

LEGISLATIVE COUNCIL

C310

QUESTION WITHOUT NOTICE (Of which some notice has been given)

Friday, 21 March 2014

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

I refer to Question On Notice No. 760 asked in the Legislative Council on 20 February 2014, and ask:

- (1) What roll does the Environmental Protection Authority (EPA) and Department of Environment Regulation (DER) have in relation to events and breaches described in this question and answers?
 - (2) If none to (1), why not?
 - (3) Given that the EPA has had no oversight or given any assessment of these test fracking wells, does the EPA or the DER consider the failure of the Department of Mines and Petroleum to effectively manage fluids on site a reason to become involved in the licencing or assessment of these fracking wells?
 - (4) If no to (3), why not?
 - (5) Has the release of waste water and drill cuttings, drill fluid, and cement from these ponds into the environment breached any environmental standards, licences, conditions or requirements of DER?
 - (6) If yes to (5), what action will the Minister or DER or the EPA take against Buru on this matter?
 - (7) If yes to (5) but no to (6), why not?
-

I thank the Hon. Member for some notice of this question.

- (1)-(2) The Environmental Protection Authority (EPA) does not have a role in the control of implementation of proposals. The Department of Environment Regulation's (DER) role in this matter is limited to investigating incidents of potential pollution, environmental harm and unauthorised discharges to the environment in accordance with the provisions of Part V of the *Environmental Protection Act 1986* and its subsidiary legislation.
- (3) No
- (4) The EPA has previously provided public advice that these types of small scale, 'proof of concept', exploration drilling proposals are unlikely to have a significant effect on the environment, and that the potential small-scale impacts can be evaluated, regulated and mitigated by the Department of Mines and Petroleum and the Department of Water. The 2014 fracking proposal by Buru Energy Limited does not include the production of oil or gas at a production or design capacity of 5000 tonnes or more per year and therefore does not trigger a prescribed activity under Schedule 1 of the *Environmental Protection Regulations 1987*.

(5) No. DER has not been advised of any specific discharges that may breach the *Environmental Protection (Unauthorised Discharges) Regulations 2004* which would be the only regulations that may be applicable if materials discharged were included in Schedule 1 of the regulations.

(6)-(7) Not applicable

AJ