

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 52
Hearing: Additional Estimates
Outcome: Outcome 5
Programme: Environment Assessment and Compliance Division
Topic: Waratah Coal Approval (China First - EPBC 2009/4737 Dec 2013)
Hansard Page: N/A
Question Date: 07 March 2014
Question Type: Written

Senator Waters asked:

1. When the Department briefed the Minister on the Waratah Coal's China First project approval (EPBC 2009/4737) did that briefing advise the Minister with regard to:
 - a) the Queensland Department of Environment and Heritage Protection's Environmental Protection Order (EPO) issued against Waratah Coal in relation to the drilling exploration holes at the Galilee site; and
 - b) Mr Palmer's other company, Queensland Nickel Pty Ltd's history of dumping toxic waste on the Reef without permission on two occasions?
2. Did the Department advise the Minister to approve the mine while it had an outstanding EPO against it and when Mr Palmer had become known for his disregard for environmental protections?
3. What criteria does the Department use to assess whether a proponent is a fit and proper person to hold an EPBC approval?
4. Has there been any structured review of the criteria for assessing whether a proponent is a fit and proper person?
5. Have these criteria changed since the 2013 election?
6. Does the Department still believe that Mr Palmer or companies he controls are fit and proper persons to hold an EPBC approval?

Answer:

1. a) No
b) No. The Department's advice relating to Waratah Coal Pty Ltd's environmental history is available in the Recommendation Report for the project on the Department's website – see p. 117 at <http://www.environment.gov.au/epbc/notices/assessments/2009/4737/2009-4737-recommendation-report.pdf>
2. See answer to 1 above.
3. Guidance on what information may be relevant when considering a person's environmental history (section 136(4) of the EPBC Act) is outlined in the Department's policy statement, *Consideration of a Person's Environmental History when making Decisions under the EPBC Act*, available at: <http://www.environment.gov.au/resource/epbc-act-policy-statement-consideration-persons-environmental-history-when-making-decisions>.
4. A structured review of the criteria has not occurred since the policy was published in July 2013.
5. No
6. The environmental history of the entity taking the action was considered in accordance with section 136(4) of the EPBC Act and the policy statement referred to in paragraph 3.