

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra, ACT 2600
Via email: ec.sen@aph.gov.au

4 April 2013

Submission to the Senate inquiry into the Environment Protection and Biodiversity Conservation Amendment Bill 2013.

Dear Secretary,

The Nature Conservation Council of NSW (NCC) welcomes the opportunity to provide comment to the Senate inquiry into the Environment Protection and Biodiversity Conservation Amendment Bill 2013 (the Bill).

NCC is the peak environment group for NSW, representing more than 100 community environment groups across the state. We have long-standing experience in state environmental planning and assessment law, and feel strongly about the role of the Federal Government in environmental regulation.

Unrestrained coal and coal seam gas development poses unacceptable threats to public health, drinking water supplies, land, wildlife and existing rural industries. Federal assessment of water resource impacts from coal mining and coal seam gas projects is an important step towards increased safeguards for our critical water resources. NCC supports amending the *Environment Protection Biodiversity Act 1999* to empower the federal government to protect water resources from destructive coal and coal seam gas developments.

However, we have concerns that the Bill is missing critical elements that will limit its ability to provide effective protection for our water resources and other environmental assets from coal mining and gas development.

We urge the Senate to make these changes to the Bill to ensure our critical environmental assets are protected over the long-term.

Amend the EPBC Act to remove the provisions that enable the delegation of federal decision-making powers under the Act to the states for all matters of national environmental significance, not just our water resources.

There needs to be national leadership on national environmental issues. Our rivers, critical ecosystems and endangered species do not adhere to state borders, so only the federal government can properly consider national or cross-border issues and make decisions in the national interest. This is why the EPBC Act focuses on matters of national environmental significance – they are matters that by their nature should be considered and protected at the national level by the national government.

History has shown federal oversight on matters of national environmental significance provides critical protection for Australia's lands, water and threatened wildlife. Ill-conceived development proposals, supported by state governments, have threatened Australia's natural heritage several times in the past, prompting the federal government to step in to prevent irreversible harm.

Removing the approval bilateral provision for water resources is a sensible move to ensure this policy is effective over the long-term, but raises the issue of why the Bill includes this oversight for our water resources but not other matters of national environmental significance. If this safeguard is needed to protect our water resources from inappropriate development proposals supported by the states, it is also necessary for all matters of national environmental significance protected under the EPBC Act.

The rapid expansion of mining and coal seam gas industries across the country has already polluted rivers, depleted groundwater, and contaminated wetlands. In order for the Bill to adequately reduce the impact on the environment and communities, such as Camden and Gloucester in NSW, the broad provisions that allow numerous projects to be exempted from the rules must be removed.

There are exemptions currently contained within the Bill that would allow several major projects to proceed without full and proper consideration of their impact on water resources. Exclusions include any project that has been deemed not a controlled action for other provisions and any development for which the IESC has already given advice to the Minister. Furthermore, the meaning of Section 22 (2e) remains unclear, but it has the potential to exempt most existing applications from the water resource trigger. The changes should apply to all current applications that are likely to have a significant impact on water resources.

In order to protect communities across Australia the Bill should cover all unconventional gas mining, including shale gas and tight gas. These forms of gas development pose the same risks to water resources and communities in Western Australia, South Australia and the Northern Territory and are not regulated under the Bill. All sectors of the gas industry should be equally regulated to avoid a patchwork of regulation that leaves large sections of the country at risk.

Coal mining threatens Sydney's drinking water catchment and communities across the country. The Bill should be amended to cover unconventional coal mining, including underground coal gasification. There are new coal mining techniques that represent a serious threat to water resources, which will not necessarily be captured by the scope of the Bill. The definitions need to be amended to ensure that all unconventional coal mining methods, including the extremely risky process of underground coal gasification, are covered by the Bill.

NCC supports the Environment Protection and Biodiversity Conservation Amendment Bill 2013 that will ensure that the Federal Government will have an important role in protecting Australia's critical water resources for this and future generations. We urge the Senate to improve the bill as outlined above to ensure our environment and all communities are protected from harmful mining and gas development over the long-term.

Yours sincerely,

Pepe Clarke
Chief Executive Officer