

**Senate Standing Committee on Environment, Communications and the Arts
Legislation Committee**

Answers to questions on notice

Environment, Water, Heritage and the Arts portfolio

Budget Estimates, May 2010

Outcome:	1	Question No:	23
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Gunns Pulp Mill –question on notice 1486		
Hansard Page ECA:	16-17 and 28-29 (26/5/10)		

Senator ABETZ asked:

[ECA 16] **Senator ABETZ**—I do not know about that. I am just seeking to confirm with you that you recall that I have asked about this at four separate estimates and have been told that it would be an unreasonable use of resource to provide the names with whom Mr Garrett communicated on that day. I could go through each estimate and quote chapter and verse but that would just delay the committee.

Senator Wong—I am sorry, Senator, could you give me a minute? I am just trying to find the question on notice answer to which you are referring.

...

[ECA 17] **Senator Wong**—Senator, yes that is the case, the answer to question on notice 1486, paragraph 4.

Senator ABETZ— ... What I want to ask is why is it, Minister, that a senator, in asking reasonable questions at four separate estimates about this, has to be reduced to paying money to make an FOI and then have that request finally fulfilled when the minister, in the face of the FOI law, knows that he can no longer withhold the information?

[ECA 28] **Senator Wong**—In relation to the second part of your question with respect to the content of the question on notice, the minister will take that question on notice.

Senator ABETZ—I now have the information courtesy of the FOI. If I may briefly follow up, just so that I fully understand, the information that I was seeking in relation to whom the minister contacted, which was such an unreasonable use of resource, was in fact able to be obtained within a matter of three days, is that right? The letter was dated 3 March from ASIC seeking details, and the minister was able to respond on 6 March?

Senator Wong—That question goes to the question I have taken on notice. I have said I am taking on notice on behalf of the minister the second aspect of your question which is the content of I think paragraph 4 of the relevant question on notice. We can have a discussion about that. ...

Senator ABETZ—Just for the purposes of noting—

...

Senator ABETZ—... That means that that information was available at the May 2009 estimates, the October 2009 estimates, and the February 2010 estimates, for noting, Minister. It was denied because it would be an unreasonable use of resource to make it available, and the minister had it and provided it to ASIC.

Senator Wong—That assertion is a matter in response to which I will take on notice.

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Answer:

The questions asked by Senator Abetz on notice and those asked by the Australian Securities and Investment Commission (ASIC) differed in a number of respects. The questions asked by ASIC were able to be answered from the recollections of the Minister for Environment Protection, Heritage and the Arts and his staff. In part, Senator Abetz's questions could be answered only by obtaining telephone records. To this extent only, the Minister's answer to Question on Notice 1486 said that it would be an unreasonable use of resources to obtain and analyse telephone records.

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Outcome:	1	Question No:	24
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Gunns Pulp Mill – FOI request		
Hansard Page ECA:	17 (26/5/10)		

Senator ABETZ asked:

Senator ABETZ—Thank you. Can I indicate to the committee and the minister that I no longer require the telephone numbers that I also sought. What I want to ask is why is it, Minister, that a senator, in asking reasonable questions at four separate estimates about this, has to be reduced to paying money to make an FOI and then have that request finally fulfilled when the minister, in the face of the FOI law, knows that he can no longer withhold the information. Is this the government's Operation Sunlight at its best?

Senator Wong—I will take that question on notice.

Answer:

Please refer to the response to Question on Notice 23, Budget Estimates May 2010.

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Budget Estimates, May 2010

Outcome:	1	Question No:	25
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Tasair investigation and other EPBC Act notices		
Hansard Page ECA:	81 (26/5/10)		

Senator ABETZ asked:

Senator ABETZ—... Can I be advised as to whether this matter is still being pursued against a genuinely small business and a genuine small business man who is absolutely antiwhaling and has stated so but who is being put to huge expense in relation to what I would say is a quite bizarre pursuit of him by the department?

Senator Wong—Could you just give me a minute, please, Senator? I think I might need to take that question on notice.

Senator ABETZ—All right. Take that one on notice as well. How many more of these types of notices have been issued under section 486F(1)(a) and (1)(b) of the act in the last two years?

Ms Webb—I would have to take that on notice.

