

LEGISLATIVE COUNCIL
Question on notice

- 1 MAY 2012

Tuesday 6 March 2012

5202. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

With regard to the Interim Independent Expert Scientific Committee appointed by the Federal Environment Minister to advise on coal seam gas and large coal mining proposals and their impact of water, and the subsequent federal funding for water resource assessment, particularly in areas of community concern, sensitive ecosystems and multiple projects with potential cumulative impacts, I ask -

- (1) Given that the Fitzroy River and its catchment area are subject to several coal development proposals (coal mining, coal gasification, unconventional gas), and that there is significant community concern about the potential impacts of these projects on the groundwater and that the Fitzroy River hosts significant ecosystems and important water resources, will the Minister refer the Fitzroy River and its catchment area to the interim committee for assessment?
- (2) If no to (1), why not?
- (3) What measures are in place to ensure that the cumulative impacts of multiple proposed projects in the Fitzroy River region will be assessed, rather than assessing each project on a case by case basis?
- (4) What measures are in place to independently peer review any scientific evidence which models the likely cumulative impacts on the Fitzroy River and its catchment area?
- (5) Are the measures described in (3) and (4) as cost effective to the State as allowing the Federal Government to pay for the assessment of the Fitzroy River and its catchment?
- (6) What progress has been made in the negotiations for a National Partnership Agreement through COAG for States to take into account the Committee's advice?
- (7) Is the Minister progressing arrangements for Western Australia to elect to utilise the advice of the Independent Committee before a national partnership agreement is in place?

Answer

(1)-(2) Mining activities, including the exploration and extraction of coal and unconventional gas resources are regulated by the State Government under a range of legislative mechanisms including the *Environmental Protection Act* (1986). The Environmental Protection Authority (EPA) has a statutory obligation to assess proposals that are judged as likely to have a significant impact on the environment. When undertaking assessments the EPA has regard to the potential significant environmental impacts on the environment including to water resources. EPA assessments provide for rigorous scientific and public assessment of significant environmental issues.

Given the level of scientific examination currently applied to proposals, referral to, and assessment by the Interim Independent Expert Scientific Committee would represent an unnecessary and onerous duplication of existing regulatory processes.

(3) The EPA undertakes assessment of cumulative environmental impacts of proposals where necessary. The EPA has outlined in the *Environmental Impact Assessment Administrative Procedures 2010* that cumulative impacts can be considered and the EPA expects that an environmental impact assessment will have regard for past, present and reasonably foreseeable future proposals.

(4) The *Environmental Impact Assessment Administrative Procedures 2010* specify that the EPA may require peer reviews of the findings and investigations undertaken by the proponent for any EPA assessment. The Duchess Paradise Project proposed by Rey Resources Limited that is in proximity of the Fitzroy River is currently being assessed by the EPA. The Environmental Scoping Document released to the public on 13 February 2012 describes that the proponent will provide an independent peer review of all groundwater modelling conducted by the proponent.

(5) The *Environmental Protection Act 1986* places the responsibility for providing environmental information and undertaking environmental reviews on the proponent. The State's environmental approvals processes need to be satisfied before environmentally significant development projects can proceed.

(6)-(7) The State Government has previously indicated to the Federal Government that it will not be participating in the development of the proposed National Partnership Agreement. This would duplicate existing processes and undermine community confidence in the state regulators. Approvals for gas, petroleum and mining projects will therefore remain the responsibility of the State Government.

