

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question to: Department of the Environment

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: WA Dredging Study

Hansard Page: 62

Question Date: 21 July 2014

Question Type: Spoken

Senator WATERS asked:

I want to move to the study released this week about the fact that coral is twice as likely to die from disease given nearby dredging and offshore dumping. I presume you are familiar with that pretty explosive study. What will the emergence of this study do to policy responses? How will this new information be taken on board in the various different processes that are on foot, assuming that it will be taken on board?

Dr Dripps: Mr Knudson will make a couple of points as they relate to the Commonwealth position.

Mr Knudson: With respect to the study that was undertaken in WA, I think it is important to highlight a couple of facts around that. It looked at the impacts of an 18-month dredge campaign, and I believe the volume was more than seven million cubic metres of dredge spoil. It resulted in a high sediment plume exposure of approximately 300 days, so it was a pretty large dredge campaign, as far as they go. As Mr Black noted, a couple of things really stood out for us on our initial review of this. Firstly, the Abbot Point proposal has a maximum of 1.3 million cubic metres in any given year for a campaign that would last a matter of weeks, not 18 months. In addition to that, as has been previously mentioned, the disposal of sediment will be approximately 40 kilometres away from any significant coral reefs. That really juxtaposes with what the study found, which was, with the volumes and the intensity of the dredging campaign and the length of the dredging campaign and its proximity to coral, that there were important findings with respect to impacts on coral health which would not seem to apply in the space of Abbot Point.

Senator WATERS: Are there any other sites in the reef that you think could be more directly comparable with the site that this study looked at?

Response:

There are no past approvals or projects currently under assessment in the Great Barrier Reef that involve a dredging campaign over a similar timeframe and in close proximity to the reef, that would be considered comparable to the study.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Department of the Environment

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Abbot Point

Hansard Page: 58

Question Date: 21 July 2014

Question Type: Spoken

Senator WATERS asked:

My understanding from previous discussions is that a cost-benefit analysis of alternatives is not undertaken and that in this particular instance there was not a cost-benefit analysis of land based disposal. And neither, from my recollection, was advice sought from any other department about land based disposals nor an independent assessment of land based disposals done by the department. If any of that is wrong, I would be really happy to be corrected, either now or on notice.

Response:

Details of the consideration of alternatives for sediment disposal for the Abbot Point capital dredging project, and the consultation undertaken, are available in Appendix E of the draft Public Environment Report. The multi-criteria analysis of alternatives was considered in a workshop with the Great Barrier Reef Marine Park Authority and Queensland departments. The multi-criteria analysis concluded that offshore disposal of dredged sediment was the best option for disposal on environmental grounds, prior to consideration of costs.

Additional discussion on alternatives for disposal occurred during workshops with North Queensland Bulk Ports prior to finalising the Public Environment Report. The results of those workshops and the costs of the alternatives are available in Appendix B of the Supplementary Public Environment Report.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Department of the Environment

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: World Heritage Committee

Hansard Page: 57

Question Date: 21 July 2014

Question Type: Spoken

Senator WATERS asked:

I want to move now to the World Heritage Committee meeting recently in Doha. What efforts did the government delegation make to alter the wording of the draft recommendations that the World Heritage Committee had issued several weeks prior to that meeting?

Dr Dripps: The Australian delegation did endeavour to have the wording of the draft decision changed, as is a usual part of any international diplomacy around issues of key economic and environmental importance to a country. Our efforts were focused on what the governments believed to be factual inaccuracies in the draft decision. Those factual inaccuracies were raised with different delegations in bilateral discussions through the course of the meeting and in advance of the meeting, and there were explanations provided and questions and answers taken at some length by a number of the delegations.

Senator WATERS: Just briefly, what did you contend were the factual inaccuracies that were not altered in the final version?

Dr Dripps: Sorry—I did not bring the draft with me. I think we should probably take that question on notice in order to answer it most fully. They were around recommendations 6, 7 and 8. With regard to the independent review of institutional and management arrangements, we are obviously undertaking that. We are also undertaking the long-term plan for sustainable development, and the minister has announced—and the Queensland minister has announced—that the decision-making power would be considered for transfer from federal to state level after that had been undertaken. With No. 7, the statements about there having not been a comprehensive assessment of the Abbot Point decision was something that we believe to be factually inaccurate. In terms of No. 8, the proposed change related to (a) where it does not refer specifically to port development.

