

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 5.2: AWD **Question No:** 117

Topic: Koalas in Bermagui

Proof Hansard Page and Date 43 (25/5/11)
or Written Question:

Senator Cameron asked:

CHAIR: Thank you. The other issue that came before the committee was this question of Bermagui. One of the issues you have raised in your report is that there was a lack of consistent, high—quality demographic data. Then you said you had to have a considered interpretation of the available data. Can you take on notice—I will be asking the same question at the hearing—what you used to consider the data and what were the drivers of your interpretation? Is that clear?

Dr Purdie: No. The first part, I confess, is not.

CHAIR: What were the drivers that you used? I am trying to work this out myself. How did you interpret, basically? What was the process you used to interpret?

Dr Purdie: Okay, yes.

CHAIR: Is that clear?

Dr Purdie: Yes.

Answer:

The criteria for listing nationally threatened species are outlined in section 179 of the *Environment Protection and Biodiversity Conservation Act 1999* and regulation 7.01 of the Environment Protection and Biodiversity Conservation Regulations. The Threatened Species Scientific Committee has published ‘Guidelines for Assessing the Conservation Status of Native Species’, to provide a quantitative and transparent methodology for applying the listing criteria.

In assessing the koala for listing as nationally threatened, the Committee undertook a comprehensive assessment of the status of the national koala population, including an extensive literature review, an expert workshop to assess koala population numbers and trends across the species’ range, and two hundred and twenty-three public and expert submissions. The Committee then applied their listing Guidelines to the available data on the national koala population.

The Committee examined available information on numbers of koalas in different areas, to enable assessment of the comparative influence of identified trends in numbers or distribution in those areas, when considered against the national situation. Information on the status of koala populations in the Bermagui region was incorporated into the assessment of southern New South Wales koala populations – this can be seen at page 22 of the Committee’s listing advice to the Minister for Sustainability, Environment, Water, Population and Communities, which is available on the internet at:

<http://www.environment.gov.au/biodiversity/threatened/species/pubs/koala-listing-advice.pdf>

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Question No: 118

Topic: Risk of extinction

Proof Hansard Page and Date 44 (25/5/11)
or Written Question:

Senator Cameron asked:

CHAIR: This is my last question before I move on. I have lots of questions on this because the committee is still meeting. As a scientist in your field, what is normally done if a plant in a certain area will become extinct? Would you expect government to try to stop the extinction within an area?

Dr Purdie: If I were giving advice on this committee—

CHAIR: That is not what I am asking. I am asking you, from a general scientific point of view, whether you would want that extinction of a plant in a certain area stopped.

Ms Dripps: Senator, isn't that a question of government policy?

CHAIR: No. It is a question of science whether a plant becomes extinct or not.

Dr Purdie: I think it is a question of policy because, with any species, to some extent it depends on how many resources can be thrown at it.

Senator Conroy: I will take that on notice for you, Senator Cameron, and put it to the minister's office.

Answer:

A range of legislative and policy mechanisms are available to the Australian Government to protect species at risk of extinction. These mechanisms include:

- Listing of threatened species under the *Environment Protection and Biodiversity Conservation Act 1999*, and consequential protection as a matter of National Environmental Significance under that Act.
- Development of conservation advices and recovery plans setting out the research and management actions necessary to maximise the long term survival in the wild of a threatened species. Recovery plans and conservation advices achieve this aim by providing a planned and logical framework for key interest groups and government agencies to coordinate their work to improve the plight of threatened species.
- Listing key threatening processes that threaten or may threaten the survival, abundance or evolutionary development of a native species.
- Development of threat abatement plans to provide for research, management, and any other actions necessary to reduce the impact of listed key threatening processes on native species.
- Recovery plans, conservation advices and threat abatement plans provide guidance for funding of actions under Australian Government programs such as Caring for our Country to address threats and protect threatened species.

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Question No: 119

Topic: Koalas on Kangaroo Island

Proof Hansard Page and Date 44 (25/5/11)
or Written Question:

Senator Wortley asked:

Senator WORTLEY: I have one question. Can you explain the situation on Kangaroo Island at the moment? I know you touched on it briefly before.

