

Committee Secretary
Senate Standing Committees on Environment and Communications
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Parliament House
Canberra ACT 2600
Australia

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Re: *The Environment Protection and Biodiversity Conservation Amendment Act 2013.*

I commend the House of Representatives for passing what is an incredibly important and timely bill and I commend the Senate for opening up this bill for inquiry. I sincerely hope that through this process of inquiry that the bill will be clarified and strengthened to ensure our water resources, as we move into a period of increased and sustained extreme weather events including drought, heatwaves and bushfires, are guaranteed protection. I welcome the opportunity to provide comment on the EPBC bill. Please find my response below.

1) Activities that require Federal Government assessment and approval should extend beyond coal seam gas mining and large coal mining:

The Act should be expanded so that projects requiring Federal government assessment and approval include not only

- i) coal seam gas development; or
- ii) large coal mining development;

but also:

- iii) shale gas development; or
- iv) tight sands gas development; or
- v) any form of unconventional gas development that will have a significant impact on a water resource.

And, by corollary, it should be an offence to commit any of the above listed activities without Federal Government approval.

2) Clarification should be given to the words “significant impact” on a water resource:

At this stage it is incredibly vague and ambiguous as to what “significant impact” entails. According to the Department of Environment, Water, Heritage and the Arts “significant impact” guidelines “A *‘significant impact’* is an impact which is important, notable, or of consequence, having regard to its context or intensity”.

At this stage the Act does not define what an important, notable or of consequence impact means. In light of this lack of definition, I would define an important, notable or of consequential impact as one that contaminates, pollutes, depletes or renders a water resource as unusable for animal (including human), or environmental purposes, hence the need to include shale gas, tight sands gas or unconventional gas development above.

Impacts must take into account the changing climate, and hence the increase in extreme weather events. There is much evidence to show that the climate is warming, and with that will come more extreme weather events, more intense extreme weather events, and more sustained extreme weather events. It would be incredibly foolish to not take this into account when assessing the likely impacts of an activity on a water resource. Australia needs

to prepare for more droughts, heatwaves and bushfires. We need to not only conserve and protect our fresh water supplies, but we need to ensure our entire ecosystem is able to mitigate and adapt to climate change. If we weaken any point within the ecosystem (not just the water resource), we will fail to do this.

3) A “water resource” should be broadened to include water catchments:

A “water resource”, as defined by the Commonwealth Water Act 2007, includes surface water, ground water and watercourses. This *must* be broadened to include water catchments. A water resource is not in and of itself, it is part of a functioning ecosystem/s. Hence any impacts on a water resource, must also take into account the impacts on the surrounding catchments and ecosystem, and the chain of events that would ensue if the water resource was impacted. The bio-accumulative impacts of low amounts of toxins and chemicals on flora and fauna must be taken into consideration, such that “inconsequential” immediate impacts are viewed with the foresight that these impacts could escalate and magnify over time and over life cycles. An assessment of impact on a water resource should include the surrounding and underlying geology and the impacts polluting, contaminating or depleting the water would have on this geology.

4) This Act should remain within the powers of the Federal Government:

The recent information regarding the NSW and QLD state government’s handling of issues related to coal seam gas, including the Ian MacDonald/Doyle Creek case and the QLD Government/Santos/QGC case, are evidence that the State Governments are unable to carry out the task of protecting our land, water, air or health. Campbell Newman’s recent statement that the states have the right to seek competitive advantage over one another, calls into question the lengths to which State Government have and will go to make money, at the expense of our water, land, air, and health. Therefore, it is the responsibility of the Federal government to ensure these are protected. This is a government that exists to represent and work for its electorate, not foreign owned industry, as such, our people, our land, our water and our air should be protected.

Conclusion:

Overall, it is of great surprise to me that water, as a resource, is not already a matter of national environmental significance, particularly considering we are a drought prone country. Additionally, the right to water (including *access* to *clean* water) is a human right, and can’t be separated from an environmental right to water. If the environment is not functioning, humans will not function, it is as simple as that. I urge the Senate to carefully consider this Bill and the consequences that will follow if water is not protected. We have the opportunity to get this right, so lets work to ensure this happens.

Sarah Gaskin