Answer:

The Australian delegation briefed all States Parties on the comprehensive suite of actions being implemented to deliver on the previous World Heritage Committee decisions, provided technical information, and provided our view on the factual inaccuracies.

The nature of the factual inaccuracies is described in the verbal response.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Department of the Environment

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Abbot Point and Gladstone – Curtis Island

Hansard Page: 51

Question Date: 21 July 2014

Question Type: Spoken

Senator McEWAN (CHAIR) asked:

Have offset plans for Abbot Point and Gladstone-Curtis Island been developed yet?
Are any of the plans still commercial-in-confidence?

Answer:

Three projects at Abbot Point were approved under the *Environment Protection and Biodiversity Conservation Act 1999* during the last two years:

- Abbot Point Capital Dredging Project, Queensland, North Queensland Bulk Ports Corp Ltd (EPBC 2011/6213). Project Approved on 10 December 2013.
- Abbot Point Coal Terminal 0 at Abbot Point, Adani Abbot Point Terminal Pty Ltd (EPBC 2011/6194). Project Approved on 10 December 2013.
- Abbot Point Coal Terminal 3, Hancock Coal Infrastructure Pty Ltd (EPBC 2008/4468). Project Approved on 4 October 2012.

Offset plans have not yet been submitted for approval for these projects.

When submitted, the plans are to include a marine offset strategy to compensate for any residual impacts on Green and Flat back Turtles. They are also required to achieve a net benefit to the outstanding universal value of the Great Barrier Reef World Heritage Area and an offsets plan to address any loss of seagrass from dredging actions.

The three approval holders that are currently constructing LNG processing and export facilities on Curtis Island have worked together to develop a joint offsets strategy to address direct offset requirements for their LNG facility sites. As part of this strategy the approval holders have been able to secure a substantial area of land in the Great Barrier Reef World Heritage Area. This area is to become part of the Queensland State Reserve system. This significant offset has been approved by the Australian and Queensland Governments and will be made public very soon. It remains commercial-in-confidence until announced.

These approval holders are also required, to fund field management and visitor awareness of the Great Barrier Reef World Heritage Area so as to offset possible indirect impacts of these projects on the reef area. This includes annual contributions which will increase with CPI to exceed \$1 million per year for over thirty years. The companies are actively engaged with the department and the Great Barrier Reef Marine Park Authority to determine the most effective mechanism by which the financial contributions will support this work.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

The recently approved Arrow LNG Facility (EPBC 2009/5007), which incorporates development of LNG processing and export facilities on Curtis Island, also has offset plan requirements yet to be submitted for approval.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Department of the Environment

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Reef Trust

Hansard Page: 55

Question Date: 21 July 2014

Question Type: Spoken

Senator RUSTON asked:

Taking that one step further: the money that they may generate through the offsets or philanthropic activities can be used solely to be directed towards the same sorts of initiatives that the \$40 million is directing? So there is a capacity there to actually fund ongoing or additional environmental projects, should that occur?

Answer:

Yes. The Australian Government has committed \$40 million to the establishment of the Reef Trust. Funding for the Reef Trust will also be derived from the pooling of offset funds that target specific impacts on the Great Barrier Reef from development activities. There may be opportunity for future funding through private investments and philanthropic contributions.

The Trust will build on existing investments in the Great Barrier Reef and focus on known critical areas for investment – improving water quality and coastal habitat, controlling outbreak of crown-of-thorns starfish, and protecting threatened and migratory species, particularly dugong and turtles.

The Reef Trust investment strategy has been informed by consultations with key partners, and the views of Great Barrier Reef community and industry groups in response to the Reef Trust discussion paper. The detail in the submissions has been drawn upon to inform this strategy and will shape the longer-term investment strategy and functioning of the Reef Trust.

Over time, the investment strategy will be reviewed to take into account new threats and emerging priorities, as well as community and expert views to enable a rigorous scientific and economic prioritisation of future activities for delivery through the Reef Trust.

- This will include collaboration with AIMS, CSIRO and other science organisations to ensure a robust scientific and economic prioritisation to identify the high-priority actions for Reef Trust investment.
- A long term investment strategy will be developed over the course of 2014-15 to inform investment going forward.

