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New South Wales Parliament Legislative Assembly

Mining and Petroleum Legislation Bills 2015

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I speak on behalf of my community, the Blue Mountains community, about the package of bills before the House relating to the Government's proposed changes to the administration of the mining and the petroleum industries in New South Wales.

The Blue Mountains electorate is unique. It is unique as the interface between metropolitan Sydney and the Central Tablelands region and it is unique because we are a community with World Heritage listed national parks on our doorsteps, at the ends of our streets and surrounding us.

For those reasons the Blue Mountains finds itself in a state of tension, with competing and drastically contrasting pressures from the east and the west.

On one hand, Sydney's urban sprawl threatens to swallow sections of the lower mountains and transform us, with the assistance of indifferent planning bureaucrats, into just another collection of Sydney suburbs.

On the other hand, the interests of big mining companies to our west have been pandered to by successive governments, and the rich biodiversity and World Heritage status of the Blue Mountains are threatened by environmental catastrophes such as that which occurred recently at the Clarence Colliery.

Moreover, until recently coal seam gas mining licences, such as petroleum exploration licence [PEL] 2, were allowed to hang over our community, threatening our local environment and our community's coveted way of life.

I will focus today on that aspect of this package of bills.

I reiterate what I have been saying since 2011: When Labor was in government, we got it wrong on coal seam gas [CSG].

I have been campaigning alongside community activists throughout the mountains to ensure that not only do we protect the Blue Mountains from dangerous, unsafe CSG extraction but also we enact a statewide moratorium on coal seam gas exploration.

This was Labor's policy at the last election and it remains Labor's policy today.

I am concerned that while the Government has made tokenistic attempts to produce legislation that meets the recommendations of the NSW Chief Scientist and Engineer, these bills represent fiddling at the edges while allowing the dangers, risks and damage caused by coal seam gas, longwall and open-cut mining to continue unabated.

For example, the Mining and Petroleum Legislation Amendment (Land Access Arbitration) Bill 2015 seeks to improve the balance of power between landowners and the mining industry but, lamentably, perpetuates the untrammelled access that mining companies have long had, allowing them to march onto prime agricultural land for CSG exploration and extraction.

While compensation for such land access will become mandatory, landowners who choose to "lock the gate" will still find themselves under siege from big mining companies and their industry stooges within the Liberal and National parties.

Environmental and conservation groups remain underwhelmed by this Government's response to the report of the Chief Scientist and Engineer.

I am not a scientist but I am a conservationist. I defer to the expertise of specialists in this field and take at face value the recommendations they have made.

I reiterate the calls by the Lock the Gate Alliance for the Government to adopt recommendations such as the need for a world-class CSG extraction regime, a standing expert advisory body and the careful restriction of areas where CSG extraction and exploration is allowed to occur.

I reject the claims by the Minister for Industry, Resources and Energy that he and the Baird Government have demonstrated any understanding of the risks of CSG.

While he may boast of the Government's recent exploration licence buybacks, we all know that this process has been driven by industry, not by some act of benevolence or insight on the part of the Baird Government.

If AGL had not shown an enthusiasm for selling back its licence to government, this buyback would probably never have occurred.

Mike Baird will never challenge the mining industry. He does not have the ticker for the big public policy debates that responsible governments must have in order to serve the best interests of the community.

Because of the gutlessness of the Baird Government, there is still no policy barrier to the reissue of the petroleum exploration licence [PEL] 2 for CSG exploration through the Blue Mountains.

It is unacceptable that the Baird Government has put this in the too-hard basket. It is a clear demonstration of the policy paralysis that grips this Government.

Labor, on the other hand, has a clear policy in place and legislation at the ready to protect our environment from coal seam gas. This takes the form of the Coal Seam and Other Unconventional Gas Moratorium Bill 2015, which is with our colleagues in the other place and was introduced by my friend from the Blue Mountains, the Hon. Adam Searle, shadow Minister for Industry, Resources and Energy, and Shadow Minister for Industrial Relations.

Not only does Labor demand an immediate statewide moratorium on coal seam and other unconventional gas exploration activities while environmental, scientific and regulatory design work recommended by the Chief Scientist and Engineer is implemented, we are also calling for immediate and permanent no-go zones.

Labor would implement these no-go zones in areas where large-scale industrialisation and its associated infrastructure are not, and never will be, appropriate.

This includes: core drinking water catchments; a two-kilometre exclusion zone around national parks; and a two-kilometre exclusion zone around residential areas, critical industry clusters and prime agricultural land.

On the Protection of the Environment Operations Amendment (Enforcement of Gas and Other Petroleum Legislation) Bill 2015, I still hold grave concerns for the environment while the Environment Protection Authority [EPA] lacks the legislative teeth it needs to enforce compliance with basic safety and environmental standards and protections.

My concerns on this front stem not from an example of the EPA's response to coal seam gas matters, but in fact from its handling of the recent disaster at the Clarence Colliery. This environmental disaster—on the doorstep of my electorate—has highlighted for me that we need an EPA that can ensure reckless operators are punished appropriately for breaches and are forced to restore immediately and thoroughly the environment where those breaches result in damage or disaster.

On a recent visit to the Wollangambe River with the Hon. Penny Sharpe, Shadow Minister for the Environment, and members of the Blue Mountains Conservation Society and the Colong Foundation for Wilderness, I saw first-hand the damage caused by the Clarence Colliery spill of coal fines into the Blue Mountains waterways.

While the EPA has boasted recently of its success in enforcing a clean-up, my personal experience showed that coal fines sludge is still prevalent throughout the river—so prevalent that it can be picked up by the fistful.

I remind the House that those waterways are within the World Heritage listed Blue Mountains National Park.

While changes to the legislation that govern the management of the EPA may be a first step in the right direction, I am keen to see a real commitment from the Government to giving the Environment Protection Authority some real teeth to

investigate and prosecute wilful or negligent breaches and to enforce complete and thorough clean-ups of environmental disasters such as those that have impacted the Blue Mountains recently.

I am not convinced that the legislation before the House achieves this. It does not go far enough.

To that end, I encourage the Minister and the Government to work across the political divide and to enact meaningful change to protect the environment and our communities from the impact of mining generally and coal seam gas particularly.

I welcome the amendment bills.