Dr Purdie: This is a plant person's view of it. Koalas were translocated to Kangaroo Island. I think, from memory, it never had koalas there naturally. They were translocated there. They had an ideal habitat, presumably because there are very few predators. The population began to increase to the extent that most of the trees on which they relied for food and habitat were dying. So they were basically eating themselves out of house and home. In 2001 the population was estimated to be from 22,000 to 27,000 koalas. That is a huge density. Because of that overbrowsing pressure, the South Australian government decided that, although it was an important area in which to retain koalas, the population had to be decreased. They did that by sterilising between 30 and 60 per cent of the population. As I understand it, they also removed a large number of the animals to the mainland.

Senator WORTLEY: I am familiar with that. Do we know the impact of the bushfires they have had over the last few years on the koala population?

Dr Purdie: I have no idea.

Senator WORTLEY: Can you take that on notice?

Dr Purdie: Absolutely.

Answer:

The most recent estimate of the koala population on Kangaroo Island of 16,000 koalas in 2006 preceded the December 2007 bushfires. A further population survey was conducted in 2010. However, the results of this survey are not yet available. The South Australian Government has indicated that preliminary results reflect a continued decrease in the koala population of Kangaroo Island, consistent with the objectives of the Kangaroo Island Koala Management Program to reduce koala populations to sustainable levels.

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Program: Division or Agency: 5.2: AWD **Question No:** 120

Topic: Fitzgerald River National Park

Proof Hansard Page and Date 45 - 46 (25/5/11)
or Written Question:

Senator Siewert asked:

Senator SIEWERT: ... The EPA concluded:

“It is highly likely that the proposed walk trail and use of vehicle tracks for maintenance would eventually spread phytosphthora dieback into the wilderness management zone of the Fitzgerald River National Park, specifically impacting on internationally significant environmental values present in the park. On this basis, the proposal cannot meet the EPA's environmental objectives and is considered to be environmentally unacceptable.”

Ms Dripps: I am with you now, Senator.

Senator SIEWERT: Have you since reconsidered, given the EPA's recommendations and the fact that the Commonwealth is investing in this infrastructure development? If I finish this, I will be next door asking infrastructure about that level of investment. What has been your response, given the EPA's response that this is environmentally unacceptable?

Ms Dripps: We would like to look at the manner of the decision and take that question on notice.

...

Senator SIEWERT: Have you subsequently looked at the EPA's report, which said that dieback will be spread and that it is not environmentally acceptable?

Ms Jones: The particular manner, which I do not have in front of me, had some requirements about the management of phytosphthora. Based on the implementation of those, we did not believe that it would have a significant impact on matters of NES. So there is no current intention to review that.

...

Senator SIEWERT: What evidence have you to suggest that any actions in Western Australia have been successful in stopping the spread of dieback in that park? Let us not even look at the rest of WA. That park is one of the only areas where we have a relatively small amount of dieback.

Ms Dripps: As we have said, we do not have the decision in front of us. We would like to take on notice the question of what evidence was relied upon in forming that decision.

Senator SIEWERT: Okay. Can you take that on notice?

Ms Dripps: Yes.

Senator SIEWERT: So you will go back and look at the evidence and then decide whether you need to reassess it or have another look at it?

Ms Jones: Yes.

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Answer:

In June 2009, the Western Australian Department of Environment and Conservation submitted a referral (2009/4958) to upgrade, realign where necessary, and seal existing roads at the eastern and western ends of Fitzgerald River National Park, and the construction of a coastal walk trail in, and just outside, the Fitzgerald River National Park, Western Australia.

On 17 July 2009, a delegate for the-then Minister determined this action to be not a controlled action if undertaken in a particular manner. The particular manner decision required that certain measures be undertaken to avoid significant impacts on threatened species and communities and migratory species protected under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, including a number of requirements to address the potential introduction and spread of *Phytophthora* dieback into unaffected areas. In particular, the conditions specified that “there must be no further spread of dieback to special environmental areas as a result of the development, its associated activities and/or its consequential impacts”.

In May 2011, the Western Australian Environmental Protection Authority (EPA) released its advice and recommendations to the Western Australian Minister for Environment on the proposal by the Department of Environment and Conservation to construct and maintain a 45 kilometre coastal walk trail from Point Ann to Hamersley Inlet through the Wilderness Management Zone of the Fitzgerald River National Park. The EPA determined that the proposal is environmentally unacceptable in its current form, but supported a modified coastal walking trail subject to a number of identified requirements to, among other things, manage *Phytophthora* dieback.

