

Senate Standing Committee on Environment, Communications and the Arts

Answers to questions on notice

Environment, Water, Heritage and the Arts portfolio

Supplementary Budget Estimates, October 2008

Outcome:	1	Question No:	39
Output:	1.5		
Division/Agency:	AWD		
Topic:	EPBC - Pipeline		
Hansard Page ECITA:	81 (21 Oct)		

Senator Nash asked:

Perhaps you can take it on notice and assist the committee by getting it to us [approval conditions].

Answer:

The notice recording the decision to approve the Sugarloaf Pipeline Project under the *Environment Protection and Biodiversity Conservation Act 1999*, subject to conditions, is attached. It is also available on the Department's website at:

<http://www.environment.gov.au/epbc/notices/assessments/2008/3960/decision.pdf>.

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Outcome:	1	Question No:	40
Output:	1.5		
Division/Agency:	AWD		
Topic:	EPBC - Pipeline		
Hansard Page ECITA:	86 (21 Oct)		

Senator Xenophon asked:

1. The Victorian Auditor-General was critical in some respects of the pipeline plan in April of this year. To what extent were the criticism of the Victorian Auditor-General considered in the context of the Commonwealth's role in terms of approval? Were they heeded or were they relevant in the context of the approval process?
2. And in respect of any involvement with respect to the Commonwealth, for instance, in relation to part 2 of the project, including the Victorian Auditor-General's.

Answers:

1. The report of the Victorian Auditor-General entitled *Planning for Water Infrastructure in Victoria* was released on 9 April 2008, after the Sugarloaf Pipeline Project was determined to be a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The findings of the report were taken into consideration during the reconsideration of the original controlled action decision, which was requested by a number of opponents to the project.

The report was also considered during the subsequent final decision making process. However, the report did not raise any issues which were considered to be relevant to protecting matters of national environmental significance. The report did however raise issues relevant to the Northern Victoria Irrigation Renewal Project (Food Bowl Modernisation Project) which will be taken into account when the referral for that project is received under the EPBC Act.

2. The Food Bowl Modernisation Project has not yet been referred under the EPBC Act. Departmental officers are aware of the Victorian Auditor-General's report and will take it into consideration during the referral process.

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Outcome:	1	Question No:	41
Output:	1.5		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Threatened species – Mary River Qld		
Hansard Page ECITA:	112 (21 Oct)		

Senator Macdonald asked:

What action is the department involved in that would protect three very endangered species in the Mary River in Queensland?

- a) Mary River cod
- b) Mary River turtle
- c) Australian lungfish

Answer:

- a) A national recovery plan for the Mary River cod has been adopted under the EPBC Act.
The role of a national recovery plan is to enable a coordinated approach by setting out actions needed to promote species recovery.
- b) A conservation advice for the Mary River turtle was approved by the Minister on 26 March 2008.
A conservation advice provides guidance on immediate recovery and threat abatement activities that can be undertaken to ensure conservation of a species.
- c) A management plan for the lungfish is currently being prepared by the Queensland Department of Primary Industries and Fisheries.
When a final draft is received it will be submitted to the Threatened Species Scientific Committee for consideration and recommendation to the Minister.

The department is assessing the proposed Traveston Crossing dam under the EPBC Act, which requires the Minister to consider matters relevant to the protection of these species in any decision he might make in relation to the proposed dam.

Opportunities exist for the funding of projects through the Australian Government's new Caring for our Country initiative. Biodiversity and natural icons represent one of the six Caring for our Country national priority areas. Proposals for funding will be considered against specific outcomes which have already been identified and the 1-4 year targets to be outlined in annual business plans.

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Outcome:	1	Question No:	42
Output:	1.5		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Patagonian Toothfish – assessment listing		
Hansard Page ECITA:	126 (21 Oct)		

Senator Colbeck asked:

Which agencies or parts of the department were consulted in relation to this assessment listing?

Answer:

Prior to the inclusion of the Patagonian Toothfish nomination on the Finalised Priority Assessment List, the department's Marine Division was consulted, and the Australian Fisheries Management Authority (AFMA) and the Department of Agriculture, Fisheries and Forestry (DAFF) were informed.

Following its inclusion on the Finalised Priority Assessment List, a scientific assessment of the species' conservation status will be undertaken, which will include full consultation with all stakeholders, including scientists, fishery managers and the fishing industry. This consultation is expected to commence in December 2008.