The Reef Trust will incorporate new ideas through ongoing consultation with the community, science experts, environmental organisations, relevant industries and natural resource management organisations.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Great Barrier Reef Marine Park Authority

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Timeline relating to conditions on permit

Hansard Page: 58

Question Date: 23 July 2014

Question Type: Spoken

Senator WATERS asked:

Can you be precise for me. Which conditions within your jurisdiction did you consider would address the risks that you had identified.

Elliot: Again, these conditions can be seen on the permit. The rationale for those conditions is outlined in the statement of reasons available on our website. Conditions included: conditions relating to coral communities around Nares Rock, Holbourne Island and the Catalina aircraft wreck in the proximity of the disposal site; oceanic conditions, wind and wave conditions under which they can be undertaken; and things like bottom shear—so ensuring that the conditions were conducive to minimising harm to any of those sensitive receptors. There were also conditions which related to tourism, fishing and social impacts, which are about monitoring to identify if there are any impacts on those industries, and, if there are any impacts, taking appropriate action including offsets.

Senator WATERS: Just to be clear on the time frames, given that the internal documents that have been released say that the internal staff at GBRMPA—I do not know if it was you or what position you held at the time—were advising that the effects of the offshore dumping could not be mitigated and that there would be long-term damage to the reef. That is my recollection of the phrasing; I could dig out the document but I am sure you know what I am referring to. Given that was the internal view, are you saying that the conditions you just summarised for me were developed subsequent to that view?

Mr Elliot: Those conditions I just outlined to you were developed in the month of January this year as part of our final consideration of the proposal.

Senator WATERS: And you issued the approval in January?

Mr Elliot: Yes, 31 January from memory.

Senator WATERS: So you had several years of internal concern about long-term damage and then, within the space of one month, which included a few public holidays given it was the Christmas period, you put together some conditions that addressed those deep concerns?

Mr Elliot: Some of those conditions would have potentially been conceived or contemplated before that but that was when they were finally put into—

Senator WATERS: That is what I asked you before.

Mr Elliot: That is when they were finally put in.

Senator WATERS: When were they first proposed?

Mr Elliot: I would not be able to say exactly when they were first proposed by the authority; I do recall having conversations about mitigation strategies for some of the issues that had been raised as early as September 2013.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Senator WATERS: I am trying to work out what on earth happened here. We have the documents which tell us a particular story. I am seeking to have you dissuade me of any perceptions that may be incorrect but I have not reached that point yet, so could you take on notice the dates for me? If you had these concerns up until the middle of 2013 for several years and then you say you patched them up in January but you first thought of that in September. Could you take on notice of when those conditions were discussed and proposed? I want to match it up with the dates and whether that was indeed what addressed your previous concerns.

Dr Reichelt: Could I just be clear; I notice the discussion has shifted between conditions we are commenting on and other conditions like the EPBC conditions. In doing that, we will distinguish which conditions we are commenting on because the conversation shifted between them in that last exchange.

Senator WATERS: Yes. And if you could particularly refer to that risk framework, or whatever you want to call it, the grid pattern you did where you said that the offshore dumping was in fact the worst idea of the three options. And when was it that you formed the view that a handful of conditions would somehow magically fix all of those concerns? I would be very interested in that.

Dr Reichelt: We will give you the time line.

Answer:

A permission may be granted subject to any conditions appropriate to the attainment of the objects of the *Great Barrier Reef Marine Park Act 1975*.

The process of mitigating and managing potential impacts associated with an activity begins in the early stages of an application. The assessment officers of the Great Barrier Reef Marine Park Authority conduct a robust assessment of the potential impacts of the activity and conduct a detailed risk assessment in order to determine what the residual risk of the activity will be on the values of the Great Barrier Reef Marine Park.

In the case of dredge material disposal for the Port of Abbot Point capital dredging project the applicant included a number of proposed mitigation measures within their Public Environment Report and supplementary Public Environment Report.

Internal discussions and dialogue on potential permit conditions associated with an activity occur throughout the assessment period. Assessment officers consider which conditions could be applied to a permit to reduce risk. For this project these discussions around mitigation/management measures occurred around July 2013.

The risk assessment conducted for this project by the Great Barrier Reef Marine Park Authority applied mitigation measures; some of which led to the development of permit conditions. The earliest version of the draft risk assessment that included mitigation measures was the 5 July 2013 version.