Senator ABETZ—Thank you very much. ...

Answer:

The investigation has now been closed and the air charter companies have been advised of this fact.

In the past two years, the Department of the Environment, Water, Heritage and the Arts has issued 33 notices under section 476F(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999*.

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Outcome:	1	Question No:	26
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Notice to Tasair – legal advice		
Hansard Page ECA:	81-82 (26/5/10)		

Senator ABETZ asked:

Senator ABETZ—All right. Can you find out in relation to this one of Tasair as to whether or not only internal legal advice was sought. I would also like to know the basis of the huge amount of information that is being sought under these notices, like the type of aircraft registration number, registered owner and even seating capacity. What the seat capacity has to do with an allegation of allegedly aiding and abetting certain activities is, I must say, quite astounding. It is all there in schedule 1 and schedule 2, but the demand for information goes to such things as: would more whales be killed if there were 12 seats on the plane as opposed to six seats? Who are the people who think of these questions? When a small business has to answer them, it takes time and effort. I cannot see how it would bear any relationship to any potential prosecution.

Senator Wong—Those are matters of opinion. Officers would obviously—

Senator ABETZ—Please take it on notice to ascertain why the number of seats was being sought.

Senator Wong—If I could finish what I started to say: obviously these notices are issued as part of officers exercising their function under the legislation that has been passed by this parliament. ... A range of assertions were made in your statement and question, and I do not want my lack of a response to the statement to be taken as agreement to that. But, insofar as we can ascertain a question, I will take that on notice for consideration.

Answers:

Legal advice in relation to the allegations, the subject of this investigation, was sought externally, from both the Australian Government Solicitor and the Commonwealth Director of Public Prosecutions. This advice helped to inform the drafting of the Notice to Tasair which was done in house, as is normal practice.

It is usual practice for investigators to ask for physical descriptors and key features of vehicles, vessels, aircraft and persons that may have been involved in an alleged offence. This enables a clearer understanding of the facts, and provides for cross checking with information obtained from other witnesses. The seating capacity, for example, may assist investigators in determining whether the aircraft in question fits with the aircraft described by witnesses or other suspects.

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The passengers were in this case potential persons of interest. The seating capacity of the aircraft might also indicate whether the crew were in close enough proximity to observe what the passengers were doing during the flight.

A charter aircraft company would be easily aware of the number of seats in its planes and to ask this question was not an unreasonable request.

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Outcome:	1	Question No:	27
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Regulation of bumble bees in Tasmania		
Hansard Page ECA:	94-95 (26/5/10)		

Senator COLBECK asked:

Senator COLBECK—... I suppose if it is against the law nationally then it is against the law in Tasmania as well.

Mr Burnett—It is a specific offence under the EPBC Act, so it would be illegal to be in possession of them. As they are believed to have been brought in illegally, it is also illegal to knowingly possess them.

Senator COLBECK—What process is there to manage the reality that they are there?

Mr Burnett—I do not know. That would be a matter for the Tasmanian authorities.

Senator COLBECK—It is a state matter.

...

Senator COLBECK—... They are feral and a pest species so it is effectively under the act illegal. Is it possible for someone to apply for a permit under the act?

Mr Burnett—Essentially that is what was done.

Senator COLBECK—No, I am talking about Tasmania.

Mr Burnett—I do not know.

Senator COLBECK—You can take that on notice.

Answer:

No. Permits are only available for species that are included on the list of specimens suitable for live import. Following an assessment in 2008 the Minister for Environment Protection, Heritage and the Arts decided not to include the bumblebee on this list.

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Budget Estimates, May 2010

Outcome:	1	Question No:	28
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	ASIO Building		
Hansard Page ECA:	Written Question on Notice		

Senator Brown asked:

DEWHA decided not to declare the new ASIO headquarters construction a controlled action but it did inform the Department of Finance about its audit procedure.

- a. Has DEWHA put its audit procedure into effect?
- b. Has the Department of Finance acted on any other concerns that DEWHA communicated to it about the new building?