The Western Australian Minister for Environment is yet to consider the EPA’s report and recommendations. When the department receives advice on the Western Australian Minister’s final decision, it will consider whether the requirements specified in the 2009/4958 EPBC Act decision are still appropriate.

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Program: Division or Agency: 5.2: AWD

Question No: 121

Topic: Windfarms in Southern
Tablelands

Proof Hansard Page and Date 47 and 48 (25/5/11)
or Written Question:

Senator Heffernan asked:

(page 47)

Senator HEFFERNAN: ... The NHMRC have provided advice which has been used by one of the proponents of the wind farms here on the Southern Tablelands in Mr Alby Schultz's electorate. I am afraid the contractor's name escapes me. There are a group of farmers in the Boorowa-Crookwell area who are concerned about the health aspects as well as the environmental hazards of what seems to be open slather wind farms. As we know, wind farms generally produce wind for 30 per cent of the day.

...

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Senator HEFFERNAN: The point is that the proponent has made application for the development of God knows how many of these things over God knows how many miles, with houses and homesteads in between and a whole lot of people concerned about everything from the health aspects such as nervous complaints to the kids getting to sleep at night and there does not seem to be a process. ...

...

Senator HEFFERNAN: ... Is there an appropriate person or persons in the Commonwealth department that this group of concerned mums and dads could go to, to discuss their concerns with?

Ms Colreavy: I do not think in our department. The Commonwealth health department may have some avenues for them to make representation.

Senator HEFFERNAN: Could I put a question on notice, Minister? Could I prevail on you to provide the appropriate person for these people to go and see?

Ms Colreavy: I could certainly write to them explaining what the processes are. People might feel that it is pushing back a bit. In most of these cases, the state jurisdiction is responsible for these matters.

Senator HEFFERNAN: I appreciate that.

Ms Colreavy: But we could provide a helpful letter that explains our role and responsibilities and those of the state.

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Answer:

The Australian Government regulates proposals that impact on matters protected by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This includes matters of national environmental significance, actions involving the Commonwealth and actions taken on, or impacting on, Commonwealth land. Matters of national environmental significance include World and National Heritage places, wetlands of international importance, nationally listed species and ecological communities, listed migratory species, nuclear actions, the Great Barrier Reef Marine Park and Commonwealth marine areas.

In terms of impacts, the EPBC Act is constrained to the assessment of matters of national environmental significance as outlined above. Where appropriate, however, potential human health impacts are taken into account at the approval stage as 'social and economic' considerations.

Wind farms in New South Wales are also subject to a comprehensive planning assessment process under state legislation which does include the assessment of noise and health impacts. The state process also includes the opportunity for public comment on these matters prior to a decision on approval being made. As such, concerns regarding health impacts should be raised primarily with the New South Wales Department of Planning and Infrastructure.

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Program: Division or Agency: 5.2: AWD **Question No:** 122

Topic: Response to Hawke Report on
EPBC Act

Proof Hansard Page and Date 49 (25/5/11/)
or Written Question:

Senator Birmingham asked:

Mr Burnett: The report was tabled on 30 October 2009.

Senator BIRMINGHAM: On 30 October 2009, and here we are on 25 May 2011 and we are still awaiting the government response. Is there any time line as to when we might see that government response?

Mr Burnett: The government has not announced the time line.

Senator BIRMINGHAM: I am inviting you to tell us if there is one.

Senator Conroy: I think he is indicating that there isn't one.

Senator BIRMINGHAM: They are not the words he used, Minister.

Senator Conroy: I will take that on notice and see if the minister would like to add anything further.

Senator BIRMINGHAM: Thank you, Minister.

Answer:

The government has committed to consider the recommendations of the Hawke review carefully, to ensure that our national environmental laws are supporting efficient and effective environment protection and to facilitate sustainable development, while at the same time cutting red tape and increasing certainty for business.

The government has committed to introduce new legislation into Parliament during its second term to implement any reforms identified to better achieve these objectives.

