

1. Question from Senator Bridget McKenzie:

The EPBC Act defines a 'water resource' as:

- (a) surface water or ground water; or
 - (b) a watercourse, lake, wetland or aquifer (whether or not it currently has water in it);
- and includes all aspects of the water resource (including water, organisms and other components and ecosystems that contribute to the physical state and environmental value of the water resource).¹

However, the bill does not identify which water resources would be matters of national environmental significance.

Do you know which water resources would be deemed to be matters of national environmental significance? That is, water resources in which geographic locations would be MNES (for example, the Great Artesian Basin, the Murray Darling Basin)?

Answer:

It is our understanding that matters of national environmental significance (MNES) are those matters that will have or are likely to have a significant impact. The notion of 'significant impact' is the driver of what determines a MNES. Significant impacts pertain to activities that are important, notable, or of consequence, having regard to its context or intensity and needs further clarification. Against this backdrop then, it is difficult to pinpoint exact water sources that this provision would apply to.

2. Answer to Question taken on notice in relation to timing of Kahlua bore fail (Page 48 of Hansard):

From November 17 2011, the Kahlua 2 bore was shut in due to a temperature sensor trip in the gas flow line and shut down throughout 2012. It was shut down as technical analysis indicates that the water and gas production rates achieved during 2011 were substantially lower than expected from drilling data. It was concluded that well-bore damage caused during cementing of the casing reduced seam permeability.

3. Answer to Question taken on notice in relation to the following statement (page 50 of Hansard):

Mrs Simson: Interestingly, I believe that in New South Wales it is still the case that for exploration activities that do cause impacts, particularly in coal seam gas where we are looking at things like test pilot production, for example, which is an exploration activity, the approvals and assessment is actually done through the department of resources and energy. I would need to take that on advice, Chair, and double-check that that is still the case. But, clearly, we need the people who have the knowledge to be making the advice about these matters. The department of water is the appropriate body, but it needs to have the power to produce binding advice.

This is correct. It is still the case that approvals and assessment for exploration activities in NSW are completed through the Department of Trade and Investment- Division of Resources and Energy, Under the *Mining Act 1992* (NSW) and the *Petroleum (Onshore) Act 1991* (NSW). For more information: <http://www.resources.nsw.gov.au/environment/ref>

¹ See EPBC Act 1999, s 528 and Water Act 2007, s 4.