Answers:

- a. No. In the event there is evidence that the action undertaken is substantially different from that referred under the *Environment Protection and Biodiversity Conservation Act* 1999, and these changes will result on a significant impact on a matter protected under this Act, then an audit will be conducted.
- b. The Department of the Environment, Water, Heritage and the Arts provided some matters for consideration to the Department of Finance and Deregulation at the time but did not seek a response. Any questions relating to subsequent action by the Department of Finance and Deregulation should be directed to that Department.

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Budget Estimates, May 2010

Outcome:	1	Question No:	29
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Bumble Bees		
Hansard Page ECA:	Written Question on Notice		

Senator HEFFERNAN asked:

1. I understand an Aust Hydroponic Greenhouse Assn (AHGA) application was rejected in October 2008, were the quite considerable economic and food safety benefits of bumblebee technology given appropriate consideration in the face of environmental damage claims? If yes to the above question, then how?
2. What was the key evidence relied upon by the Department that led to the conclusion that *Bombus terrestris* (bumblebee) was an unacceptable environmental risk resulting in the rejection of the application?
3. Is it correct that DEWHA (Department) officers have refused to make available to the AHGA their recommendation to the Minister in respect to his decision to deny the application?

Answers:

1. Yes, the report prepared by the Australian Hydroponic Greenhouse Association (AHGA) to support their application to place the bumblebee (*Bombus terrestris*) on the live import list included a section on the economic and social value of bumblebees. The Minister for Environment Protection, Heritage and the Arts was also advised of the potential economic costs relating to containment and eradication of escaped bumblebees and sleeper weeds, as well as potential negative impacts on other sectors of the agricultural industry. The Minister must also take into account the precautionary principle in making his decision.
2. The decision maker on the application was the Minister, not the Department. The Minister considered the report prepared by the applicant, the comments received through the public consultation process, and advice from State, Territory and other Australian Government ministers and agencies, as well as the Department. He also took account of the precautionary principle. The Minister was satisfied that the importation of bumblebees for use in commercial greenhouses would potentially result in significant impacts to the Australian environment.
3. The Department provided AHGA with a statement of reasons for the Minister's decision on the bumblebee. Departmental officers also met with the AHGA to discuss the reasons for rejection and their options.

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Outcome:	1	Question No:	30
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Bumble Bees - Agriculture		
Hansard Page ECA:	Written Question on Notice		

Senator HEFFERNAN asked:

1. Given the lack of commercially available bumblebees is a severe disincentive for investing in much-needed greenhouse technology for food production in Australia, what steps might the Department consider reasonably be a way forward?
2. Has the Department given consideration to conducting a controlled pilot or trial to test the use of bumblebees in a glasshouse on the mainland? If the answer to the above question is no, then what the reasons for this?
3. What would the industry need to do to gain approval by the Department for commercial production and use of endemic bumblebees in Tasmania?

Answers:

1. While this question is outside the responsibilities of the Environment portfolio, the Department of the Environment, Heritage, Water and the Arts has been advised that an alternative pollinator, the native blue banded bee, is currently being researched and commercial stocks could be available for use in greenhouses in two to three years.
2. A pilot or trial of bumblebees on the mainland is not possible without an amendment to the live import list. As one of the concerns about importation of bumblebees is the potential for them to escape from the greenhouses, such a trial is not likely to be considered. It is also relevant to note that, when consulted, all States and Territories opposed the inclusion of the bumblebee on the live import list and New South Wales and Victoria advised that the bumblebee is listed as a "key threatening process" under their respective state threatened species legislation.
3. The bumblebees in Tasmania were not legally imported and are not an endemic species. The unlawful possession of these specimens (and therefore use for commercial purposes) would be in breach of section 303GN of the *Environment Protection and Biodiversity Conservation Act 1999*.

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Outcome:	1	Question No:	31
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Bumble Bees – New Zealand		
Hansard Page ECA:	Written Question on Notice		

Senator HEFFERNAN asked:

1. Given that reference was made by the environmental lobbyists of the alleged negative impact of bumblebees in New Zealand, why did DEWHA ignore the independent expert advice of Dr Barry Donovan that countermanded this (his letter confirming his evidence is attached)?
2. Bumblebees are not regarded as pests anywhere in the world where they are native, nor in New Zealand where they were introduced and have been established for more than 130 years. Has there ever been any suggestion that bumble bees should not be in New Zealand?
3. Are bumblebees regarded as pollinators of weeds in New Zealand to the extent that they cause problems?

