatchability, predictability, and frequency and voltage management.	Main works (2018/8322)
		Transmission line (2018/8363)
<b>Narrabri Gas Project, NSW</b>	Santos is proposing to develop a coal seam gas field in the Gunnedah Basin of New South Wales.	Narrabri gas project (2014/7376)
<b>Burrup Hub, WA</b>	This project involves linking existing gas processing facilities on the Burrup Peninsula (north of Karratha, Western Australia) with new gas resources to create a regional Liquefied Natural Gas (LNG) production centre to service both domestic and export markets.	North-west Shelf Extension (2018/8335)
		Browse to North West Shelf (2018/8319)
<b>Iron Ore Projects, WA</b>	Rio Tinto is proposing a significant expansion of mining operations at both new and existing mine sites.	Mesa H (2017/8017)
		Brockman Syncline (2019/8518)
		Greater Paraburdoo (2018/8341)
<b>Rail Projects, WA</b>	METRONET is an integrated transport and land use framework that will support growth of the Perth metropolitan region over the next 50 to 100 years. It includes new rail and rail stations.	Yanchep Rail Extension (2018/8262)
		Thornlie-Cockburn Link (2018/8188)
		Morley-Ellenbrook Rail Line Part 2 (2019/8546)
<b>Olympic Dam extension, SA</b>	BHP's Olympic Dam mine produces a range of materials including copper, uranium, gold and silver. BHP is seeking to increase production at the mine from 200,000 tonnes per annum of product up to 350,000 tonnes per annum.	Olympic Dam extension (2019/8570)
<b>EnergyConnect, NSW &amp; SA</b>	Project EnergyConnect is a proposed high voltage transmission line connection between the South Australian and New South Wales power grids.	Robertstown to SA/NSW border (2019/8468)
		Western section, SA Border to NSW (2020/8673)
		Buronga to Wagga Wagga
<b>Marinus Link, Tas &amp; Vic</b>	Marinus Link is a proposed 1500 megawatt capacity undersea and underground electricity connection to more strongly link Tasmania and Victoria as part of Australia's future electricity grid.	Marinus Link
<b>Road Projects, WA</b>	This is a series of road projects in Western Australia that have been joint funded by the Western Australian and Commonwealth Governments. These roads will provide transport corridors to regional centres and alleviate congestion.	Bunbury Outer Ring Road Northern and Central Section Project (2019/8471)
		Tonkin Highway Grade Separated Interchanges (2019/8529)
		Bunbury Outer Ring Road Southern Section project (2019/8543)
		Tonkin Highway (Thomas Road to South-West Highway) (2019/8608)
		Karratha Tom Price Stage 4 (2020/8725)
		Albany Ring Road

<b>Perth Airport Upgrades, WA</b>	The development of the new runway project is expected to deliver an increase in the Perth region's real economic output through to 2045 by providing jobs associated with construction and operation of the project, as well as reducing delay costs to airlines and passengers and increasing tourism potential.	S160 Perth Airport New Runway Project, Perth Airport, WA (2017/8081)
		S160 Airservices and CASA, Perth Airport New Runway Project, Perth Airport, WA (2017/8082)
		Airport Central Terminal and associated airfields
<b>M12 (Western Sydney Freeway Link), NSW</b>	To construct a new 16 kilometre (km) east-west motorway from the M7 motorway, Cecil Hills to The Northern Road, Luddenham.	M12 Motorway Project (2018/8286)
<b>Sydney Metro Greater West (Western Sydney Airport Rail Link), NSW</b>	<p>The rail will become the Western Parkland City's transport spine, linking residential areas with job hubs and the new Western Sydney International Airport.</p> <p>Sydney Metro is developing a new metro rail from St Marys to the Western Sydney Aerotropolis via the Western Sydney International Airport.</p>	Sydney Metro, Western Sydney Airport - St Marys to Elizabeth Drive (2020/8687)
<b>Inland Rail, Vic, NSW &amp; Qld</b>	Spanning 1,700km and comprising 13 individual projects, Inland Rail will provide transit times of less than 24 hours for freight trains between Melbourne and Brisbane via regional Queensland, New South Wales and Victoria. Construction started in late 2018.	Inland Rail Narrabri to North Star (Phase 1) (2016/7729)
		Inland Rail Gowrie to Helidon (2017/7882)
		Inland Rail Helidon to Calvert (2017/7883)
		Inland Rail Calvert to Kagaru (2017/7944)
		Inland Rail Border to Gowrie (2018/8165)
		Inland Rail North Star to QLD Border (2018/8222)
		Inland Rail Illabo to Stockinbingal (2018/8233)
		Inland Rail Narromine to Narrabri (2018/8259)
		Inland Rail Narrabri to North Star Phase 2 (2020/8689)
		Inland Rail Beaconsfield Parade Overpass (2020/8710)
		Inland Rail Beveridge to Albury (2020/8721)
<b>Coffs Harbour Bypass, NSW</b>	The project will upgrade the Pacific Highway at Coffs Harbour. The Project is an approximately 14 kilometre motorway standard road from England's Road in the south, connecting with the newly upgraded Sapphire to Woolgoolga section in the north.	Pacific Highway Upgrade - Coffs Harbour Bypass (2017/8005)