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Program: Division or Agency: 5.2: AWD

Question No: 123

Topic: Dugongs – breaches of EPBC Act

Proof Hansard Page and Date 50-51 (25/5/11)
or Written Question:

Senator Birmingham asked:

Senator BIRMINGHAM: I asked some questions last night about dugongs. I was told that we needed to follow up with some others today. There have been various reports in relation to the sale of dugong bone carvings or dugong meat and the hunting of dugongs inappropriately. Is the department aware of those reports and allegations?

Ms Webb: Yes.

...

Senator BIRMINGHAM: How many incidences have been investigated during this financial year?

Ms Webb: I will have to take that one on notice.

...

Senator BIRMINGHAM: Have any charges been laid as a result, that you are aware of?

Ms Webb: Not that I am aware of.

Senator BIRMINGHAM: Have any referrals to police or enforcement authorities in that regard been made?

Ms Webb: I might have to take that one on notice.

...

Senator BIRMINGHAM: Are there incidences that you are aware of that are still under investigation that may lead to charges being laid?

Ms Webb: I can tell you that there are some matters under investigation. I cannot speculate as to the outcome of those matters.

Senator BIRMINGHAM: But there are still open cases?

Ms Webb: That is correct.

Senator BIRMINGHAM: If you could come back to us and tell us how many of those there are, that would be appreciated. With regard to other cases that have been considered this year that may no longer be under investigation, could you also detail what the rectification measures taken or steps taken to conclude those cases were....

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Answer:

The department has received two specific allegations in this financial year that have warranted further investigation. The first case related to the alleged illegal take of dugong for commercial purposes in the Torres Strait. This matter was investigated with the assistance of the Queensland Boating and Fisheries Patrol. The department concluded that the dugong in this instance had been taken legally by traditional inhabitants of the Torres Strait consistent with the relevant legislation. No further action was taken.

The second case relates to the suspected illegal import into Australia of dugong products. This matter is ongoing.

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Program: Division or Agency: 5.2: AWD **Question No:** 124

Topic: Crocodile Surveys

Proof Hansard Page and Date 25 May 2011, p.51
or Written Question:

Senator Birmingham asked:

Senator BIRMINGHAM: So, in that regard, what surveys have recently been done on crocodile numbers across Queensland and the Northern Territory?

Ms Callister: I do not have that information available. I could take that on notice, but it would be managed at the state level. We do not necessarily get updates all the time about what particular surveys they are doing at any given time, but usually the survey regime and the frequency and the types of service surveys are outlined in their management plans.

Senator BIRMINGHAM: You would have access to that data to make a type of sustainability judgments that you referred to before?

Ms Callister: Yes, we would.

Senator BIRMINGHAM: Could you provide that and an indication of how the numbers compare across the previous surveys—whatever is a reasonable length of time in terms of how you keep the data. A few years or longer would be preferable.

Answer:

Northern Territory Surveys

The Northern Territory undertakes spotlight surveys of crocodile populations on specific sections of particular rivers. The spotlight surveys are undertaken on an annual or biennial basis (depending on the river system being surveyed). The surveys provide density results for a particular section of a river and are useful as indices of density and size/age structure of crocodile populations.

The majority of surveys are undertaken in saltwater crocodile habitat which reflects the fact that the bulk of the harvest is for saltwater crocodiles. Survey data indicates saltwater crocodile populations have steadily increased since the mid-1970s. However, in recent years, the populations in some of the rivers have either stabilised or are showing a slight decline.

Freshwater crocodiles are surveyed in the Mary and Daly Rivers. Survey data indicates that freshwater crocodile densities increased until the late 1990s. Since then the numbers have decreased in the tidal section of the Daly River. This decrease corresponds with the expansion of saltwater crocodiles back into these sections of river. The Mary River populations appear to be relatively stable with a possible decrease in recent years.

Queensland Surveys

Crocodile surveys are undertaken in Queensland. As no wild crocodile commercial harvest is undertaken in Queensland, they are not required to provide the Australian Government with their survey results.

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Program: Division or Agency: 5.2: AWD **Question No:** 125

Topic: Crocodile status and exports

Proof Hansard Page and Date 51 and 52 (25/5/11)
or Written Question:

Senator Birmingham asked:

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Senator BIRMINGHAM: What is the current government policy position as to the risk of the different species of crocodile in Australia being endangered or threatened?

...

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Senator BIRMINGHAM: If you could check their listing in Australia and their status with regard to government considerations of their being endangered or not, that would be appreciated.

