

LOCK THE GATE ALLIANCE

AUSTRALIANS WORKING TOGETHER TO PROTECT OUR LAND, WATER, AND FUTURE 

Reply to: Georgina Woods
Policy Coordinator
PO Box 290
Newcastle 2300

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Committee Secretary
Senate Standing Committees on Environment and Communications
by email: ec.sen@aph.gov.au

Submission: *Landholders' Right to Refuse (Gas and Coal) Bill 2015*

Thank you for the opportunity to make a submission to Committee's inquiry into this Bill.

Lock the Gate Alliance is a unique national coalition of farmers, Indigenous Traditional Owners and conservationists uniting with urban residents to protect land, water and communities from unsafe coal and gas mining. We have over 245 member group nationwide and more than 40,000 supporters.

We thank Senator Waters for her continued advocacy regarding coal mining and coal seam gas, and the impacts it has on the environment and on communities affected by them. We are also grateful to Senator Waters for tabling this Bill, and providing a forum for the issues that it raises to be discussed in the Federal parliament.

Lock the Gate Alliance supports the provision of a power for landholders to veto coal and gas mining on their land, a power which is currently not provided by law in any of the States where large scale coal and unconventional gas mining is taking place or proposed.

Therefore, we support the premise of the Bill, although we believe that the power of veto should properly sit with the states, and it is the consistent failure of the state legislatures that has necessitated this kind of legislative proposal at a Federal level.

The obvious conflict of interest between state royalty income on one hand and the states' duty to regulate to protect the environment and community on the other, renders it unlikely that states will ever uniformly provide veto rights for landholders.

Without the power of veto, gas and coal companies have an unfair advantage in any negotiation over land access. The power of the gas mining corporation is deliberately and unfairly improved by state jurisdictions at the expense of the landholder, the environment and the community.

Veto powers can be provided to landholders at a Federal Level and it is appropriate that the Commonwealth Corporations power is used to enable this proposed legislation due to the power imbalance.

In addition to providing a basic veto right to landholders, we consider that it is also essential that communities have a say in the future of their local environments. The impacts of uncontrolled coal and gas mining are felt heavily in local communities, and the social and environmental costs are

often very high on a whole community, and not confined to individual landholders. Therefore, we believe an important corollary to the measures provided by this Bill is to include measures to allow communities to veto unwanted or risky coal and gas mining - via either a citizens referenda or plebiscite, or some similar approach.

We also believe it is crucial that improvements are made to relevant Federal environment and heritage laws to better prevent the degradation of land, water and other natural resources by mining interests, and thus to properly protect the broader public interest.

For example, there are water resources that are of continental scale and significance, such as the Great Artesian Basin, which should be properly conserved at a national level by the Commonwealth, since the states, local governments and individual landholders and companies cannot be expected to take a broad perspective on their own use of such a resource.

Other examples include:

- Matters of national heritage, including the outstanding ancient natural and cultural heritage of indigenous Australia, which is, again, being degraded by coal and gas mining to the impoverishment of the entire country.
- Matters of national environmental significance, including those matters inadequately protected by the Environmental Protection and Biodiversity Conservation Act such as World Heritage areas and nationally threatened wildlife, but also national landscapes and the national reserve system and
- Climate change mitigation, which is an effort to which the States, local Government, individuals and corporations can all contribute, but which would be more efficiently and consistently done with Commonwealth leadership.

Thank you again for the opportunity and impetus to explore these issues, which are of profound importance to the communities in which Lock the Gate Alliance works.