The information from the risk assessment was then used in order to start drafting the permit and relevant conditions. This took place in January 2014.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Great Barrier Reef Marine Park Authority

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Voluntary redundancies who were at disposal of delegate for Abbot Point decision

Hansard Page: 59

Question Date: 23 July 2014

Question Type: Spoken

Senator WATERS asked:

You said before there had been 17 voluntary redundancies offered and five of those were directors. How many of those were senior managers?

Dr Reichelt: There were five directors. I would call executive level 2s senior managers.

Senator WATERS: You seem to imply there was some difference in the term. You referred before to senior managers as distinct from directors.

Dr Reichelt: I did not mean that. There is a another layer of execs below that. The expertise of those five who have left, I mentioned—

Senator WATERS: We have gone over those; I am interested in the others.

Dr Reichelt: I will have to get a list for you.

Senator WATERS: Are any of those people you refer to as being at the disposal of the delegated decision-maker, the technical experts, part of the folk who have taken a voluntary redundancy?

Dr Reichelt: Not to my knowledge, no.

Senator WATERS: Could you take that on notice and double check?

Dr Reichelt: Yes.

Answer:

In addition to the 5 Directors that took voluntary redundancies from the GBRMPA another 12 staff below the Director level also accepted voluntary redundancies. As a result of these additional 12 staff below the director level accepting a voluntary redundancy the GBRMPA has removed an additional 12 positions below the director level from the GBRMPA establishment.

These 12 positions below the director level are divided up into the below categories as per the APSC Job Family segmentation.

Number of positions	APSC Job Family
2	Information and Communications Technology
2	Administration
1	Trades and Labour
1	Science and Health
1	Accounting and Finance
1	Strategic Policy, Research, Project and Programme
1	Communications and Marketing
3	Compliance and Regulation

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Of the 12 GBRMPA staff below the director level that accepted a voluntary redundancy, 4 staff were employed within the Biodiversity Conservation and Sustainable Use Branch of the GBRMPA, managed by the Delegate charged with exercising delegation for assessing permit applications.

Of the 4 staff below the director level from within the Biodiversity Conservation and Sustainable use branch, 1 of these staff could be classed as a scientific technical expert. This staff member was not employed within the section that was responsible for assessing the Abbot Point permit application.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Great Barrier Reef Marine Park Authority

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Comparing of spoil from Abbot Point and other ports

Hansard Page: 62

Question Date: 23 July 2014

Question Type: Spoken

Senator IAN MACDONALD asked:

Perhaps on notice, can you indicate the spoil from the proposed Abbot Point site compared to Gladstone, compared to Hay Point, compared to Townsville and compared to Cairns? Is that information around there somewhere?

Dr Reichelt: That would be readily available.

Mr Elliot: Are you talking about volume, Senator?

Senator IAN MACDONALD: I am not quite sure what I am talking—whatever the measurement is.

Mr Elliot: Normally we talk about the volume of material to be dredged and disposed of in cubic metres.

Senator IAN MACDONALD: I just want to put into perspective these different operations up and down the coast. My understanding is Abbot Point is fairly small compared to others.

CHAIR: One minute, Senator Macdonald.

Senator IAN MACDONALD: Yes, thank you.

Mr Elliot: It is. We would be able to provide that where the referral has been made because the referral would contain the volumes, but they might not necessarily—

Senator IAN MACDONALD: Can we do that on notice as I am running out of time.

Answer:

The table below shows the approximate volumes of dredging and disposal of capital material currently being assessed by the Department of the Environment and the Great Barrier Reef Marine Park Authority for the major Great Barrier Reef ports.

Port	Volumes to be dredged/disposed (m ³)
Port of Cairns Shipping Development Project	Proposed dredging volume - 4,400,000 Proposed disposal at sea volume - yet to be determined
Port of Townsville Port Expansion Project	Proposed dredging volume - 10,000,000 Proposed disposal at sea volume - 5,700,000
Port of Abbot Point (T0-T3)	Dredging volume - 3,000,000 Disposal at sea volume - 3,000,000

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Port	Volumes to be dredged/disposed (m³)
Cooper to Abbot Point LNG Facility	<p>Proposed dredging volume - 500,000</p> <p>Proposed disposal at sea volume - yet to be determined</p>
<p>Port of Hay Point (Dudgeon Point)</p> <p>Bowen Basin Terminal Project</p>	<p>Proposed dredging volume - 13,000,000</p> <p>Proposed disposal at sea volume - yet to be determined</p> <p>Proposed dredging volume - yet to be determined</p>
Port of Gladstone Channel; Duplication Project	<p>Proposed dredging volume 12,000,000</p> <p>Proposed disposal at sea volume - yet to be determined</p>