Ms Callister: I am pretty sure that they are not, but I would prefer to double-check.

Senator BIRMINGHAM: Thank you. I guess this an extension to that and to the question about population numbers. If they are not listed and are not considered to be endangered, could you indicate how close they may be. I am not sure how the metrics of these decisions work, but if you are able to give an answer as to the strength of the population and whether it is well above any type of threat of being endangered or entering a position where it might be considered for listing that would be appreciated too.

Ms Callister: I can do that. My understanding with the crocodile populations is that they have been recovering across much of their range. There was previously quite strong harvest pressure back quite a number of decades ago. Since some of that harvest pressure, through things such as hunting and shooting has been reduced, some of the crocodile populations are increasing. But there is quite good data on that in the state management plans, so when we provide you with that information that should help clarify that for you.

Senator BIRMINGHAM: It may also be useful in terms of the value of the export industry and the use of crocodile products if you are able to equally provide some data on the volumes and values of materials related to the crocodile industry that you approve for export.

Ms Callister: We certainly can provide information on the volume of crocodile products that we provide CITES export permits for. In relation to the value of it, that would depend on whether that is recorded in the Customs statistics in a way that we can actually pull that data out. It may be in a broader category around leathers and so on. It would depend on how that is categorised, probably in Customs data, as to whether we can provide that to you.

Senator BIRMINGHAM: If you can provide the volume information and whatever estimates as to the value—it may just be broad estimates of industry value or something—that would be most helpful.

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Answer:

Status of crocodiles in Australia

Saltwater crocodile

The current conservation status of the saltwater crocodile, *Crocodylus porosus*, under Australian and State Government legislation, and under international conventions, is as follows:

National: Listed as a Marine species and as a Migratory species under the *Environment Protection and Biodiversity Conservation Act 1999*, but not listed as threatened.

Queensland: Listed as Vulnerable under the *Nature Conservation Act 1992*.

Western Australia: Listed as Other Specially Protected Fauna under the *Wildlife Conservation Act 1950*.

Northern Territory: Listed as of Least Concern under the *Territory Parks and Wildlife Conservation Act*.

International: Listed as Least Concern on the 2010 *International Union for the Conservation of Nature (IUCN) Red List of Threatened Species*.

The saltwater crocodile is listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in all countries where it occurs, except in Australia, Papua New Guinea and Indonesia in respect of which it is listed on Appendix II (Appendix II species can be traded with the appropriate permit).

Freshwater crocodile

The current conservation status of the freshwater crocodile, *Crocodylus johnstoni*, under Australian and State Government legislation, and under international conventions, is as follows:

National: Listed as a Marine species under the *Environment Protection and Biodiversity Conservation Act 1999*, but not threatened.

Queensland: Listed as of Least Concern under the *Nature Conservation Act 1992*.

Western Australia: Listed as Other Specially Protected Fauna under the *Wildlife Conservation Act 1950*.

Northern Territory: Listed as of Least Concern under the *Territory Parks and Wildlife Conservation Act*.

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International: Listed as Least Concern on the on the 2010 *International Union for the Conservation of Nature (IUCN) Red List of Threatened Species*.

Export trade

The most recent export permit data are in Australia's annual report for 2009 to the CITES Secretariat.

In 2009, exports comprised 33,702 skins, 6,971 kilograms of meat, and 42, 420 products. Crocodile 'products' includes teeth, skulls, oil and taxidermied animals/parts and manufactured leather goods, such as belts, bags and wallets. Exports related solely to the saltwater crocodile *Crocodylus porosus*. There were no exports of freshwater crocodile *Crocodylus johnstoni*.

It should be noted that Australian crocodile skins are sent overseas for tanning and many are then imported back into Australia for further processing and manufacture before being exported again.

The Department of Sustainability, Environment, Water, Population and Communities does not collect any information on the value of the export trade. The Australian Bureau of Statistics does collect data on the value of exports, but the commodity classifications do not necessarily go to the required level of detail to identify crocodile products.

