

SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XFQ4-G

Name

Adrian Ingleby

State or Territory

New South Wales

Areas of Interest

The objects of the Act; Outlined in attached report, but all of above.;

Attachment provided

Yes

Do you give permission for your submission to be published?

Yes - with my name and/or organisation (if included)

SUBMISSION RESPONSES

This submission was provided as an attachment only. The attachment is provided on the following pages of this document.

Dear Professor Samuel and members of the Independent Review Panel,

1. This is my submission in regard to the 2019-2020 Independent Review of the Environment Protection and Biodiversity Conservation [EPBC] Act.

2. My submission will cover the areas of :

Is the EPBC Act sufficient to address future challenges?

What are the priority areas for reform?

What changes are needed to the EPBC Act? Why?

3. I reside on the southern edge of the Royal National Park, Sydney. The boundary line of the Woronora - Nepean water catchment “Special Area” is also only a few kilometres from my residence. In 2013 the NSW LNP government was in the process of evaluating an application by a gas mining company for an ‘extension of time modification’ in regard to their previously approved gas drilling exploration licence. The company had been given permission and planned to drill 15 coal seam gas exploration wells in our local water catchment “Special Area.” I and thousands of other ordinary people became alarmed and we joined together to fight the application to drill there. The Woronora - Nepean water catchment area supplies the people living in Sydney with their drinking water.

4. So that was the start of my learning curve in regard to state government and federal government interactions, their powers and their motivations.

5. My concerns in regard to unconventional gas extraction [coal seam gas/fracking] were and still are the extraction of massive volumes of groundwater [produced water], the contamination of groundwater and land, the depressurising of groundwater and aquifers, the production of many thousands of tonnes of waste salt [which cannot be adequately disposed of], fugitive emissions of methane gas [CH₄] a greenhouse gas, the adverse impacts to human and animal life and to ecosystems. The continuing long-term damage caused by the hidden web of underground leaking pipes that leak long after they have been capped and abandoned, which is irreversible. Additionally, any homes and farms near any gas-field become valueless. No person wants to live near a gas-field.

6. Initially I had a narrow focus which was solely on the proposed local gas-field, however, over the ensuing 7 years I read and researched more. Reports by reputable, qualified and respected climate scientists were published warning about the concept of ‘global warming’ and climate change [climate emergency /climate crisis] caused by carbon dioxide and other greenhouse gases and their ability to trap heat in the atmosphere. It has the potential for devastating impacts on planet earth and all life on it. The Intergovernmental Panel on Climate

Change (IPCC) also reported on the subject. Australia was a signatory to the Kyoto Protocol and is a signatory to the current Paris Agreement.

7. My fears about global warming lead to my adopting a wider focus. I am in my retirement years, so I am at the end of my life, but I want life on earth to thrive and move forward in a sustainable way, long after I'm gone. A desire for political power, economic growth, jobs growth and corporate success are not and should not be an excuse for anyone in authority being willfully blind to environmental threats and dangers thereby putting our planet at risk.

8. The Environment Protection Biodiversity Conservation Act is there to offer protection to the continent of Australia and everything living on it. However, with the present global warming climate threat, environment protection and biodiversity conservation should be the responsibility of every person, every government and every corporation throughout the world.

Background

National Electricity Market [NEM]

Electricity grid

9. The NEM covers the whole of the east coast of Australia from northern Queensland down to South Australia and up until about 10 years ago it was powered mostly by coal-fired generation. It is "centralised" in nature with transmission lines thousands of kilometres in length transferring the electricity from the coal-fired generators long distances up and down the grid to the states and territories. Coal is one of Australia's biggest exports. The burning of coal is emission intensive [CO₂ and dangerous particulate matter] and it poses a real threat to human health throughout the world.

Renewable Energy

10. A renewable energy revolution has been taking place over the past 10 years worldwide and over the next 30 years it will be grow into a multi-trillion dollar business as it is constructed and the old infrastructure is retrofitted.

11. This is renewable energy infrastructure that supplies free non-polluting energy without producing carbon dioxide during generation:-

Solar PV – house rooftop – factory rooftop – carpark rooftop

Virtual Power Plants – in front of meter and household behind the meter

Solar Farms

Wind turbines – onshore and offshore

Concentrating solar thermal – solar tower – parabolic trough [8 hours storage]

Electric vehicles and trucks – also powering homes and the grid

Microgrids – including community-based power generation

All of it firmed up with storage

Utility scale batteries [*cheaper than gas peakers & now replacing them*]

Household batteries

Pumped hydro

Hydrogen - made using renewable energy to power the electrolysers.

Silicon storage

Wave energy – tidal energy

Compressed air

Demand Response – paying big users to NOT use energy at certain times

12. All of the above systems are controlled by computers installed with “block-chain” technology [a ledger as used by bitcoin] which records the purchase, use distribution and sale of the electricity peer to peer etc., and reports on what power is available for use in real time. All of the major mining companies in Australia are now moving to power their off-grid mining locations with 50% renewable energy and they confidently claim that soon after it will be 80% or 90%.