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**Agriculture, Water and the Environment Portfolio**

**Committee:** Environment and Communications References Committee  
**Inquiry:** Australia's faunal extinction crisis  
**Question No:** 4  
**Hearing Date:** 25 August 2020  
**Division/Agency:** Department of Agriculture, Water and the Environment  
**Topic:** Australia's faunal extinction crisis – Chamber of Minerals and Energy of Western Australia  
**Question Date:** 27 August 2020  
**Question Type:** Written

**Senator Hanson-Young asked:**

Has the department had any engagement with Chamber of Minerals and Energy of Western Australia on the reform of the EPBC Act or development of approval bilateral agreements since the federal election?

Can the department provide dates and times of any meetings with Chamber of Minerals and Energy of Western Australia that discuss reform of the EPBC Act or the development of approval bilateral agreement?

**Answer:**

Yes.

The Department met with the Chamber of Minerals and Energy of Western Australia on 23 October 2019 at 10.30 am and 12 February 2020 at 3.30 pm.

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**Committee:** Environment and Communications References Committee  
**Inquiry:** Australia's faunal extinction crisis  
**Question No:** 5  
**Hearing Date:** 25 August 2020  
**Division/Agency:** Department of Agriculture, Water and the Environment  
**Topic:** Australia's faunal extinction crisis – ANAO report - offsets  
**Question Date:** 27 August 2020  
**Question Type:** Written

**Senator Hanson-Young asked:**

The ANAO report notes there were three separate proposals to develop an offsets mapping and tracking system that were never fully progressed? Can the Department outline the timing of when these were put forward to the executive and why they were not progressed?

Can the department provide a map of where its biodiversity offsets required under EPBC Act are?

Can the Department provide a list of biodiversity offsets required under the EPBC Act to this committee?

**Answer:**

Previous proposals to develop an offsets system were not completed due to higher priority activities in support of the ongoing operation of the EPBC Act assessments. The Department is in the early scoping phase for a National Environment Offsets System, however its too early to commit to a timeframe on this project.

A map of biodiversity offsets under the EPBC Act cannot be provided at this time. Over the life of the EPBC Act, offsets data has been given to the Department in differing formats meaning that this data cannot be easily collated. The entry of this data to produce a single map would require a manual process and would be an unreasonable use of departmental resources. The Department has now implemented standard conditions for project approval decisions that requires spatial data to be submitted in a specified format. The Department is also considering options for how to streamline and make it easier for proponents to submit digital data in the future.

A list of all projects approved under the EPBC Act with biodiversity offsets attached to the approval is not readily available without extensive searching of records and would be an unreasonable use of departmental resources.



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**Committee:** Environment and Communications References Committee  
**Inquiry:** Australia's faunal extinction crisis  
**Question No:** 6  
**Hearing Date:** 25 August 2020  
**Division/Agency:** Environment Protection Reform Division (EPRD)  
**Topic:** Bilateral arrangements  
**Question Date:** 28 August 2020  
**Question Type:** Written

**Senator Hanson-Young asked:**

- When did the department start having informal discussions with each of the states about new bilateral arrangements?
- When did the department start having formal discussions with each states about new bilateral arrangements?
- Has the department provided advice to the Minister in relation to a bilateral with Western Australia, when, what are the details of that advice?

**Answer:**

The department has had ongoing discussions with states and territories about new and existing bilateral arrangements since the Act came into force 20 years ago, as these agreements have been part of the Act since its inception.

The most recent round of formal discussions with the states and territories regarding the development of new approval bilateral agreements commenced following the Minister for the Environment publishing a Notice of Intent to enter into approval bilateral agreements with each state and territory on 7 August 2020.

The department has provided advice to the Minister in relation to an approval bilateral agreement with Western Australia. It is not the Department's practice to disclose the nature of its advice.