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Program: Division or Agency: 5.2: AWD **Question No:** 126

Topic: Flow regulators on the Goolwa channel

Proof Hansard Page and Date 52, 53, and 54 (25/5/11)
or Written Question:

Senator Birmingham asked:

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Senator BIRMINGHAM: ... I will move along now to the flow regulators in the Goolwa channel and tributaries and the EPBC approvals around those. On 12 May 2009 EPBC approval with conditions was given to No. 2009/4833 relating to the Goolwa channel. One of those conditions was that the Clayton Finnis River and Currency Creek flow regulators must be decommissioned and removed by 6 May 2011 and a subsequent one was that if they are to stay longer than that then a referral was to be submitted to the department by 1 December 2009. Was there ever a variation to those conditions?

Ms Jones: The decision of 12 May 2009 has been varied a couple of times. As you know, we have the latest submission from South Australia to vary it to extend the time for the removal of the temporary regulators.

Senator BIRMINGHAM: Can you talk me through the times when it has been varied and what the variations were, please? I do not have all of those iterations before me.

Ms Jones: I do not actually have the details of the two prior variations of that not controlled action particular manner decision before me, but I can take those on notice.

...

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Senator BIRMINGHAM: In terms of the previous application that is on hold, for a more permanent stay of these structures, when was it lodged?

Ms Jones: I do not have the lodgement date, but the controlled action decision date was 18 December 2009.

...

Senator BIRMINGHAM: So it could be no more than 20 days prior to that that the application would have been received?

Ms Jones: Yes, unless further information is required. On occasions—I do not know whether it was on this occasion—the clock is sometimes stopped to seek further information.

Senator BIRMINGHAM: So if the clock was stopped or if it was a full 20-day period then the South Australian government would have met the 1 December 2009 deadline for lodging an application if it did not take a full 20 days or the clock had not been stopped then they may have been a few days late? Is that a fair precis without being able to know exactly when the application was made?

Ms Dripps: I think it might be worthwhile us taking the question of the precise date on notice.

Senator BIRMINGHAM: If you could. However, we are not disputing that to meet its obligations under the 12 May decision the South Australian government did have to make an application to keep them there by 1 December 2009?

Ms Jones: That is correct.

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...

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Senator BIRMINGHAM: I am talking about the application that was declared a controlled action on 18 December which was to keep the structures in place. Do you have the details as to how long that application was to keep the structures in place for?

Ms Jones: I do not. I would have to take that on notice.

Ms Dripps: We could provide an answer that includes the date on which the key events relating to this matter occurred? Would that be helpful?

Senator BIRMINGHAM: It would be helpful, thank you. ...

Answer:

Flow regulators in the Goolwa Channel and tributaries, and water pumping from Lake Alexandrina, South Australia (EPBC 2009/4833)

The original request by the South Australian Department for Environment and Heritage (SA DEH) to construct temporary flow regulating structures in the Goolwa Channel near Clayton, Finnis River and Currency Creek to manage the risks of acid sulphate soils was submitted on 6 April 2009. The then Minister for the Environment, Heritage and the Arts determined that the proposal was not a controlled action provided it was undertaken in a particular manner (NCA-PM) on 12 May 2009.

Since the original decision, there have been three (3) requests by the South Australian Government for reconsideration of the NCA-PM decision.

Reconsideration request 1:

On 19 July 2010, the South Australian Department of Environment and Natural Resources (SA DENR) requested a reconsideration of the 12 May 2009 NCA-PM decision. This request was to allow the pumping of additional water from Lake Alexandrina to the pool created by the Clayton flow regulator, beyond the 27.5GL limit imposed by the 12 May decision. The additional water would enable measured release from the pool to allow fish passage. This request was considered and accepted by the delegate of the Minister on 20 August 2010 and a new NCA-PM decision substituted.

Reconsideration request 2:

On 15 Nov 2010, SA DENR made a request for reconsideration of the 20 August 2010 NCA-PM decision to amend requirement 3 which precluded the extraction of water for irrigation purposes from the pool created by the Clayton regulator. The request sought to allow the temporary extraction of water (due to improved water availability) for irrigation purposes up to the authorised licensed water allocation volume while Lake Alexandrina and the Goolwa channel are connected. This request was considered and accepted by the delegate of the Minister on 13 December 2010 and a new NCA-PM decision substituted.

