

15 December 2011

Dr Jeanette Radcliffe  
Committee Secretary  
Senate Standing Committees on Rural Affairs and Transport  
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Canberra ACT 2600  
Australia  
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Dear Dr Radcliffe

**RE: INQUIRY INTO ENVIRONMENTAL PROTECTION AND BIODIVERSITY  
CONSERVATION AMENDMENT (PROTECTING AUSTRALIA'S WATER  
RESOURCES) BILL 2011**

The National Farmers' Federation (NFF) welcomes the opportunity to make a submission to the Rural Affairs and Transport Committee's inquiry into the *Environmental Protection and Biodiversity Conservation Amendment (Protecting Australia's Water Resources) Bill 2011*.

The NFF notes that the Bill provides that mining and coal seam gas operations require Commonwealth approval if they will have, or are likely to have, significant impact on the quality, structural integrity or hydraulic balance of a water resource.

The NFF notes that this Bill is very similar to the Environment Protection and Biodiversity Conservation Amendment (Mining, Petroleum and Water Resources) Bill 2011 tabled by Independent, Tony Windsor MP, in the House of Representatives. The primary difference between these Bills is that the latter proposes a mechanism for State/Territory Government assessment under this trigger whereas the Senator Water's Bill does not.

The NFF does not support this Bill.

Many farmers believe that this Bill may benefit farmers, but like the Windsor Bill, the NFF is concerned that it also poses a potential threat to the agricultural industry in the longer-term. The NFF has debated both the Windsor and Water's Bills through two Committees and one Taskforce and then again at the NFF Members' Council. Ultimately the decision of our members was not to support the Bill for a number of reasons.

Firstly, the NFF has a major concern about the potential ramification of this Bill on agriculture under the EPBC Act. The Bill, as it currently stands, propose tightening of water restrictions for mining and petroleum companies under the Act. The NFF is concerned that in the future, these restrictions could easily be legislated across the board – meaning that farmers

could in fact have additional restrictions in accessing water under the Act. While many farmers may have “nominal” exemptions under the EPBC Act, the onus on proof of these exemptions remains with the farmer. It is unlikely that stock and domestic users, for example, could demonstrate that they have an “approval” for stock and domestic bores.

Secondly, the NFF is concerned about the possibility of setting a precedent in this Act to target a trigger for an industry, rather than an environmental matter. This precedent could see agriculture or other industries targeted in the future (rather than the environmental matter). This is a real and ongoing concern for the NFF.

Thirdly, the NFF is concerned with the concept of the Federal Government coming in over the top and adding another layer of regulation and red tape for farmers. The NFF views the proposals for water triggers under the EPBC Act as a poor solution for what should be appropriate and better regulation at a State/Territory Government level for mining and onshore petroleum industries. The role of the Australian Government is to ensure consistency of legislation across the country.

In that context, the NFF has welcomed recent announcements by the Prime Minister to establish an independent scientific committee backed by \$200M (including \$50M for bioregional assessments in priority catchments) to provide rigorous scientific analysis into matters affecting CSG, and for its findings to be used to underpin regulatory improvements at a State level.

In addition, the NFF supports the announcement on 9 December 2011 by the Minister for Resources and Energy on behalf of the Standing Council on Energy and Resources to develop and implement a harmonised framework for coal seam gas to address water management, multiple land use framework, best practice standards and co-existence.

The NFF will continue to work constructively with the Australian Government to ensure improved outcomes around mining and onshore petroleum.

The NFF position in not supporting the Bill was made after very careful consideration of the impacts of such proposed legislation on farmers and the agricultural sector across Australia both now and in the future.

For further information regarding the NFF views on this matter, please contact the NFF Natural Resource Manager, Deb Kerr.

Yours sincerely

**MATT LINNEGAR**  
**Chief Executive Officer**