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Committee Secretary
Senate Standing Committees on Rural Affairs and Transport
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CCA submission regarding the *Environment Protection and Biodiversity Conservation Amendment (Protecting Australia's Water Resources) Bill 2011*

Cement Concrete & Aggregates Australia (CCA) wishes to support the submission made by Holcim Australia to the Department of Primary Industries on the issues register for Stage 2 of the review of the Mineral Resources (Sustainable Development) Act 1990 and ideas for the relevant discussion paper.

Introduction

Cement Concrete & Aggregates Australia is the peak industry body for the heavy construction materials industry in Australia, including the cement, pre-mixed concrete and extractive industries.

CCA's 70 member companies, which include major national companies such as Holcim Australia, Boral, Hanson, Barro Group, Cement Australia, Adelaide Brighton and Rocla account for approximately 90% of the \$7.21 billion in revenues generated by these industries that, between them, employ 18,000 Australians directly and a further 80,000 indirectly.

CCA members operate the rock quarries, sand and gravel extraction sites, cement production and distribution facilities and concrete batching plants throughout Australia. There are approximately 2,200 quarries operating across the country that produce some 130 million tonnes of stone, limestone, gravel and sand used to produce building and construction materials such as cement, concrete, bricks, tiles, pavers and roads paving. The revenue generated by these quarries is estimated to be \$1.63 billion per annum.

The industry also produces 8.9 million tonnes of cement and 23.9 million m³ of pre-mixed concrete, with a turnover of approximately \$5.58 billion per annum. Further value is added through the manufacture of concrete products and provision of concrete services.

CCA members service local, regional and national building, construction and infrastructure markets. The reliable and cost-effective supply to these markets is fundamental to sustainable growth and it is CCA's aim to promote policies and planning frameworks that recognise the importance of the materials to Australia's sustainable future.

CCAA Comments

Like Holcim, CCAA is concerned that mining operations & extractive industries would be dealt with in the same manner under the Water Resources Bill.

Mining operations & extractive industry operations result in fundamentally different environmental impacts, due mainly to the fact that quarrying has a significantly smaller footprint than mining activities. For example an average coal mine in Australia produces about 5 million tonnes per annum, with a large coal mine in the order of 10 million tonnes per annum - whereas an average hard rock quarry produces only about 500,000 tonnes per annum – ie. one-tenth to one twentieth the volume and without the environmental impacts of mining operations.

Extractive industries:

- do not use of the same quantities of water for their operation as mining operations;
- do not involve damage, contamination, depressurization or other affects on groundwater
- do not involve impacts on surface water sources such as mine seepage, salinisation, decreased flows and various downstream impacts.

Holcim has pointed out that Schedule 1 and 2 of the *Mining Regulation 2010* in NSW defines 'minerals' specifically thereby excluding the vast majority of extractive materials.

Similarly the Victorian Mineral Resources (Sustainable Development) Act 1990 defines minerals and extractive materials separately ie.:

Mineral means any substance which occurs naturally as part of the earth's crust—

(a) including—

(i) oil shale and coal; and

(ii) hydrocarbons and mineral oils contained in oil shale or coal or extracted from oil shale or coal by chemical or industrial processes; and

(iii) any substance specified in Schedule 4;

(b) excluding water, stone, peat or petroleum;

SCHEDULE 4

MINERALS

1. Bentonite.

2. Fine clay.

3. Kaolin.

4. Lignite.

5. Minerals in alluvial form including those of titanium, zirconium, rare earth elements and platinoid group elements.

6. (deleted)

7. Quartz crystals.

8. Zeolite.

Stone means—

(a) sandstone, freestone or other building stone; or

(b) basalt, granite, limestone or rock of any kind ordinarily used for building, manufacturing or construction purposes; or

(c) quartz (other than quartz crystals); or

- (d) slate or gravel; or
- (e) clay (other than fine clay, bentonite or kaolin); or
- (ea) peat; or
- (f) sand, earth or soil; or
- (g) other similar materials

In Queensland, mining is treated differently in the Environmental Protection Act 1994 - it has a different regulatory and application process to other industrial activities - including quarrying. Mining also has sector specific legislation the Mineral Resources Act 1989 and Petroleum and Gas Act 2004 respectively where Queensland Mines and Energy (QME), within the Department of Employment, Economic Development and Innovation, is responsible for the granting and administration of mining and petroleum tenures.

Quarrying in Queensland is also regulated through the Environmental Protection Act 1994, but unlike the mining industry, the planning and development processes are regulated through the Sustainable Planning Act 2008. Local Government authorities are the decision-makers on a new quarry application.

In conclusion CCAA strongly supports Holcim's submission that the Water Resources Bill should treat '*extractive industries*' (involving the extraction of rock, sand, gravel and soil and other natural, non-toxic, non harmful materials) differently to '*mining operations*' (involving the extraction of coal, petroleum, hydrocarbons, uranium, and other potentially toxic and harmful materials).

As noted above, planning and environmental approvals in respect of extractive industries are already regulated in an appropriate and sufficient manner under State legislation.

We recommend that the Water Resources Bill, '*mineral*' is more specifically defined to include the extraction of coal, petroleum, hydrocarbons, uranium, and other potentially toxic and harmful materials and does NOT include extractive materials.

We are willing to provide further details if required.

Yours sincerely

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Cement Concrete & Aggregates Australia