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Great Barrier Reef Marine Park Authority

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Distance from Great Barrier Reef is dumping site for Abbot Point

Hansard Page: 62

Question Date: 23 July 2014

Question Type: Spoken

Senator IAN MACDONALD asked:

Okay. I have a couple of clarifications, we have not got much time. Senator Waters asked you about dredging or dumping on the reef. Can you tell me again how far from the Great Barrier Reef is the proposed dumping site for Abbot Point? You can take that on notice.

Dr Reichelt: It is closer to those fringing reefs that we talked about.

Senator IAN MACDONALD: I am talking about the main Great Barrier Reef.

Dr Reichelt: The main offshore shallow mid-shelf reefs are some 20-plus kilometres. We are waiting to see the alternate site, which would possibly increase those figures quite a lot.

Senator WATERS: Did you say 20 kilometres, not 40 kilometres like the Queensland government contends?

Mr Elliot: We will probably have to take on notice an exact figure

Answer:

The approved dredge material disposal area is approximately 45 km from the nearest offshore reef (Old Reef).

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Great Barrier Reef Marine Park Authority

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Other proposals or request for permits before the Authority

Hansard Page: 62

Question Date: 23 July 2014

Question Type: Spoken

Senator McEWAN (CHAIR) asked:

CHAIR: Are there any other proposals or requests for permits before the authority with regard to ports developments, dredging or dredging disposal that you are dealing with at the moment?

Mr Elliot: There are. There are a number that have been referred under EPBC and therefore are deemed also to have been referred under the Great Barrier Reef Marine Park Act. They include the Cairns capital port expansion and the Townsville port expansion. I am not sure if there are any smaller ones which are in existence.

Dr Reichelt: I am not aware of any. Those are the two I am aware of.

Mr Elliot: They are probably the two main ones.

CHAIR: When our decisions on those expected to be made?

Mr Elliot: I would not be able to tell you with any accuracy. It would depend on when the EPBC decision would be due, but I do know, for example, that we are yet to see the supplementary environmental impact statement for the Townsville proposal, and I think the environmental impact statement—the first one, not the supplementary—for the Cairns proposal is due around September.

CHAIR: On notice, would you be able to give us an update on where each of those is at

Answer:

The table below shows all port development, dredging and disposal projects currently under assessment by the Great Barrier Reef Marine Park Authority

Project title	Legislation and reference number	Proposed dredge volume (m ³)	Proposed volume (m ³)			Indicative timeframe for dredging activity	Comments (e.g. dredge type)
			Onshore	Offshore	Unknown—subject to further investigation		
Port of Townsville Port Expansion Project	EPBC 2011/5979 Marine Park G34429.1	10,000,000	4,300,000	5,700,000		20 years	Capital
Dudgeon Point Coal Terminals Project	EPBC 2012/6240 Marine Park G34994.1	13,000,000	0		13,000,000	3 years	Capital

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Project title	Legislation and reference number	Proposed dredge volume (m ³)	Proposed volume (m ³)			Indicative timeframe for dredging activity	Comments (e.g. dredge type)
			Onshore	Offshore	Unknown—subject to further investigation		
Port of Gladstone Gatcombe and Golding Cutting Channel Duplication Project	EPBC 2012/6558 Marine Park G35690.1	12,000,000			12,000,000	20 months (over 5 to 10 years)	Capital
Cairns Shipping Development (Trinity Inlet) Project	EPBC 2012/6538 Marine Park G35667.1	4,400,000			4,400,000	10 months	Capital
Fitzroy Terminal Project/ Port Alma	EPBC 2011/6069 Marine Park G34897.1	unknown				unknown	Capital
Wongai/Princess Charlotte Bay	EPBC 2011/6092 Marine Park G34709.1	unknown				unknown	Capital
Bowen Basin Terminal	EPBC2014-7255 Yet to be determined	unknown				unknown	Capital
Abbot Point Terminal 10/Waratah Coal	EPBC 2012/6250 Marine Park G35002.1	unknown				unknown	Capital
Heron Island	Marine Park G37036.1	700	700	0	0	May 2015	Maintenance
Orpheus Island	Marine Park G36513.1	900	900	0	0	2014/2015	Maintenance
Molongle Creek	Marine Park G37112.1	6,000	6,000	0	0	2015	Maintenance