Answers:

1. The Department of the Environment, Water, Heritage and the Arts did not ignore any advice received from any source during the assessment period. All available information was considered by the Minister for Environment Protection, Heritage and the Arts in making his decision. Dr Donovan did not make a submission in that process, although his research findings were referred to by the applicants in their report. Advice or evidence received from Dr Donovan subsequent to the decision did not include significant new information, and therefore did not require a reconsideration of the decision.
2. The successful introduction of bumblebees into New Zealand was considered in assessing the likelihood of the species being able to establish in Australia. Whether or not bumblebees should be in New Zealand was not relevant to this assessment.
3. Some research has indicated that bumblebee species are an important pollinator of weeds in New Zealand.

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Budget Estimates, May 2010

Outcome:	1	Question No:	32
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Bumble Bees – Science		
Hansard Page ECA:	Written Question on Notice		

Senator HEFFERNAN asked:

1. Did DEWHA consider all reputable published scientific evidence made available by the industry and experts?
2. Did DEWHA obtain an independent review of the science that they relied up on to recommend to the Minister that he deny the application?

Answers:

1. Yes.
2. The Department of the Environment, Water, Heritage and the Arts considered information from the applicant and all other sources, much of which came from independent scientists. The Minister for Environment Protection, Heritage and the Arts considered all information and views, as well as taking into account the precautionary principle, in making his decision.

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Budget Estimates, May 2010

Outcome:	1	Question No:	33
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Bumble Bees – Tasmania		
Hansard Page ECA:	Written Question on Notice		

Senator HEFFERNAN asked:

Was there any import risk analysis (IRA) undertaken in respect to importing bumblebees from Tasmania to the mainland?

Answers:

The process undertaken by the Department of the Environment, Water, Heritage and the Arts in relation to proposed amendments to the live import list is not called an import risk analysis, but is an equivalent process. A full assessment was undertaken of the potential impacts on the environment of the proposed list amendment, which related to import of bumblebees into Australia. No assessment was made of the “import” of bumblebees from Tasmania to the mainland. Bumblebees were never legally imported into Tasmania, and therefore possession or movement of them would be an offence under the *Environment Protection and Biodiversity Conservation Act 1999*.

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Environment, Water, Heritage and the Arts portfolio

Budget Estimates, May 2010

Outcome:	1	Question No:	34
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Jandakot Airport		
Hansard Page ECA:	Written Question on Notice		

Senator SIEWERT asked:

1. How many grand spider orchids were identified in the Jandakot bushland that has been approved to be cleared for the Jandakot Airport expansion?
2. How many have been removed to date?
3. Is the minister aware that there is anecdotal evidence of a significantly higher number of orchids in the area than has been officially reported?
4. In reference to the translocation studies of grand spider orchids taken from the Roe Highway stage 7 project area, how many orchids were removed?
 - On each year since their translocation;
 - How many orchids survived;
 - How many flowered; and
 - How many reproduced, that is, set seed?
5. For how much longer will this monitoring be undertaken?

Answers:

1. Approximately 40 orchids have been identified for translocation.
2. Twenty.
3. Yes.
4. Twenty two orchids were removed in 2004. In 2005 seventeen of the translocated orchids emerged and nine of them flowered, in 2006 eleven orchids emerged and eight of them flowered, in 2007 ten orchids emerged and six of them flowered, in 2008 ten orchids emerged and five of them flowered, and in 2009 eight orchids emerged and five of them flowered. None of the translocated plants set seed.
5. The monitoring program for the Roe Highway project concluded in 2009.

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Budget Estimates, May 2010

Outcome:	1	Question No:	35
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Kimberley Gas Hub		
Hansard Page ECA:	Written Question on Notice		

Senator SIEWERT asked:

1. Has the Commonwealth received the Draft Strategic Assessment for the James Price Point gas hub and does it meet the commonwealth requirements?
2. If no to qstn 1 then why not?

Answers:

1. Yes, the Department of the Environment, Water, Heritage and the Arts has received a draft strategic assessment report for the James Price Point gas hub. The Department has recommended changes to the report before it is released for public consultation.
2. Not applicable.

