

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

Inquiry: Oil and gas exploration and production in the Beetaloo Basin
Question No: IQ21-000071
Hearing Date: 2 August 2021
Division/Agency: Environment Protection Reform Division
Topic: Pepper report recommendations - water trigger in the EPBC Act
Hansard Page: 34
Question Type: Spoken

Senator McCarthy asked:

Senator McCARTHY: Does the department have plans to expand the water trigger in the Environment Protection and Biodiversity Conservation Act to cover shale gas, as recommended by the Pepper inquiry?

Mr Trotman: We might ask our colleagues from the Department of Agriculture, Water and the Environment to respond to that.

Ms Calhoun: I look after environmental assessments for the Northern Territory, Western Australia and South Australia. We have not yet received any referrals in relation to unconventional gas developments in the Beetaloo. However, the water trigger only applies in relation to the coal seam gas and large coalmining developments—so it would not apply in the case of this.

CHAIR: That wasn't Senator McCarthy's question. Her question was in relation to the Pepper report and its recommendations.

Ms Farrant: Perhaps I can help. Senator, you would be aware that the EPBC Act is currently under review at the moment. The officers who are responsible for that matter aren't available today and aren't with us. In a general sense, the outcome of the Samuel review indicated that the government's first port of call in terms of reviewing the EPBC Act was to keep MNES as protected matters under the act the same. At this stage the water trigger is not the subject of that review.

Senator McCARTHY: This is the recommendation, however, by the Pepper inquiry. Have there been any steps taken whatsoever since those recommendations came down in relation to the water trigger in the EPBC Act?

Ms Farrant: We will need to take that on notice. As I said, any amendments to the EPBC Act will reflect the current requirements for MNES, and any change to that would be a matter for the government.

Senator McCARTHY: Thank you.

Answer:

1. There are no changes proposed to expand the scope of the water trigger at this time.
2. The *Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020*, which is currently before Parliament, removes restrictions that prevent states and territories from approving proposals under the water trigger.