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Outcome:	1	Question No:	43
Output:	1.5		
Division/Agency:	Approvals and Wildlife Division		
Topic:	FPAL Nominations for the 2008 Assessment Period		
Hansard Page ECITA:	136 (21 Oct)		

Senator Colbeck asked:

How many (nominations) were received as part of this culling process and how many were not taken forward (in 2008)?

Answer:

The call for nominations was open from 3 November 2007 to 31 March 2008. The number of nominations that were eligible for consideration for inclusion in the 2008 Finalised Priority Assessment List (FPAL) was 59. Of these, 23 were new public nominations and 36 were nominations eligible for reconsideration.

A total of 29 items were included on the 2008 FPAL, being 20 species, 7 ecological communities and 2 key threatening processes. Thirty items were not included on the FPAL, being 3 species, 22 ecological communities and 5 key threatening processes.

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Outcome:	1	Question No:	44
Output:	1.5		
Division/Agency:	AWD		
Topic:	Exmouth Gulf Salt Mining		
Hansard Page ECITA:	Written Question on Notice		

Senator Siewert asked:

1. In relation to the Minister's pending decision on a controlled action under the EPBC Act to establish a solar salt mine along the eastern coast of Exmouth Gulf, is the Minister aware of the WA EPA's advice to the State Environment Minister contained in EPA Report 1295 dated July 2008 which unconditionally rejects the proposal on environmental grounds.
2. When will the Minister be making his decision on the controlled action?

Answers:

1. Yes. The department has been provided with a copy of the Western Australia Environment Protection Agency's Report.
2. The Solar Salt Project proposed by Straits Salt Pty Limited is being assessed under the *Environment Protection and Biodiversity Conservation Act 1999* utilising the bilateral agreement with Western Australia on environmental impact assessment. The department is seeking further information from Western Australia in relation to the impacts on the matters of national environmental significance arising from the proposed salt project, Listed Threatened Species and Communities, and Listed Migratory Species, before finalising its advice to the Minister. The Minister cannot make a decision until the advice is considered therefore it is not possible to give a firm date for the decision.

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Outcome:	1	Question No:	45
Output:	1.5		
Division/Agency:	AWD		
Topic:	Kimberley Regional Assessment		
Hansard Page ECITA:	Written Question on Notice		

Senator Siewert asked:

What progress has been made in the Kimberley Regional Assessment?

Answer:

The WA Northern Development Taskforce released a site evaluation report for public comment in October 2008 identifying four potential locations for a liquefied natural gas (LNG) precinct. It is anticipated that the WA Government will announce a preferred location or locations for the precinct by the end of 2008.

The National Heritage assessment of the west Kimberley region is underway. The department is consulting with WA Government departments, the Kimberley Land Council, pastoralists, industry groups, environmental NGOs and other key stakeholders. The Australian Heritage Council is expected to provide its listing advice to the Minister for the Environment, Heritage and the Arts in mid 2010.

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Outcome:	1	Question No:	46
Output:	1.5		
Division/Agency:	Approvals and Wildlife Division		
Topic:	Cassowary Recovery Plan		
Hansard Page ECITA:	Written Question on Notice		

Senator Siewert asked:

1. Under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) a Cassowary Recovery Plan was required to be prepared and implemented for the period 2000-2005 with a second plan prepared and implemented for the period 2006-2010. Why have these plans not been implemented? When will they be implemented?
2. Why hasn't there been an investigation into the death of Mario – the Cassowary Matriarch of Mission Beach who was killed by lethal injection on 19th January 2008 on the side of the Garners Beach Rd.

Answers:

1. The recovery plan is being implemented. The 2006-2010 plan contains a summary of actions completed to date. Responsibility for implementation lies largely with Queensland state and local governments, natural resource management regions, community groups, etc. The Australian Government is working with these organisations and groups to implement priority recovery plan actions. Actions completed or underway include development of a habitat map, road management strategies, a cassowary rescue program, community education programs and research into population monitoring techniques. Funding has also been provided to community groups to assist with cassowary conservation, including habitat restoration projects. In addition, the department considers the content of the recovery plan when undertaking assessments under the EPBC Act to ensure proposed actions are not inconsistent with the plan.
2. An investigation into the death of Mario is not warranted. The decision to humanely euthanase the bird was made by a veterinarian in attendance at the time with support from responsible officers from the Queensland EPA.

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Outcome:	1 and 3	Question No:	47
Output:	1.5 and 3.1		
Division/Agency:	AWD		
Topic:	Murray Darling Basin mining activity		
Hansard Page ECITA:	Written Question on Notice		

Senator Siewert asked:

Does the department plan to look at all current and proposed mining activity in the Murray Darling Basin and carry out a full assessment of the impacts and potential impacts of mining on the whole of the MDB system?