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Budget Estimates, May 2010

Outcome:	1	Question No:	36
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Ord Stage two		
Hansard Page ECA:	Written Question on Notice		

Senator SIEWERT asked:

1. What is the status of the Federal environmental assessments on this project?
2. Is it possible to get a copy of the Barry Carbon report done on Ord Stage Two?
3. What was estimated as the original area of the Ord stage 2 development?
4. What is the current estimated area of the Ord stage 2 development?
5. Have recent groundwater surveys been carried out by Geoscience Australia over the proposed area outlined in (2.) above?
6. Did this survey identify the presence of perched salt stores in the Ord stage 2 area?
7. In no to (4.) what did the Geoscience Australia survey identify?
8. What area of the proposed new irrigated land is subject to the salt stores identified by Geoscience Australia?
9. What impact will the salt stores identified by Geoscience Australia have on development of the current Ord stage 2 area?

Answers:

1. The Ord Stage 2 project has not been referred to the Australian Government Department of the Environment, Water, Heritage and the Arts under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Weaber Plain Development Project, which is part of the wider Ord Stage 2 project, was referred to the Department on 14 May 2010. A controlled action decision was made on 14 June 2010. The project will be assessed by an Environmental Impact Statement. Tailored guidelines are being prepared that will specify the information to be included in the draft Environmental Impact Statement.
2. Details concerning the wider Ord Stage 2 project, including any report by Barry Carbon, should be sought from the Western Australian Department of State Development.
3. Details concerning the wider Ord Stage 2 project, including a definitive number on the original proposed area of development, should be sought from the Western Australian Department of State Development.
4. Details concerning the wider Ord Stage 2 project, including the current proposed area of development, should be sought from the Western Australian Department of State

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Development. As referred under the EPBC Act, the Weaber Plain Development Project has a total estimated disturbance footprint of 10,480ha.

5. Geoscience Australia's 2009-10 Work Program - Geospatial and Earth Monitoring Division indicates at 6.2 Output 2: Ord Valley Airborne Electromagnetics (AEM) Interpretation Project "This project utilises AEM data to map salinity hazard and aquifer systems, and will provide map-based products to underpin irrigation development in Ord Stage 2. Products will include GIS-based maps and reports." Specific questions relating to Geoscience Australia's activities should be directed to Geoscience Australia.

- 6-9. The Department is currently in the very early stages of assessing the Weaber Plain Development Project. The Weaber Plain Development Project will be assessed via Environmental Impact Statement (EIS) which will be required to include detailed assessment of all potential impacts on matters of National Environmental Significance. As with all EPBC Act assessments, the draft EIS will be released for a minimum of 20 business days of public comment. The wider Ord Stage 2 project is not currently the subject of EPBC Act assessment. Specific questions relating to Geoscience Australia's activities should be directed to Geoscience Australia.

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Outcome:	1	Question No:	37
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Sea Grass – Dugong Habitat		
Hansard Page ECA:	Written Question on Notice		

Senator SIEWERT asked:

What action is the Government taking over the destruction of 259 hectares of sea grass (dugong habitat) in Great Barrier Reef region/world heritage area – through the Queensland Government's Western basin dredging program in Gladstone Harbour.

Answer:

The proposal has triggered the *Environment Protection and Biodiversity Conservation Act 1999* and is undergoing assessment through the bilateral agreement with the Queensland Government. The Minister for Environment Protection, Heritage and the Arts is awaiting the report from the Co-ordinator General of the Queensland Department of Infrastructure and Planning. Once this report is received the Minister will consider the Department's advice and all other relevant information before making his decision on whether or not to approve the proposal.

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Outcome:	1	Question No:	38
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Tasmanian Native Grasslands		
Hansard Page ECA:	Written Question on Notice		

Senator COLBECK asked:

At the last Estimates, you mentioned agreement had just been reached with the Tasmanian Government over the strategic assessment with respect to the Tasmanian native grasslands.

1. Can you provide an update on this assessment?
2. What is the schedule for the assessment?
3. Who has been engaged to conduct the assessment?
4. What is the cost of the assessment?
5. Who will be consulted during the assessment?
6. What are the expected outcomes from the assessment?