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Reconsideration request 3:

On 6 April 2011, SA DENR made a request for reconsideration of the 13 Dec 2010 NCA-PM decision to amend requirements 5 and 7 which specified that the flow regulators must be decommissioned and removed by 6 May 2011 and each of the regulator sites must be returned to their original (pre-construction) bathymetry. Specifically, South Australia sought the following variations:

- the Clayton regulator must have imported materials removed by 29 February 2012 and a return to the site's pre-construction bathymetry as close as practicable by 30 June 2012; and
- the Currency Creek regulator must be decommissioned, imported materials removed and a return to the site's pre-construction bathymetry as close as practicable by 30 March 2013.

This request is under consideration.

Goolwa Channel Water Level Management Project, Lower Lakes (EPBC 2009/5227)

On 1 December 2009, SA DEH submitted a referral to retain the temporary flow regulators in the Goolwa Channel near Clayton, Finniss River and Currency Creek beyond 6 May 2011.

The then Minister for the Environment, Heritage and the Arts determined the proposal to be a controlled action on 18 December 2009 to be assessed by environmental impact statement (EIS). This referral can be viewed at:

<http://www.environment.gov.au/epbc/notices/index.html>.

South Australia is yet to submit a draft EIS to the department.

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 5.2: AWD

Question No: 127

Topic: Sugarloaf Pipeline water savings

Proof Hansard Page and Date 56 (25/5/11)
or Written Question:

Senator Birmingham asked:

Ms Webb: I have numbers for the water extracted. I do not actually have without taking on notice the savings achieved.

...

Senator BIRMINGHAM: Do you know whether the water savings achieved exceed the water extracted?

Ms Webb: I cannot give you an answer. I will take that on notice.

...

Senator BIRMINGHAM: Does the audited document detail information about water that is equally available or has been returned to irrigators or to the environment?

Ms Webb: Sorry, I do not quite understand your question.

Senator BIRMINGHAM: The initial deal as such on Sugarloaf was that there would be a three-way split: that a third of the savings generated would go to irrigators and a third would go to environmental flows and a third could be piped off to Melbourne.

Ms Webb: The audit reports say that that condition has been complied with.

Senator BIRMINGHAM: The audit reports detail all of those volumes in terms of demonstrating compliance?

Ms Webb: That is my understanding.

Senator BIRMINGHAM: Could you also provide that information as well?

Ms Webb: Yes.

Answer:

This information is publicly available and can be found on Melbourne Water's website at http://www.melbournewater.com.au/content/water_storages/water_supply/water_distribution/sugarloaf_pipeline.asp?bhcp=1.

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 5.2: AWD

Question No: 128

Topic: Olympic Dam

Proof Hansard Page and Date Written
or Written Question:

Senator Birmingham asked:

Have any applications related to BHP Billiton's Olympic Dam Expansion Project and/or a planned desalination plant at Point Lowly been lodged? If so, when were they lodged? At what stage of consideration or approval are these applications? Is any specific consideration being given to the use of water from the Great Artesian Basin?

Answer:

The proposed Olympic Dam expansion, which includes a proposed desalination plant at Point Lowly, was referred under the *Environment Protection and Biodiversity Conservation Act 1999* on 16 August 2005.

BHP Billiton has prepared an environmental impact statement for the proposal and published that statement on 13 May 2011. The Department of Sustainability, Environment, Water, Population and Communities is currently preparing its assessment report on the environmental impacts of the proposal.

BHP Billiton has stated in its environmental impact statement that it will not seek any additional water from the Great Artesian Basin beyond its current approved licence. Consequently, use of water from the Great Artesian Basin is not part of the proposed expansion project that is being assessed under the *Environment Protection and Biodiversity Conservation Act 1999*.

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 5.2: AWD

Question No: 129

Topic: Coal Seam Gas – hydrological
fracturing

Proof Hansard Page and Date Written
or Written Question:

Senator Joyce asked:

Do you have any estimates on the use of hydrological fracturing (or fraccing) in the Surat and Bowen basins? What percentage of wells would use the technique?

Answer:

There have been three gas field projects assessed and approved under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act): proposed by Santos / PETRONAS; British Gas / Queensland Gas Company and Australia Pacific LNG. The hydrogeological characteristics of these proponents' gas field tenements vary across the tenements. Proponents are each required, under their conditions of approval imposed under the EPBC Act, to provide water management and monitoring plans containing an estimate of the number and spatial distribution of boreholes where hydraulic fracturing may be necessary, to conduct an annual review of the estimate, and record actual use.