13. Renewable energy backed up with battery storage is now cheaper to build than the old existing and any proposed new coal-fired generation projects. Renewable energy is cheaper to buy than coal-fired energy, even that from existing coal plants. Many of our coal-fired generators are near end of life and break down regularly, costing millions of dollars each year to maintain and repair.

14. In June, 2019 Audrey Zibelman the CEO of the Australian Energy Market Operator [AEMO], in regard to the energy transition said, “The fact of the matter is, it’s happening really fast. Everyone’s predictions around solar uptake, even the most aggressive ones, were below what it actually is.” She also said, “... We need to make sure it’s an orderly transition. This is a critical industry .. **If we get energy right, then our economy prospers. If we get it wrong, it suffers.**” CEO Zibelman calls the “*democratisation*” of the grid – one of the **four Ds** that will shape the future NEM, alongside *decentralisation*, *digitalisation* and *decarbonisation*. AEMO is drawing up an **Integrated System Plan (ISP)**, rather than an integrated grid plan, to reflect that over time, the ISP will by necessity consider a wide spectrum of interconnected infrastructure and energy developments including transmission, generation, gas pipelines, and distributed energy resources. Ref: Renew Economy, 12.06.2019 by Sophie Vorrath.
<https://reneweconomy.com.au/australia-has-to-look-forward-on-energy-says-zibelman-we-haveno-choice-20176>

15. An electricity grid powered by 100% renewables is possible and is on its way.

16. It stands out like dogs’ balls that “*if the climate change emergency was cancer, then renewable energy would be the cure*”

Other opinions on the economics of renewables

17. An article in Renew Economy by Michael Mazengarb on 19.03.2020 titled, “Government advisory body tells Morrison to lift his game on climate” <https://reneweconomy.com.au/government-advisory-body-tells-morrison-to-lift-his-game-on-climate-77650/> reports:- The Climate Change Authority has released a [new climate policy toolkit](#), updated following a destructive summer that saw large parts of Australia impacted by bushfires, which outlines how Australia can ensure its future prosperity by embracing low-carbon technologies and economic development, which could strengthen an Australian economy recovering from a series of disasters. Key amongst its recommendations are extending funding for the Australian Renewable Energy Agency and the Clean Energy Finance Corporation, tightening the so-called Safeguard Mechanism that is designed to restrict industrial emissions, and dumping the idea of using surplus Kyoto credits to meet its Paris targets. “The case for countries to move quickly to reduce climate change and adopt measures to build our resilience has never been stronger. The good news is the global shift to low emissions presents many opportunities for Australia,” CCA chair Dr Wendy Craik says.

18. The authority has also detailed how Australia can take advantage of an opportunity to become a leading global clean energy supplier, investing in emerging technologies that will allow Australia to tap into an export market for abundant wind and solar resources, including through the growth of a zero-emissions hydrogen fuel industry. “The Authority is firmly of the view that strong measures to tackle and prepare for climate change will enhance Australia’s economic prosperity. However, the climate is changing at an increasing rate and countries around the world are responding. **Australia must act now or risk being left behind,**” Dr Craik adds in a forward to the report.

19. An article in Renew Economy by Michael Mazengarb on 13.02.2020 titled, “RBA says climate change already having profound impact on Australian economy” <https://reneweconomy.com.au/rba-says-climate-change-already-having-profound-impact-on-australian-economy-38695/> reports:- Reserve Bank of Australia governor Philip Lowe told a gathering of economic and financial leaders in Melbourne on Thursday that while monitoring climate change was not part of the regulator’s core responsibilities, it has been forced to speak out due to the scale of the financial threat climate change posed. The RBA governor was speaking on a panel at the 7th Australia-Canada Economic Leadership Forum which was chaired by former treasury secretary and head of the department of prime minister and cabinet Martin Parkinson, and who also once served as the head of the department of climate change.

20. Lowe said that the Reserve Bank had been increasing its focus on understanding the impact climate change was having on the economy, and that it was becoming apparent that Australia was particularly exposed to new risks created by a warming planet. “The economic implications are profound. As the world is getting hotter, and the climates more variable, and we’re seeing already in Australia, perhaps more than anywhere else in the world, the effects of that, right now, we’ve got a drought that’s detracting this year a quarter of a per cent from GDP as it has for the last year.”

21. “Climate change is affecting the nature of production in Australia, the nature of investment, ultimately the nature of exports. At the moment, I think it’s affecting confidence of people, and therefore ultimately spending,” Lowe said. “It’s affecting the availability and pricing of insurance because of these extreme weather events, and it’s affecting how we generate and distribute power. So the economic effects of weather related events are really profound. So as the central bank, we’re trying to understand the full dimensionality of those effects.” As an immediate indication of the negative economic impact being caused by climate change, several of Australia’s largest insurance companies recording substantial revisions to their financial performance following a damaging Australian summer featuring fires, storms and flooding.