Answers:

1. A strategic assessment of the Tasmanian Government's Water Access Program for the Midlands Water Scheme is being undertaken under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Scheme overlaps with a large area of the Lowland Native Grasslands of Tasmania (grasslands), listed as critically endangered. The Tasmanian Government (Department of Primary Industries, Parks, Water and Environment) is currently preparing assessment reports to be released for public comment as required under the EPBC Act. It is expected this will occur within the next few months.
2. The schedule for assessment is:
 - a. Preparation of assessment reports describing the program of intended activities, potential impacts on the matters of national environmental significance protected under the EPBC Act, and commitments and undertakings to avoid, mitigate or offset impacts (the timing for preparation of these reports rests with the Tasmanian Government).
 - b. The assessment reports will be released for public comment for at least 28 days, as required under the EPBC Act.
 - c. The Tasmanian Government will finalise the assessment reports, in light of the public comments, and submit the final reports to the Australian Government Minister for the Environment for consideration and endorsement.
 - d. If the Minister endorses the reports, the Minister may then approve the taking of an action or class of actions in accordance with the endorsed program.

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3. The 'proponent' preparing the assessment reports is the Tasmanian Department of Primary Industries, Parks, Water and Environment.
4. As the department is undertaking its role in the assessment under the EPBC Act within its normal allocated departmental budget, there is no separate budget for this assessment. Questions relating to the cost of the assessment to Tasmania would need to be directed to the Tasmanian Government.
5. See answers to questions 1 and 2. In addition to the public consultation period provided for under the EPBC Act, extra face to face consultations with key stakeholder groups will be undertaken jointly by the Department of the Environment, Water, Heritage and the Arts and the Tasmanian Department of Primary Industries, Parks, Water and Environment.
6. The strategic assessment will consider the Tasmanian Government's program for the construction and ongoing operation of the irrigation scheme, including downstream impacts related to farmers changing their land uses. If the scheme is endorsed and approved under the EPBC Act, it will help to ensure matters of national environmental significance are protected. It will also benefit farmers who will not need to refer land use changes for approval under the EPBC Act if they are consistent with the endorsed scheme and fall within classes of actions approved by the Minister in light of the scheme.

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Outcome:	1	Question No:	39
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	River Red Gums		
Hansard Page ECA:	Written Question on Notice		

Senator COLBECK asked:

The NSW Government recently made the decision to lock-up 100,000 hectares of river red-gum forests in southern NSW – with no phase-in period as opposed to the 5 year period originally adopted.

1. What communication has DEWHA had with its NSW counterparts over this change in State Government policy?
2. What involvement does the Federal Government have with these forests following this State Government decision?
3. Will there be any additional costs to the Federal Government?"

Answers:

1. The Department of the Environment, Water, Heritage and the Arts provided input to the Riverina Bioregion Regional Forest Assessment (River Red Gums and Woodland Forests) undertaken by the New South Wales Natural Resources Commission in 2009. During the subsequent decision-making process by the NSW Government, the Department received occasional informal advice from NSW officials about the progress of decision-making by the NSW Government.

The Hon Frank Sartor MP wrote to the Minister for Environment Protection, Heritage and the Arts on 4 June 2010 to advise that on 19-20 May 2010 both houses of the New South Wales Parliament passed the National Park Estate (Riverina Red Gum Reservations) Bill 2010 (no.2).

2. The Australian Government will provide advice to the NSW Government about development of its proposed Integrated Forestry Operations Approval for the Koondrook, Perricoota and Campbell's Island State Forests; the role of the Commonwealth Environmental Water Holder; development of proposed Indigenous Protected Areas; and application of the *Environment Protection and Biodiversity Conservation Act 1999*.
3. The work described in answer 2 will be undertaken using existing resources.

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Budget Estimates, May 2010

Outcome: 1 **Question No:** 40
Program: 1.2
Division/Agency: Approvals and Wildlife Division
Topic: EPBC assessments in relation to water
Hansard Page ECA: Written Question on Notice

Senator BIRMINGHAM asked:

Please provide an update on the status and latest developments in the assessment of all EPBC applications related to the River Murray and Lower lakes region.

Answer:

As at 26 May 2010, the Department is considering three assessments under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) related to the Murray River and Lower Lakes region.