Answer:

No. According to the Australian Bureau of Statistics water consumption by mining in the Murray Darling Basin represented 0.2% of water consumption in 2004–05 (*Water and the Murray-Darling Basin* ABS 2008). The total area disturbed by mining is similarly very small in comparison to other land uses. Given this, case by case assessment under the Environment, Protection Biodiversity and Conservation Act, of mining proposals that may have an impact on matters of national environmental significance, taking into account the cumulative impacts of all activities, is an appropriate approach.

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Outcome:	1	Question No:	48
Output:	1.5		
Division/Agency:	AWD		
Topic:	Assessment of Cumberland Plains Woodland for transfer to Critically Endangered category.		
Hansard Page ECITA:	Written Question on Notice		

Senator Siewert asked:

Is the Cumberland Ecosystem under consideration for declaration as critically endangered?

Answer:

The Cumberland Plain Woodlands has been included on the Finalised Priority Assessment List for the period commencing 1 October 2008. The assessment will consider a public nomination to transfer this ecological community from the endangered to critically endangered category. The assessment completion time is 30 September 2009.

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Outcome:	1	Question No:	63
Output:	1.5		
Division/Agency:	Australian Government Land & Coasts		
Topic:	Indigenous Rangers		
Hansard Page ECITA:	Written Question on Notice		

Senator Birmingham asked:

1. With reference to an article in The Age on 15 October 2008, how does using Indigenous Rangers as paid armed guards help the environment or their communities?
2. How many have been provided with guns and what type of guns are they?
3. How many crocodiles have been shot by Indigenous Rangers and how many crocodiles have been shot at?
4. Have there ever been any problems with the weapons?
5. Why do National Parks or private contractors not perform this function?
6. How and where are weapons stored when Indigenous Rangers are not on duty?

Answers:

1. The work referred to in The Age on 15 October 2008 was not funded by the Australian Government. The Thamarrurr Aboriginal Rangers Incorporated (Thamarrurr Rangers) recently undertook fee-for-service work for Eni Australia Ltd (Eni) monitoring crocodiles along coastal sections of the Bonaparte gas pipeline. Pairs of rangers monitor the coastal waters for crocodile presence to ensure the safety of Eni divers working on the gas pipeline.
2. Thamarrurr Rangers purchase firearms under its corporate firearms licence. Only those rangers who have undergone the necessary training use the firearms. Currently the Thamarrurr Rangers use three firearms for environmental protection and biodiversity conservation: a 12-gauge under-and-over shotgun; a 30-30 lever-action rifle; or a .308 bolt-action rifle.
3. Nil
4. None reported.

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5. Trained, professional staff from Thamarrurr Rangers performed this work. The Thamarrurr Rangers undertake land management activities on Aboriginal land owned by the Daly River/Port Keats Aboriginal Land Trust. This area is not part of the Northern Territory or Commonwealth conservation reserve, and Parks and Wildlife officers do not operate on this land.
6. In accordance with conditions of the corporate licence held by Thamarrurr Rangers, firearms are stored in a secure safe with controlled access. Northern Territory Police are aware of and have approved the storage of the firearms.

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Outcome:	1	Question No:	81
Output:	1.5		
Division/Agency:	Supervising Scientist Division		
Topic:	Ranger uranium mine - ERA		
Hansard Page ECITA:	135 (21 Oct)		

Senator Ludlam asked:

Senator LUDLAM—Has the company provided any advice to your office on the level of environmental assessment that their expansion plans might reasonably require under the EPBC Act?

Mr Hughes—I believe they have given an undertaking that they will be making a referral.

Senator LUDLAM—They will be making a referral under EPBC?

Mr Hughes—I understand that.

Senator LUDLAM—As far as you are aware. Minister, could I ask you to take a similar question on notice on behalf of the minister.

Answers:

Energy Resources of Australia Ltd (ERA) has not provided advice to the Minister's office on the level of environmental assessment that their expansion plans might reasonably require under the EPBC Act.

