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Committee Secretary
Senate Standing Committee on Environment & Communications
PO Box 6100
Parliament House
Canberra ACT 2600

By email: ec.sen@aph.gov.au

Dear Secretary,

***Inquiry into the Environment Protection & Biodiversity Conservation Amendment
(Independent Expert Scientific Committee on Coal Seam Gas and large Coal Mining
Development) Bill 2012***

The Australian Network of Environmental Defender's Offices Inc (ANEDO) is a network of 9 community legal centres in each state and territory, specialising in public interest environmental law and policy. We strongly support the *Environment Protection & Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and large Coal Mining Development) Bill 2012*. We support the addition of an expert committee to review and advise on the potentially significant impacts of coal seam gas (CSG) and large coal mine projects on water resources.ⁱ

We welcome the opportunity to make brief comments in relation to: committee membership, time-frames, publication of committee advice, defining the significant impact on water resources, and the on-going role of the Committee.

Committee membership

The Explanatory Memorandum identifies relevant scientific qualifications of Committee members as including "ecology, geology, hydrology, hydro-geology, natural resource management and health."ⁱⁱⁱ We support the Committee being expertise-based and not stakeholder-based, and submit that clause 505C(5)(a) should be amended to specifically require that at least one member of the committee has each of these qualifications. This would avoid the situation whereby the Committee could for example be validly constituted with several hydrologists but no ecologist. The list could also include an expert in ecotoxicology.

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Timeframes

We strongly support the inclusion of ‘stop the clock’ provisions applying to ensure adequate time is given for the Committee to provide advice (clause 130(4)). Two months is a reasonable period, however in the event that the Committee is provided with insufficient information to advise upon (and where the proponent may need to gather more data), there may need to be a mechanism for time extensions. This may occur in relation to areas where there are knowledge and data gaps, such as in relation to aquifer impacts.

Publication of Committee advice

The Explanatory Memorandum states that “it is intended that all the Committee’s scientific advice will be made publicly available.”ⁱⁱⁱ Similarly, it is noted in the Second Reading Speech that the Committee “will be an open committee that will provide regular public updates of its work on a dedicated website and publish its advice and the outcomes of bioregional assessments and commissioned research.”^{iv} ANEDO submits that clause 505D could be broadened to better reflect this. Sub-clauses (e), (f) and (g) currently refer to publishing information about consistency and comparability of research, development standards for protecting water resources, and information on impacts generally. It could be clarified that advice on the impacts of specific developments will also be made publicly available.

Significant impact on water

We strongly support the ability of the Committee to provide advice on the cumulative impacts of a project “when considered with other developments, whether past, present or reasonably foreseeable developments” (section 528). However, we submit that further detail could be provided to clarify what constitutes a “significant impact” on water resources. The current Significant Impact Guidelines^v apply to current listed matters of national environmental significance and not specifically to water resources.^{vi} We submit that a new Significant Impact Guideline be developed to clarify this. This could be a priority task for the new Committee.

Ongoing role of the Committee

Consistent with our previous comments, given the potential dangers to the environment and health posed by inadequate regulation of CSG, ANEDO submits that provision is made for the ambit of the Committee to be expanded in the future to ensure appropriate independent scrutiny of all the potential environmental impacts of CSG.^{vii}

Yours sincerely,

Rachel Walmsley
Policy & Law Reform Director
On behalf of The Australian Network of Environmental Defender’s Offices Inc (ANEDO)

ⁱ EDO offices have made extensive comment on the need for improved regulation of CSG and coal mining projects due to the potentially significant individual and cumulative impacts on water availability, water quality, biodiversity, air quality etc. Our previous submissions are available at: http://www.edo.org.au/edonsw/site/policy_submissions.php#3

ⁱⁱ Explanatory Memorandum, para 13, p5.

ⁱⁱⁱ Explanatory Memorandum, para 24 , p6.

^{iv} Second Reading Speech, Thursday 22nd march, available at:

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber%2Fhansardr%2F843adb4-b07b-4642-9c44-98beb898a1b5%2F0054;query=Id%3A%22chamber%2Fhansardr%2F843adb4-b07b-4642-9c44-98beb898a1b5%2F0053%22>.

^v *Matters of National Environmental Significance. Significant Impact Guidelines 1.1 Environment Protection & Biodiversity Conservation Act 1999*, Commonwealth of Australia 2009.

^{vi} We note there is a short industry-specific section on Mineral Exploration Activity, *ibid* p31.

^{vii} See ANEDO Submission to the Australian Government's Draft Energy White Paper (March 2012), available at http://www.edo.org.au/policy/120316draft_energy_white_paper.pdf.