



## The Hon Peter Garrett AM MP

Minister for Environment Protection, Heritage and the Arts

C10/11839

Mrs Julia Irwin MP  
Chair  
Standing Committee on Petitions  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

15 JUL 2010

Dear Mrs Irwin

Thank you for your letter of 12 May 2010 (your ref 183/287) regarding a petition on the potential environmental impact of coal mining. You mentioned that the petition has recently been the subject of a public hearing on 7 April 2010, and that the Standing Committee on Petitions expressed interest in my response to it, given my portfolio responsibilities. The issues raised in the petition primarily relate to impacts on agricultural land in the Liverpool Plains area.

The Australian Government is committed to considering the long-term economic, social and environmental implications of mining activity in Australia, including coal mining, where these actions impact on matters within the Commonwealth's jurisdiction.

As part of this commitment, the Minister for Climate Change, Energy Efficiency and Water, Senator the Hon Penny Wong, announced on 2 December 2008 that the Australian Government would contribute one-third of the cost, up to \$1.5 million, towards a study into the surface and groundwater resources of Namoi Valley area. I am advised that discussions are still being held with the New South Wales Government regarding the balance of the funding.

Mining activities on agricultural land, such as the Liverpool Plains, are primarily assessed and regulated under state government legislation, including through provisions of the NSW *Environmental Planning and Assessment Act 1979*. As the federal environment Minister, I do not have power to regulate impacts on matters such as agricultural land or human health. These matters are the responsibility of the State to consider during any State assessment and approval process.

My jurisdiction arises if an activity is likely to have a significant impact on one or more matters of national environmental significance (NES) as defined under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Matters of NES include: World Heritage properties, National Heritage places, wetlands of international importance, nationally listed threatened species and ecological communities, listed migratory species, the Commonwealth marine environment, the Great Barrier Reef Marine Park, and nuclear actions, including uranium mining.

It is the responsibility of the person proposing a mining activity to carefully consider the likely impacts on matters of NES. If there is any such likelihood, the proponent must refer the proposal for a decision under the EPBC Act. To date, no referrals have been received under the EPBC Act for mining or exploration in the Liverpool Plains. Three referrals have been received for mining in the general area (one near Narrabri, one near Boggabri, and one north of Gunnedah), however these are not in the prime agricultural areas of the Liverpool Plains. As with all referrals made under the EPBC Act, any referral for mining in the Liverpool Plains would be carefully considered for its impacts on matters of NES, and my decision would take account of any public comments as well as economic and social matters.

Thank you for writing on this matter.

Yours sincerely

**Peter Garrett**