

Environment and Communications References
Answers to questions on notice
Climate Change, Energy, the Environment and Water Portfolio

Inquiry: Inquiry into the Middle Arm Industrial Precinct
Question No: IQ24-000107
Hearing Date: 17 June 2024
Division/Agency: Nature Positive Regulation Division
Topic: Empire Energy's Carpentaria project
Hansard Page: 64-65
Question Date: 17 June 2024
Question Type: Spoken

Senator Hanson-Young asked:

CHAIR: Can I ask about Empire Energy's Carpentaria project? There have been some questions around that as well. The department's submission regarding the NT EPA's assessment of Empire, under which it determined it did not require environmental approval, said that it 'does meet the definition of unconventional gas development and outlines a number of potential impacts on water, including the risk of spills of waste water and contaminants and drawdown due to the water extraction required'. What's going on with Empire Energy? Is it the same thing? The EPA says, 'Okay.' In the Northern Territory, they've said they don't need to refer it. At what point do we actually get the Commonwealth government engaging the laws that you have?

Mr Edwards: Ms Calhoun might have more information about that project, but just to reiterate: it's about that threshold of significance. It's ensuring that people understand the degree to which they may be having a significant impact. I'm not sure what material you're referring to, Senator, but what we've done there is explained the definitions involved. What's what we frequently do to coregulators and proponents to, again, help them understand where they should be considering a referral or not. I'll see if Ms Calhoun has any more information about that specific proposal.

Ms Calhoun: I don't know the report that you're referring to, Senator—

CHAIR: The submission to the NT EPA—

Ms Calhoun: What submission?

CHAIR: in relation to Empire Energy's Carpentaria project. I'm happy for you to take it on notice.

Ms Calhoun: Yes, I'll take it on notice.

CHAIR: I'd also like to know whether there have been any letters written or correspondence with Empire Energy directly, rather than just through the NT EPA, in relation to the water trigger or any other matters of environmental significance?

Ms Calhoun: Yes. I can confirm that we've also written to Empire Energy, similarly to Tamboran, about the requirements of their activity in the Beetaloo Basin.

CHAIR: Can we have a copy of that letter, please?

Ms Calhoun: Yes. I'll take it on notice.

CHAIR: Have they engaged in response?

Ms Calhoun: I can take that on notice.

Answer:

On 26 March 2024, the Northern Territory Environment Protection Agency invited public comment on a referral for standard assessment, submitted by Imperial Oil & Gas Pty Ltd (now Empire Energy). The Department of Climate Change, Energy, the Environment and Water

responded on 19 April 2024, noting the referral did not include consideration of the “water trigger”.

The department also raised a number of other environmental considerations for the project.

Separately, the department wrote to Empire Energy on 5 February 2024 to advise them of the passage of water trigger amendments to the *Environment Protection and Biodiversity Conservation Act 1999*, and again on 16 May 2024 to advise them of their obligations to refer any action that may have a significant impact on matters of national environmental significance. These two letters are attached.



Robin Polson
Chief Financial Officer
Empire Energy Group

Water Trigger, EPBC Act – Legislative Amendments

Dear Mr Polson

I understand that Empire Energy Group have a license to conduct gas exploration works in the Beetaloo Sub-Basin. I write to inform you of new obligations that may apply to operations under recent amendments to the water trigger under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Under the EPBC Act, actions that have, or are likely to have, a significant impact on nationally protected matters require approval from the Australian Government Minister for the Environment and Water. Substantial penalties apply to a person who takes such an action without approval.

Effective from 15 December 2023, the scope of the water trigger has been expanded to include all unconventional gas developments. As such, any activity involving extraction, exploration, recovery, or intentional release of gas from coal seams or beds, layers of shale rock or tight gas reservoirs will require EPBC Act approval if likely to have a significant impact on a water resource.

For those projects that might be affected by the amended water trigger, the department will work closely with project proponents to ensure a smooth transition to the new arrangements. It is expected there will be limited additional burden on proponents to comply with the water trigger. This is because the documentation prepared for state or territory government regulation will cover many of the same requirements.

If you think your proposed development may be affected, please contact the SA/NT Assessments Director, _____ on _____

Yours sincerely

Nick Vazenios,
Acting Branch Head, Environment Assessments West
Nature Positive Regulation Division
5 February 2024



Robin Polson
Chief Financial Officer
Empire Energy Group
6-10 O'Connell Street
Sydney NSW 2000

Gas exploration works in the Beetaloo Sub-Basin, and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

Dear Mr Polson

Further to our letter to you dated 5 February 2024 regarding legislative amendments to the water trigger provision under the EPBC Act, I now write to highlight the importance of engaging early with the EPBC Act and its requirements in terms of the company's actions in the Beetaloo sub-basin, NT.

I encourage you to consider meeting with my NT team who can assist you to navigate the EPBC referral process and provide you with information about your obligations under the EPBC Act.

Based on the available information regarding the location and nature of your proposed project, there are nationally protected matters that may be relevant such as:

- A water resource, in relation to unconventional gas development and large coal mining development,
- Listed threatened species, and
- Listed migratory species.

For your convenience, a Protected Matters Report for the area is enclosed. As our information about your action may be limited, I suggest you run your own Protected Matters Report by using the department's [protected matters search tool](#).

Please note a person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal for assessment under the EPBC Act, so early engagement is important in managing project timelines.

If you are unsure if you need to refer your project or would like to discuss your self-assessment, we strongly recommend you book a pre-referral meeting. I have provided several links below that may help in understanding the EPBC Act and its requirements:

- Significant Impact Guidelines:
<https://www.dcceew.gov.au/environment/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>
- Referrals and assessment process:
<https://www.dcceew.gov.au/environment/epbc/approvals>

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- Pre-referral meetings:

<https://www.dcceew.gov.au/environment/epbc/publications/pre-referral-meeting-guidance>

Please contact my NT team by email at EADSAandNTSection@dcceew.gov.au within **28 days** of the date of this letter to advise whether or not you wish to discuss your project.

Thank you for your consideration of this matter and note a copy of the letter has been provided to the NT government for information.

Yours sincerely

Kylie Calhoun
Branch Head
Environment Assessments West
Nature Positive Regulation Division

16 May 2024

Enclosed: EPBC Protected Matters Report and Map – 7 May 2024