Details of the projects under consideration are as follows:

Project	Status
Temporary Weir at Pomanda Island Near Wellington, South Australia (EPBC 2007/3484)	<p>The South Australian Department for Environment and Heritage (DEH) has completed an Environmental Impact Statement for the assessment of this proposal.</p> <p>On 21 December 2009, the Minister wrote to DEH to seek further information before making a decision. DEH is yet to respond to that request. The statutory deadline for a decision depends on when DEH provides a satisfactory response to the Minister's letter.</p>
Opening the Barrage Network Separating Lake Alexandrina and the Coorong, South Australia (EPBC 2008/4618)	<p>DEH is currently preparing an Environmental Impact Statement for the assessment of this proposal.</p> <p>The timing for a decision depends on when DEH provides a satisfactory Environmental Impact Statement.</p>

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<p>Goolwa Channel Water Level Management Project, Lower Lakes, South Australia (EPBC 2009/5227)</p>	<p>On 12 May 2009, the Minister determined that the construction of temporary regulators in the area of the Goolwa Channel (to be in place until 6 May 2011) was not a controlled action if undertaken in a particular manner (EPBC 2009/4833).</p> <p>On 1 December 2009, DEH referred a new proposal to keep the regulators in place beyond 6 May 2011. On 18 December 2009, the Minister determined that the proposal is a controlled action.</p> <p>DEH is currently preparing an Environmental Impact Statement for the assessment of this proposal. The timing for a decision depends on when DEH provides a satisfactory Environmental Impact Statement.</p>
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Outcome:	1	Question No:	41
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	EPBC Review and Uranium Mining		
Hansard Page ECA:	Written Question on Notice		

Senator LUDLAM asked:

1. Did the Hawke Review call for uranium mining to be removed from the EPBC or is the Australian Uranium Association simply mistaken in its recent statement, "Fortunately, the recent Independent Review of the EPBC Act recommended the anomaly of uranium mining itself being a trigger for the processes of the Act be removed"?
2. What recommendations did the Hawke review make re nuclear actions?

Answers:

1. Paragraph 4.13 of the Report of the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) by Dr Allan Hawke AC (the Hawke Report) notes that the suggestion to clarify the scope of the matter of national environmental significance relating to nuclear actions has merit and should be explored further by the Australian Government. However, Dr Hawke does not include this action in any of his 71 recommendations.
2. Recommendation 63 of the Hawke Report states that "the provisions of the *Environment Protection (Alligator Rivers Region) Act 1978* (Cth) be incorporated into the [EPBC] Act and that the role of the Supervising Scientist be expanded to include all uranium mining activities in Australia."

The Government is currently considering the Hawke Report.

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Environment, Water, Heritage and the Arts portfolio

Budget Estimates, May 2010

Outcome:	1	Question No:	42
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	EPBC Review		
Hansard Page ECA:	Written Question on Notice		

Senator LUDLAM asked:

What is the status of the Hawke review recommendations?

Answer:

The Government is considering the Report of the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* by Dr Allan Hawke AC as part of a whole-of-government process.

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Environment, Water, Heritage and the Arts portfolio

Budget Estimates, May 2010

Outcome:	1	Question No:	43
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	EPBC Review		
Hansard Page ECA:	Written Question on Notice		

Senator COLBECK asked:

The Hawke Review of the EPBC Act was released in December last year.

1. Can you give me an update of what is occurring with the review?
2. Is there an indicative date for the Government to respond?

Answers:

1. The Report of the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* by Dr Allan Hawke AC (the Hawke Report) was tabled in Parliament and publicly released on 21 December 2009. The Government is currently considering the Hawke Report as part of a whole-of-government process.
2. The Government is currently considering the Hawke Report and expects to respond in the second half of 2010.

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Environment, Water, Heritage and the Arts portfolio

Budget Estimates, May 2010

Outcome:	1	Question No:	44
Program:	1.2		
Division/Agency:	Approvals and Wildlife Division		
Topic:	EPBC Review		
Hansard Page ECA:	Written Question on Notice		

Senator SIEWERT asked:

When will the Government be responding to the Hawke report?

Answer:

The Government is currently considering the Report of the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (the Hawke Report) and expects to respond in the second half of 2010.