



AUSTRALIA: OUR CALL TO COUNTRY

1. Put in place an urgent moratorium on coal seam gas and other unconventional gas mining

Stop processing any applications for exploration or production of unconventional gas under the *Federal Environment Protection and Biodiversity Conservation Act 1999*, until a rigorous scientific research program has been completed into its impacts on human health, water resources and the environment. This should include an assessment by the National Industrial Chemicals Notification and Assessment Scheme of all substances used in drilling and fracking fluids.

2. Use trade and commerce powers to create no-go zones to protect productive agricultural land, national tourism icons and all residential dwellings from coal and gas mining.

The Federal Government has constitutional powers to make laws with respect to trade and commerce and corporations and their export activities. These powers should be used to prevent export of coal or unconventional gas that has been obtained from productive agricultural land, national tourism icons or in the vicinity of human habitations. The latter should take the form of large buffer zones around all residential dwellings.

The powers could be enacted through the existing *Customs Act 1901*, related export laws or new measures. These powers have been used in the past to control some forms of mining, including to restrict sand-mining at Fraser Island. In that case, the High Court of Australia found that it was a legitimate use of Commonwealth powers to regulate trade and commerce in this manner.

3. Strengthen Federal environment laws to exclude coal and gas mining from important water sources, cultural heritage sites and sensitive environment areas.

The Federal Government has constitutional powers to make laws with respect to external affairs, including any matters protected by international treaties. However, both the Federal Government and the Federal Opposition have indicated their intention to weaken the power of the Federal *Environmental Protection and Conservation Act 1999* and hand over approval powers for large mining developments to state governments. This would dramatically weaken a legal system which is already inadequate.

Instead of weakening our environment laws, they should be strengthened to include a trigger for the protection of water resources and to require an upfront regional assessment of the cumulative impacts of coal and gas mining and the creation of exclusion zones for important water resources, cultural heritage sites and sensitive environment areas. Full approval powers should remain with the Federal Government.

4. Put in place appropriate national standards on coal and gas pollution and enforce compliance with them.

Current air pollution standards in Australia are implemented by an agreement under the Council of Australian Governments - the National Environment and Protection Measure for Ambient Air Quality ("NEPM"). Under this scheme the States are responsible for implementing measures to regulate 6 different air pollutants.

The number of pollutants regulated under the scheme is inadequate to cover many emissions from coal and gas mining and the standards set for pollution of small particulates are inadequate. The Commonwealth has no way of enforcing compliance with the scheme - in the Hunter Valley, for example, air quality standards are regularly exceeded due to coal mining without any penalties being imposed.

The Federal Government should develop a comprehensive set of national standards on air quality and incorporate them into the Environment Protection Biodiversity Conservation Act 1999. The standards would be binding on States and would provide the Federal Government with a role in ensuring compliance with them.

5. Stop using taxpayers money to provide handouts to big coal and gas corporations and make the miners pay their fair share in taxes

The Federal Government spends up to \$10 billion on subsidies to big coal and gas corporations each year. This funding is provided via the Fuel Tax Credits program which pays the diesel fuel bill for machinery and vehicles, and via accelerated depreciation for unconventional gas projects. Vast sums of public money are also injected into infrastructure projects for coal and gas developments - such as railway lines for coal transport and big dams to facilitate coal mine developments.

The Minerals Resource Rent Tax was introduced by the Federal Government and commenced in July 2013 with the aim of returning more of the enormous profits from coal and iron ore corporations to the public purse. However, the scope and design of the tax was manipulated so much by the miners themselves that instead of returning a forecast \$2 billion in first year revenue, it has only returned \$126 million in its first six months.

The mining tax should be fixed to make all of the major mining corporations pay their fair share and to return some of the wealth from the resources boom back to the wider community.

6. Reject current development proposals for coal ports, mega-mines, dams and coal seam gas wells in significant areas.

The Minister for Environment will soon have to make decisions on whether to approve or reject proposals for new coal ports in the Great Barrier Reef and the Hunter estuary, open-cut mega-mines in Central Queensland, a gigantic new coal-related dam on the Dawson River, and 8,000 new coal seam gas wells in Qld.

The Federal Government is already a decision-maker for most major coal and gas developments due to its existing powers under the Federal Environment Protection and Biodiversity Conservation Act 1999. So, the problem isn't a lack of power, it's a lack of courage. The Federal Government has never refused approval for either a single coal mine or an unconventional onshore gas field. It never says no. That has to change - balance means that some developments should not be approved, including the extremely harmful projects listed above.

7. Conduct research into greenhouse gas emissions from mining and make sure they are properly accounted and fully paid for.

The National Greenhouse and Energy Reporting Scheme (NGERs) is designed to provide data and accounting in relation to greenhouse gas emissions and energy consumption and production. However, a lack of real

data on fugitive emissions from coal and gas mining means that such emissions are not being properly accounted or paid for. Amendments are required to provide precautionary accounting, baseline monitoring and a rigorous independent research program.

8. Hold a Royal Commission to investigate the management of coal and gas resources by all Australian governments

The allocation of coal exploration titles in NSW by former Minister for Primary Industries Ian MacDonald has become the subject of one of the biggest corruption inquiries the country has ever seen. In Queensland, the fast-tracking of approvals for coal seam gas projects by the previous Labor Government has been referred to the Crime and Misconduct Commission.

It is apparent across all states that coal and gas corporations have a strong influence on decision-makers and that planning processes are heavily biased towards approval of projects. At the same time, the role of communities in decision-making has been dramatically reduced. A Royal Commission is urgently needed to investigate all aspects of the management of coal and gas resources by all Australian governments, both state and federal, and the relationships between governments and corporations.

Coal and gas corporations are having a major impact on the functioning of our democracies, and root and branch review and reform is needed to introduce the highest standards of independence, probity and transparency.