



Committee Secretary
Senate Standing Committee on Environment & Communications
PO Box 6100
Parliament House
Canberra ACT 2600
By email: ec.sen@aph.gov.au

Dear Committee Secretary,

Re: Submission on the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012

We support the initiative to establish an independent panel to address the impacts of coal and gas mining on water resources, although we believe strongly that the Federal Government should go ahead and adopt full legislative powers over the impacts of mining on water resources under the EPBC Act 1999.

We provide the following comments on the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Mining Development) Bill 2012.

1. Committee Independence

We believe it is absolutely crucial that the Committee members are fully independent from coal and gas companies. Such independence can only be guaranteed if the members and/or their organisations do NOT receive research funding or other funding from such companies and do not have representatives from such companies on their board.

As per the ARC and APS conflict of interest policies, conflicts exist where it appears that individual private interests could improperly influence the performance of their duties and responsibilities whether or not this is, in fact, the case. Conflicts of interest include financial interests, including receiving recompense in the form of cash, services or equipment from outside bodies to support research activities or assessing tenders from companies in which they have an interest.

The independence of this committee is essential if it is to build community

confidence and bring any credibility or standing to its advice. We note the recent media coverage of the links between a number of members of the Interim Committee and the mining industry. This has a substantial negative impact on the standing of the Committee within the community. We propose that the Bill is amended to prevent experts with a conflict of interest from being appointed to the Committee.

To ensure that the independent experts selected are able to fulfil the expectations of them it is important that they receive remuneration at industry standard and have a minimum standing on the committee of 3 years. The independent scientists must also have access to the resources required to fulfil the committee obligations. We propose the following principles for the selection of the committee members:

- Security of tenure
- Decent resources
- Industry standard remuneration

It is essential that this selection process be open and transparent.

Once the committee has been established, in order to protect the independence of the Committee, we believe it would also be advisable for the Bill to require a public register to be kept of all contacts between the Committee, its members and the coal and gas industry.

We are concerned that there is no direct way for the community to engage with the Committee. We would recommend that there is a transparent stakeholder process identified to enable such engagement.

2. Committee Expertise

The interim Committee is notably missing substantial expertise in ecology and agriculture, as well as the intersection between water resources and biodiversity issues. We believe such expertise is necessary to properly implement the requirements of the National Partnership Agreement with regard to both bioregional assessments and assessments of likely significant impact on water resources of projects that are referred to the Committee. We do not believe it is appropriate to constitute a Committee under the Environment Protection and Biodiversity Conservation Act 1999 that does not include ecological expertise as a requirement. We believe the Bill should specify required expertise and that this should include an ecologist, eco-toxicologist and an agricultural scientist.

3. Timeframes for Committee Considerations

We note the timeframe within the EPBC (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012 for consideration by the Committee on a proposal of a maximum of 2 months. We believe this is insufficient to conduct the analysis that is required and believe it should be extended to 6 months at least. In order to prevent time constraints leading to advice provided without full scientific certainty, we recommend that the Bill includes a requirement that the Committee adopts the precautionary principle in the event of any

uncertainty.

4. Publication of the Committees Advice

We believe that there need to be strict requirements contained in the Act to ensure that the Committees advice is made publicly available in a timely manner. In particular, it should be specified that the Committees advice on specific projects will be made available to the public at the same time that it is provided to either Government (state or federal). Similarly, bioregional assessments should be released to the public at the same time as they are provided to Government.

5. Moratorium Until Committee Work Completed

We recommend a moratorium on developments until the Committee has completed regional scale water assessments for areas subject to coal seam gas and coal mining and bioregional assessments which are both required under the National Partnership Agreement.

A moratorium would be in line with 'no regrets' approach listed in the scope of works for the Committee Terms of Research. Any research and findings by the panel must be made publically available, including research conducted on an as-needs basis.

6. Water Resource Regions

Bio-regions are regions that have been developed to encompass areas that contain similar biodiversity attributes. However, there are numerous different bio-regions within the Great Artesian Basin and the Murray-Darling Basin.

To properly assess the likely cumulative impacts of coal and gas mining on water resources we recommend that there is a full analysis conducted of projected water resource impacts across key Basins in their entirety - most notably complete modelling and impact assessment is required for both the Great Artesian Basin and the Murray-Darling Basin. More detailed assessments and multi-layered modelling should also be conducted across each river catchment.

The Bill should ensure that there will be proper, Basin-wide assessments conducted for both the Murray-Darling Basin and the Great Artesian Basin given their national significance.

7. Bioregional Assessments

We believe that bioregional assessments have an important role to play in providing information that is relevant to the Minister for Environment in relation to cumulative impacts on matters of national environmental significance, including those that do not relate to water resources.

We believe it is highly problematic that the structure of the Bill attempts to constrain the advice provided by the Committee only to matters that may have a significant impact on water resources, not on other matters of national environmental

significance. Given that the Federal Minister, and the EPBC Act 1999, only have a statutory role in relation to MNES and not in relation to water resources, it is a bizarre construction that designs a Committee to give advice only on matters for which the Minister does NOT have responsibility and effectively ignores those for which he does.

There is no reason why the Committee should not advise the Minister on the cumulative ecological impacts from large coal and gas mining, particularly as it relates to MNES. For example, in the Namoi Catchment the cumulative impact of large coal and gas mining will involve clearing of large areas of critically endangered Box-Gum woodland, yet there is no process for the Minister to properly assess that impact nor to obtain independent advice on it. Given that this is a statutory role, which the Minister does not actually have for water resources, we believe it should be given statutory standing in the activities of the IESC.

We believe the Minister should use an expanded IESC, with ecological expertise added, to get independent advice on the cumulative ecological impacts on MNES from coal and gas mining and that bioregional assessments should be properly assessing the likely impacts of coal and gas developments on all MNES. We suggest that appropriate amendments are made to the Bill to achieve this.

8. Guidelines developed by the Committee

The preliminary minutes released, and work priorities developed, by the Interim Committee suggest that the final IESC will be producing guidelines for modelling and assessment of water resources and other matters. The Bill should provide a process to ensure that these guidelines have statutory standing and that their adoption by proponents and state governments can be enforced.

Yours sincerely

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