



Australian Government

Australian Government response to the
Environment and Communications References Committee report:
Adequacy of the regulatory framework governing water use by the
extractive industry

May 2024

Response

Recommendation 1

The Committee recommends that the Commonwealth Government amend the Environment Protection and Biodiversity Act 1999 to include all forms of unconventional gas under the provisions of the water trigger.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 2

The Committee recommends that the role of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development be expanded to provide scientific advice to regulatory decision-makers on the impacts of unconventional gas activities on Australia's water resources.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 3

The Committee recommends that the Commonwealth Government does not commit to any bilateral approval agreements with states and/or territories.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 4

The Committee recommends that the Commonwealth Government appropriately resource the Department of the Environment and Energy to undertake compliance and monitoring activities of extractive projects which have been approved under the Environment Protection and Biodiversity Act 1999.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 5

The Committee recommends that the Department of the Environment and Energy require, as a condition of approvals for all extractive projects affecting water resources, that proponents publicly release real-time data or, where this is not available, the most up-to-date monitoring data available on water levels and water quality.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 6

The Committee recommends that the Commonwealth Government work with state and territory governments through the Meeting of Environment Ministers or another forum, as appropriate, to ensure that extractive industries are accurately reporting surface and rainfall water take.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 7

The Committee recommends that the Commonwealth Government expand the National Water Account so that it is able to comprehensively incorporate data on underground water systems.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 8

The Committee recommends that the Department of the Environment and Energy require proponents of projects addressed under the water trigger to clearly report on the nature and extent of uncertainty existing in their baseline modelling on potential impacts. Further, approvals should not be granted where there is a high risk of negative environmental outcomes and modelling data provided by proponents fails to provide confidence that these risks have been appropriately taken into account.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 9

The Committee recommends that the Commonwealth Government, through the Council of Australian Governments and the National Water Initiative as appropriate, encourage state and territory governments to require extractive industry projects to clearly report on the nature and extent of uncertainty existing in their baseline modelling on potential impacts.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 10

The Committee recommends that the Commonwealth Government prioritise Bioregional Assessments to ensure that the information they provide can be used for upcoming proposals for extractive industry projects.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 11

The Committee recommends that the Commonwealth Government provide the Bioregional Assessment Program with additional resources to equip the program to improve its data collection and research functions.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 12

The Committee recommends that the Commonwealth Government identify current research gaps affecting regulatory decisions on the impacts of extractive projects on underground water ecosystems, and provide funding for further research into this areas as appropriate.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 13

The Committee recommends that the Department of the Environment and Energy ensure reporting requirements for proposed projects requiring approval under the water trigger include information on the potential impacts to the organisms living in groundwater ecosystems.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 14

The Committee recommends that the Commonwealth Government, through the Council of Australian Governments and the National Water Initiative, encourage states and territories to adopt consistent regulatory approaches that promote the fair, equitable and sustainable allocation of water resources.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 15

The Committee recommends that the Commonwealth Government accept the Productivity Commission's recommendation in its National Water Reform report that the National Water Initiative be renewed by 2020.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 16

The Committee recommends that the Commonwealth Government accept the Productivity Commission's recommendation in its National Water Reform report that state and territory water entitlement and planning frameworks explicitly incorporate extractive industries.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 17

The Committee recommends that the Commonwealth Government accept the Productivity Commission's recommendation in its National Water Reform report that all governments undertake further work to incorporate clear, measurable and well-informed Indigenous cultural objectives in water plans, with tangible actions, monitoring and reporting arrangements to ensure that these objectives are implemented effectively.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 18

The Committee recommends that the Commonwealth Government accept the Productivity Commission's recommendation in its National Water Reform report that an Indigenous working group be established to provide advice on the development of provisions related to the incorporation of Indigenous cultural objectives for the renewed National Water Initiative.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 19

The Committee recommends that the renewed National Water Initiative include measures to encourage harmonisation of terminology used in regulatory frameworks governing water use across the various jurisdictions.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Recommendation 20

The Committee recommends that the renewed National Water Initiative include measures to take into account the cumulative impacts of extractive industry activities on water resources.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Dissenting Recommendation 1 (Greens)

Australian Greens Senators recommend that the Commonwealth Government does not approve any new developments involving hydraulic fracturing and implements initiatives to phase out existing hydraulic fracturing activity.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Dissenting Recommendation 2 (Greens)

Australian Greens Senators recommend that the Commonwealth Government implement a moratorium on the reinjection of water into aquifers in the absence of full scientific investigations determining that associated risks can be mitigated.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Dissenting Recommendation 3 (Greens)

Australian Greens Senators recommend that the Commonwealth Government ceases approvals for new coal mining projects and works to phase out all existing coal mines.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Dissenting Recommendation 4 (Greens)

Australian Greens Senators recommend that the Commonwealth Government initiate an independent review to examine the extent to which projects already approved under the water trigger have complied with conditions attached to their approvals.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Dissenting Recommendation 5 (Greens)

Australian Greens Senators recommend that the Commonwealth Government decline to consider proposals for extractive industry projects until after bioregional assessments of the relevant regions are completed.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

Dissenting Recommendation 6 (Greens)

Australian Greens Senators recommend that the Commonwealth Government work with the Queensland Government through the Meeting of Environment Ministers or another forum, as appropriate, to remove the current permissions that allow the extractive industry to take an unlimited amount of 'associated water' outside the state's ordinary water licensing requirements.

Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.