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Port of Gladstone Gatcombe & Golding Cutting Channel duplication Project, QLD – EPBC 2012/6588 and G35690.1

- Gladstone Ports Corporation Ltd proposes to duplicate the existing Gatcombe and Golding Cutting shipping channel situated in the Port of Gladstone, Queensland, to ease Port capacity and increasing shipping traffic congestion.
- CA decision made on 23 October 2012.
- Assessment method: EIS. Integrated assessment with GBRMPA. Parallel assessment with State government.
- Status: EIS guidelines issued 27 March 2013. Proponent preparing draft EIS.

Townsville Port Expansion, QLD – EPBC 2011/5979 and G34429.1

- Expansion of the Port of Townsville over a twenty year period to facilitate projected increases in trade.
- Controlled Action decision made on 1 July 2011.
- Assessment method: EIS decision made 21 July 2011. Integrated assessment with GBRMPA. Parallel Assessment with State government.
- The Port of Townsville advised on 29 January 2014 their preference for the project to remain as a parallel assessment with State Government.
- Status: Draft EIS published for public comment between 23 March 2013 and 27 May 2013. Awaiting supplementary EIS which will address public comment.

Dudgeon Point Coal Terminals Project, QLD - EPBC 2012/6240 and G34994.1

- North Queensland Bulk Ports Corporation Limited proposes to expand and operate onshore and offshore coal export facilities at Dudgeon Point, in the Great Barrier Reef World Heritage Area.
- Controlled Action decision made on 7 February 2012.
- Assessment method: EIS. Integrated assessment with GBRMPA. Parallel assessment with State government.
- Status: EIS guidelines issued 27 June 2012. Proponent preparing draft EIS.

Fitzroy Terminal, Port Alma, QLD – EPBC 2011/6069 and G34897.1

- Fitzroy Terminal Project Pty Ltd proposes to construct and operate a coal export facility in Port Alma, Keppel Bay Queensland.
- Controlled Action decision made on 5 September 2011.
- Assessment method: EIS. Integrated assessment with GBRMPA. Parallel Assessment with State government.
- Status: EIS guidelines issued 17 April 2012. Proponent preparing draft EIS.

Cairns Shipping Development (Trinity Inlet), QLD – EPBC 2012/6358 and G35667.1

- Far North Queensland Ports Corporation Ltd (trading as Ports North) proposes to upgrade existing cruise ship wharves at the Port of Cairns, conduct 5,073,600 cubic metres of dredging and increase the size of the dredge material placement area located in the Great Barrier Reef Marine Park.
- Controlled Action decision made on 4 October 2012

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

- Assessment method: EIS. Integrated assessment with GBRMPA. Parallel assessment with State government
- Status: EIS guidelines issued 20 March 2013. Proponent preparing draft EIS. Draft EIS expected in September 2014.

Wongai Project, QLD – EPBC 2011/6092 and G34709.1

- Aust-Pac Capital's proposal for underground board and pillar mining of a coking coal resource, including all related infrastructure, on Cape York, in the Princess Charlotte Bay region. Infrastructure includes an overland conveyor, workshops, airstrip and a barge loading facility and transshipping within the Great Barrier Reef World Heritage Area
- Controlled Action decision made on 22 September 2011
- Assessment method: EIS. Integrated assessment with GBRMPA. Was initially a parallel assessment with State government. However, the proponent recently advised their preference for the project to be transitioned under the QLD Bilateral Agreement.
- Status: EIS guidelines issued on 19 December 2011, proponent preparing draft EIS.

Bowen Basin – EPBC 2014/7255

- Proposal to construct and operate a barging and transshipping terminal at the Port of Hay Port exporting up to 30mtpa.
- Controlled Action is yet to be determined.
- Assessment method/ Status: To be determined.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Queensland Government

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Judicial Review rights: State Development Act

Hansard Page: 64

Question Date: 21 July 2014

Question Type: Spoken

Senator Waters asked:

Just one final point: you mentioned judicial review rights in relation to Senator McGrath's question about that state development bill. Pardon me for going into extreme detail here but I am interested in whether or not those rights are directly comparable with what is currently in the EPBC Act in terms of standing, in terms of court costs and in terms of even the ability to apply for reduced application fees.

