



4 April 2013

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

Dear Secretary

**Environment Protection and Biodiversity Conservation Amendment Bill 2013**

Thank you for the opportunity to provide a submission to the Senate Standing Committees on Environment and Communications inquiry into the “Environment Protection and Biodiversity Conservation Amendment Bill 2013” which seeks to create a matter of national environmental significance (MNES) for coal seam gas and large coal mining developments which are likely to have a significant impact on a water resource.

The Association of Mining and Exploration Companies (AMEC) is the peak national industry body for mineral exploration and mining companies within Australia. The membership of AMEC comprises over 360 explorers, emerging miners and the companies servicing them.

AMEC’s strategic objective is to secure an environment that provides clarity and certainty for mineral exploration and mining in Australia in a commercially, politically, socially and environmentally responsible manner.

AMEC does not support the Environment Protection and Biodiversity Conservation Amendment Bill 2013 (the Amendment Bill). The Amendment Bill effectively adds another duplicative regulatory layer to environmental approvals and assessments for the coal seam gas and coal mining industries.

AMEC is satisfied that the current state and territory-based regulatory arrangements are adequately addressing the interaction between minerals, coal and coal seam gas exploration, mining and extraction and water resources. Commonwealth regulation in this area is unnecessary and unwarranted.

The management of water resources is predominantly a responsibility for the States and Territories and not the Commonwealth. AMEC is of the view that the status quo should remain. Furthermore the existing regulatory frameworks, skills and local knowledge and experience currently reside in the states and territories regulatory agencies and therefore there is no need for Commonwealth regulatory duplication. This expertise is recognised through the current arrangements between the states and territories and Commonwealth governments.

**Association of Mining and Exploration Companies**

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AMEC is cognisant of the considerable debate currently occurring around the Australian coal seam gas and coal mining industry. However, the nature of coal seam gas and coal mining makes it a regional and geological specific issue. Nonetheless, this Amendment Bill has significant national implications because it creates a precedent for which other industries could be included under the EPBC Act.

AMEC is extremely disappointed with the breakdown in the negotiations of the bi-lateral arrangements between the Federal and State / Territory Governments. This was an opportunity to remove duplication between the federal and state and territory assessment and approval processes that delay and add costs to projects. Streamlining approvals processes is not about reducing environmental protection in any way, but doing things better with the available resources, that is, increase the efficiency and effectiveness of the regulatory system in order to improve its overall productivity. At present there is a duplication of regulatory effort without a requisite increase in the environmental benefit or protection.

AMEC notes that this Amendment Bill has been granted an exemption from the regulatory impact statement requirements by the Prime Minister. The Productivity Commission in its November 2012 report which benchmarked all Australian government's regulatory impact analysis processes provided some key points of relevance to this Amendment Bill<sup>1</sup>. The Productivity Commission reported that the number of exemptions provided to key areas of policy areas with 'highly significant impacts' was undermining the regulatory process. The Prime Ministers exemption of the Amendment Bill provides a case in point of disregard of good policy development and regulation. AMEC strongly recommends that a regulatory impact statement should be publicly released.

If you require any further information on the contents of this letter please do not hesitate to contact me direct. Should the Committee wish I am available to appear at any public hearings that may be held.

Yours sincerely

**Simon Bennison**  
Chief Executive Officer

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<sup>1</sup> [www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0003/120675/ria-benchmarking.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0003/120675/ria-benchmarking.pdf)