

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

Answers to questions on notice  
**Environment and Energy portfolio**

**Question No:** 102  
**Hearing:** Budget Estimates  
**Outcome:** Outcome 1  
**Program:** Environment Standards Division (ESD)  
**Topic:** Independent Expert Panel - Adani  
**Hansard Page:** 95 and 96  
**Question Date:** 22 May 2017  
**Question Type:** Spoken

**Senator Waters asked:**

Senator WATERS: I want to go back to the Adani conditions issue. Thank you for your earlier clarification, but I am afraid I have a number of follow-up questions. I do not feel in any way persuaded that there has been an improvement, so I have some detailed questions that hopefully you can help me with. The previous requirement was a legally binding requirement because it was in the conditions of approval. My understanding is that the Reef Trust guidelines do not have such a status. That is my first question to you: how is it an improvement? I think you said it was an absolute improvement, when they are actually not legally binding anymore.

Mr Knudson: On the question of the specific level of binding, I will have to take that on notice because Ms Parry oversees the Reef Trust and would know all of the administrative specificities there. I just do not want to mislead you. That being said, I said it was an improvement because the investment decisions made by the Reef Trust—given their history of being involved in the reef and delivering projects for good environmental outcomes, and the fact that it has existed for a while—are informed directly by the Independent Expert Panel. We talked earlier in this session about their thoughts on 'where to' on the reef. The fact that there is that oversight body of experts that are providing advice on where best to make those investments, I would argue, is a far better opportunity than an individual company trying, with their best intent, to figure out what would be most effective for delivering outcomes for the reef. That is why I said that.

Senator WATERS: With respect, it is not the company that just tries to figure it out on their own. They put a proposal to the minister, and the minister has to tick it off. That will no longer occur because it is going through this different Reef Trust process. So my question is: could the independent expert body have been involved in that initial drafting of the marine offset strategy under the normal process? You are trying to say that it is somehow better because the independent mob can get involved this time around. What was stopping them getting involved the first time, anyway, and still having it be legally binding?

Mr Knudson: Again, not knowing the specific terms of reference for the Independent Expert Panel, I do not know whether they could have or could not have. But that is easy for us to come back to you on.

**Answer:**

Payment of offset funds by Adani to the Reef Trust is a legally binding requirement of the conditions of approval under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Reef 2050 Independent Expert Panel provides scientific and expert advice about the implementation and review of the Reef 2050 Plan, including projects delivered by the Reef

Trust. The Panel is not available to provide advice directly to EPBC Act approval holders with an offset liability that falls outside the scope of funds provided to Reef Trust.

Reef Trust projects are designed in consultation with relevant stakeholders and informed by expert scientific advice from the Reef 2050 Plan Independent Expert Panel. Projects delivered by the Reef Trust, including offset proposals, are approved by the Minister for the Environment and Energy.