Answer:

Under the new Part 4A of the *State Development and Public Works Organisation Act 1971* (Qld), decisions in relation to assessment and approval of coordinated projects under the Approval Bilateral Agreement between Queensland and the Commonwealth is subject to the *Judicial Review Act 1991* (Qld) (JR Act). Case law relating to standing under the JR Act indicates that, in practical terms, there is close congruence with the 'extended' standing provisions of the EPBC Act.

With respect to comparison of costs:

- The current costs of filing an application for judicial review in the Federal Court of Australia are \$4980 for publicly listed companies, \$3320 for corporations, and \$1140 for individuals. A person may be exempt from paying a fee if it would cause financial hardship, or if the person:
 - has been granted legal aid for the proceeding;
 - is the holder of any of the following cards issued by the Commonwealth: a health care card; a pensioner concession card; a Commonwealth seniors health card; or any other card that certifies the holder's entitlement to Commonwealth health concessions;
 - is serving a sentence of imprisonment or is otherwise detained in a public institution;
 - is younger than 18;
 - is receiving youth allowance or Austudy payments or benefits under the ABSTUDY Scheme; or
 - has been granted assistance under Part 11 of the *Native Title Act 1993* by: a representative body within the meaning given by section 253 of that Act; or a person or body to whom funding has been granted under section 203FE of that Act.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

- The current costs of filing an application for judicial review in the Supreme Court of Queensland are \$1610 for corporations and \$802 for individuals. A party may apply to pay a reduced fee on the ground of financial hardship, or if the party:
 - has been granted legal aid for the proceeding;
 - is the holder of any of the following cards: a current health care card; a current pensioner concession card; a current Commonwealth seniors health card; or a current repatriation health card or repatriation pharmaceutical benefits card; or
 - is receiving youth allowance, Austudy payments or a benefit under the ABSTUDY scheme.
- The reduced fee is \$802 for a corporation, and \$102.50 for an individual.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Queensland Government

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: YABULU: Compliance with Environment Protection Order.

Hansard Page: 61

Question Date: 21 July 2014

Question Type: Spoken

Senator WATERS asked:

In relation to Yabulu, we had a report given to us earlier today by one of the other witnesses. I am interested in your detailed response—perhaps on notice to save time—to that report, in particular the contentions that parts of the development approval were not complied with, which then led to an environmental protection order being placed on the company which, it is also contended, is not being complied with.

Answer:

The Queensland Department of Environment and Heritage Protection (EHP) has not issued an Environmental Protection Order to Queensland Nickel Pty Ltd (QN) in relation to a breach of the development approval in recent times.

However, in December 2012 QN applied for a Transitional Environmental Program (TEP) to undertake actions at the Yabulu Nickel Refinery to improve water management.

On 11 January 2013 EHP approved the TEP. This program included a number of milestones and actions to be undertaken by specific dates during the term of the program in relation to a reduction of the risk of a spill from the tailings storage facility to the receiving environment and increase in the site's contaminated water storage capacity for the 2013-14 wet season.

Throughout 2013, EHP monitored the implementation of the program and liaised closely with QN. QN had completed all but one (1) of the works proposed for the year. The final item which was not completed was the lift of the tailings dam wall. Failure to complete the action item, constituted a non-compliance with the requirements of the TEP and a Penalty Infringement Notice was issued to the company.

Work to raise the dam wall is occurring during the 2014 dry season.

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

Answers to questions on notice

Senate Inquiry into the management of the Great Barrier Reef

Question No: Queensland Government

Hearing: Senate Inquiry into the management of the Great Barrier Reef

Topic: Yabulu: enforcement of laws and approvals

Hansard Page: 61

Question Date: 21 July 2014

Question Type: Spoken

Senator WATERS asked:

Can you take that on notice and give us an update on what the Queensland government has done to enforce its own laws and approvals in relation to not letting the reef be polluted with tailings water from that operation.

Answer:

On 21 January 2014 a Penalty Infringement Notice (PIN) was issued to Queensland Nickel for contravening a requirement of its Transitional Environment Plan. The penalty of \$2200 has since been paid in full by the company.

The Queensland Nickel Yabulu Refinery is alleged to have experienced a release from the tailings storage facility in April this year. This matter is currently under formal investigation.