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Outcome:	1	Question No:	82
Output:	1.5		
Division/Agency:	Supervising Scientist Division		
Topic:	Tailings Dam – Ranger - OSS		
Hansard Page ECITA:	Written Question on Notice		

Senator Ludlam asked:

1. Regarding the proposals for the lifting/heightening of the tailings dam that were discussed in previous Estimates hearings, what assessment was undertaken regarding the heightening of the tailings dams at Ranger? What did the assessment identify as potential risks and impacts? What steps have been taken to address these?
2. What is the extent of social impact monitoring that OSS is currently undertaking in the Alligator Rivers region?
3. Is the OSS aware of any other social impact modelling undertaken in the Alligator Rivers region, with particular regard to the social impacts of past or present uranium mining?
4. What advice has OSS provided government following the findings of the 2003 Senate Inquiry into uranium mining? Have OSS or ERA practices changed significantly since this inquiry?
5. Regarding the expansion of the planned expansion of the Ranger site, has the OSS provided any advice to the Minister on the level of environmental assessment that the expansion plans might reasonably require under the EPBC Act?
6. If there is no advice, why has the OSS not acted on the public information regarding Ranger's expansion?
7. If there is advice, has the OSS been pro-active in making certain that this environmental assessment is undertaken well in advance of the proposed expansion to ensure high quality community consultation and therefore informed government decision making?

Answers:

1. The Supervising Scientist received a proposal from Energy Resources of Australia Ltd (ERA) on 15 May 2008 to lift the crest height of the Tailings Storage Facility (TSF) dam wall at the Ranger Uranium Mine from 51m to 54m. As the proposal did not include a request to increase the Maximum Operating Level within the TSF, the major

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risks identified by the Supervising Scientist related to the design and construction aspects of the dam wall and whether these posed risk to the environment. The Supervising Scientist sought independent expert geotechnical advice on the proposal. This independent advice identified that during the construction of the TSF dam wall the excavation of the toe of the dam was the point of highest risk, but that this risk would be appropriately managed by the construction program proposed.

2. The Supervising Scientist does not undertake Social Impact monitoring in the Alligator Rivers Region.
3. A Kakadu Region Social Impact Study (KRSIS) was undertaken in 1997 by the KRSIS study board in response to a request by Aboriginal groups to examine the impacts of developments in the region, including tourism, mining and park management. The Supervising Scientist Division assisted with the publication of this report.
4. The Supervising Scientist has not provided any advice to government regarding the findings of the 2003 Senate Inquiry, but did provide a submission to the Inquiry and appeared as a witness at the proceedings of the Inquiry. Supervising Scientist and ERA practices have changed in the period since the Senate Inquiry. Significant changes include:
 - ERA achieving certification to AS 14001 Environmental Management;
 - greater involvement of the Gundjeihmi Aboriginal Corporation, representing the Aboriginal traditional owners of the land upon which Ranger and Jabiluka are located, through its observer status on the relevant Minesite Technical Committees, the Alligator Rivers Region Advisory Committee and the Alligator Rivers Region Technical Committee;
 - revised Working Arrangements for the regulation of uranium mining in the Northern Territory being agreed by relevant Australian and Northern Territory Government Ministers in May 2005; and
 - the Supervising Scientist establishing continuous surface water quality monitoring at sites upstream and downstream of the Ranger mine.
5. The Supervising Scientist has not provided advice to the Minister for the Environment, Heritage and the Arts in relation to the level of environmental assessment that any proposal to expand the Ranger uranium mine might reasonably require under the *Environment Protection Biodiversity Conservation Act 1999*.
6. The Supervising Scientist is yet to receive a detailed application from ERA for the proposed expansion activities. If a detailed application is received, the Supervising Scientist will assess this application before making any recommendations. Until such an application is received and approved, ERA is required to operate in accordance with the current Authorisation issued by the Northern Territory Government.
7. As noted in the response to part 4 above, no such advice has been provided.

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Outcome:	1	Question No:	83
Output:	1.5		
Division/Agency:	EQD		
Topic:	Plastic Bags		
Hansard Page ECITA:	Written Question on Notice		

Senator Birmingham asked:

What progress is being made on national initiatives to phase out the use of plastic bags? What targets and timelines does the government have?

Answer:

National initiatives on plastic bags are being pursued through the Environment Protection and Heritage Council (EPHC).

At its November 2008 meeting the EPHC reaffirmed its overall goal to reduce the environmental impacts of plastic bags. It continues to endorse the use of alternatives to plastic bags, such as reusable bags. Degradable and biodegradable bags can also make an important contribution to mitigating the impact of littered plastic bags, and so EPHC is investing in research to underpin development of Australian Standards for degradability of plastics.

A proposal is to be developed by Victoria, Australian Capital Territory, Tasmania, and Northern Territory, based on the outcomes of Victoria's trial in partnership with supermarkets and the Australian National Retailers Association of a ten cent charge on plastic bags. EPHC is to consider this proposal at its first meeting in 2009.