In respect of Santos, the department understands from information provided by the company in April 2011 that fraccing processes would be undertaken at approximately three per cent of wells in 2010-11 and this is likely to increase to approximately 8 per cent of wells in 2011-12. The department is currently reviewing the information provided from the Queensland Gas Company and the water management and monitoring plan from Australia Pacific LNG has not yet been received (as of 27 June 2011).

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 5.2: AWD

Question No: 130

Topic: Coal Seam Gas – Santos
groundwater modelling

Proof Hansard Page and Date Written
or Written Question:

Senator Joyce asked:

You say that the groundwater modelling provided by Santos in their EIS is "inadequate".
Have they done any more work or is that still your view?

Answer:

Santos' EIS groundwater modelling results were assessed by an independent consultant as 'suitable' at the project level, but concerns remained about the cumulative impacts. These inadequacies have been addressed through strict conditions on the company, including requirements for regional groundwater modelling and detailed monitoring and management plans.

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 5.2: AWD

Question No: 131

Topic: Coal Seam Gas approval
conditions

Proof Hansard Page and Date Written
or Written Question:

Senator Joyce asked:

Can the conditions that the minister has placed on the approvals that have been given over the last 8 months be changed? If so, how would the minister go about making that change?

Answer:

The minister may only vary a condition under a limited set of circumstances defined under section 143 of the Act, including if:

- any condition attached to the approval has been contravened;
- the action has a significant impact that was not identified in assessing the action on a matter protected by the Act and the minister believes it is necessary to vary the condition to protect that matter from the impact;
- the action has a significant impact which is substantially greater than identified in assessing the action and the minister believes it is necessary to vary the condition to protect the matter from the impact;
- the holder of the approval agrees to the variation and the minister is satisfied that the variation is necessary or convenient for protecting a matter under the Act for which the approval has effect, or repairing or mitigating damage to such a matter.

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 5.2: AWD **Question No:** 175

Topic: Industrial Scale Wind Farm
developments

**Proof Hansard Page and Date
or Written Question:** Written

Senator Heffernan asked:

1. How many environmental studies have been commissioned by the Department and or conducted in relation to the development of Industrial wind developments in rural areas since 2006?
2. Many rural areas currently under the threat of industrial development, including the Yass Valley and Boorowa, are listing has hosting many threatened species, how is your Department ensuring the safety and protection of threatened species?
3. Whilst the protection of flora and fauna is paramount, what environmental protection consideration is given to residents in the direct pathway?

Answer:

1. None. The last study, conducted by Biosis Research Pty Ltd, was commissioned in 2005 and delivered in 2006.
2. The Australian Government becomes involved in the assessment and approval of actions, including wind farms, which may have a significant impact on matters protected by the EPBC Act. This includes a range of listed matters of national environmental significance, such as nationally listed threatened species and ecological communities.

In assessing whether or not a proposed action will have a significant impact on a protected matter, the minister or his departmental delegate considers both direct (e.g. clearing) and indirect impacts which may lead to a secondary impact (e.g. changes in movement of traffic). If a significant impact is likely, the proposal is subject to a rigorous assessment and approval process. For example, the recently referred 'Rugby Wind Farm', located between Rugby and Boorowa, NSW, was determined by the departmental delegate as likely to have significant impacts on listed threatened and migratory species, such as the Swift Parrot and Regent Honeyeater. This means that further assessment is necessary prior to a decision on approval under the EPBC Act. During the assessment process, the departmental delegate will need to be satisfied that any residual impacts, after taking into account proposed avoidance strategies, mitigation measures and offsets (where relevant) are acceptable before issuing an approval. All proposals and approval decisions are available on the department's website.

3. The EPBC Act is constrained to the assessment of matters of national environmental significance. Should the proposal require approval under the EPBC Act, then health and safety impacts may be taken into account as 'social and economic' considerations. This consideration can only take place during the approval stage under the EPBC Act.

Under state legislation, wind farms are subject to a broader planning assessment process which may include the assessment of noise and health impacts. The process also includes the opportunity for public comment on these matters prior to a decision on approval being made. As such, concerns regarding health and safety impacts should be raised primarily with the relevant State Planning agency.