22. An article in Renew Economy by Sophie Vorrath on 13.03.2020 <https://reneweconomy.com.au/while-we-self-isolate-its-a-good-time-to-reflect-on-the-urgency-of-the-climate-crisis-40666/> reports:- As Australian governments scramble to formulate the appropriate response to the pandemic proportions of the Coronavirus, a new report from the Climate Council has reminded us of the burningly urgent need to address that other global crisis, climate change. The report, titled *Summer of Crisis*, says – unequivocally – that Australia’s devastating and unprecedented 2019-2020 bushfire season was fuelled by the climate impacts that are, in turn, being fuelled by the burning of coal, oil and gas.

23. The tourism sector alone, the report says, is set to lose at least \$4.5 billion because of the bushfires, and is estimated to have led to a 10-20 per cent drop in international visitors booking holidays to Australia. The smoke that blanketed Sydney, meanwhile, is estimated to have cost that city \$12-50 million per day, while more than 23,000 bushfire-related insurance claims lodged nation-wide have been totted up to an estimated total value of \$1.9 billion.

24. As for the carbon budget, that was blown out of the water with the fires estimated to have contributed between 650 million and 1.2 billion tonnes of CO₂ into the atmosphere – equivalent to the annual emissions from commercial aircraft worldwide and far higher than Australia’s annual emissions of around 531 million tonnes.

25. “Australia urgently needs a plan to cut our domestic greenhouse gas emissions to net zero and to phase out fossil fuel exports, because we are one of the world’s largest polluters,” the report says. “We are the 14th largest emitter of greenhouse gases globally and emit more per person than any other developed country. “We are also the third largest exporter of fossil fuels ... Clearly, what Australia does matters and the longer we delay, the harder the problem will be to solve. “We cannot call on other countries to take action if we fail to do so. We simply cannot leave this mess for our children to try to fix.” The report is particularly scathing about the federal Coalition government, which it says has ignored repeated warnings from scientists over at least a decade, and more recently from fire and emergency experts about impending bushfire disaster. “Taking action now will provide a chance to stabilise, then eventually reduce disaster risks for future generations.”

SO THEREFORE
OUR POLITICIANS
WOULD BE JUMPING TO RENEWABLES
AND
ABANDONING COAL AND GAS
TO
SAVE PLANET EARTH
WOULDN'T THEY?

A – NO
[not all of them]

Are politicians and political parties compromised?

A - “Yes”

Political Donations

26. The coal and gas lobby donate extremely large sums of money **equally** to the federal Liberal, National and Labor parties. The same lobby groups employ retired politicians as advisers or lobbyists and federal political staffers and fossil fuel industry lobby staff move seamlessly between jobs in the two separate areas. The same applies at a state level.

27. As a result the fossil fuel lobbyists have a very strong advantage and control over any government and opposition in promoting **their products**. And that is the reason that the present federal LNP are so pro-coal and gas and anti-renewables. They spruik terms such as “clean coal” and ‘baseload” and they attempt to blame any faults or breakdowns in the NEM [grid] on renewable sources of energy that they wrongly claim are not up to the job. Coal-fired generators break down very frequently during the hot days of summer, but they don’t talk about that.

So the problem is not political “ideology” - it is political “compromise”.

28. This discussion relates to the two major political parties as they are at this time, the only two political parties realistically capable of winning enough seats to form government at a federal and state level.

Where does the LNP federal government stand regarding energy policy?

29. The federal coalition is pro-coal and pro coal-fired generation. In 2017 Prime Minister Morrison who was then Treasurer held up a lump of lacquered coal in parliament and said, “Don’t be afraid, don’t be scared, it won’t hurt you. It’s coal.” Members of the federal coalition set up the “Monash Forum” to promote coal. They did not approve the National Energy Guarantee [NEG], nor accept the advice given by Chief Scientist Alan Finkel as a result of his enquiry. The coalition government claim that they want new coal-fired generation built in Queensland. Before the last federal election the coalition set up the Underwriting New Generation Investments Scheme [UNGI] which many suspect may be a vehicle to allow them to promote, support, and push through coal energy projects.

30. Prime Minister Morrison in January, 2020, offered Premier Berejiklian at least \$450m of federal grants and \$510m more of federal grants or loans for “NSW-based emissions reduction initiatives”, to be matched by \$1.01bn in direct funding from Gladys Berejiklian’s government. The deal is the first of a series of bilateral energy agreements between the federal government and its state and territory counterparts. Morrison told reporters in Sydney the \$2bn could be spent on “**clean technology**” including hydrogen research, energy efficiency measures, and “**coal innovation** to commercialise and employ technologies to reduce emissions from extraction, preparation and the use of coal”. Under the plan, the federal and NSW governments will jointly underwrite the delivery of HumeLink and the Queensland-NSW interconnectors to strengthen grid reliability. The NSW government **has committed** to facilitating investment opportunities to inject an additional **70 petajoules of gas a year into the east coast market** and to remove barriers to coal supply to the Mount Piper power station, which is **facing an acute shortage**. Berejiklian told reporters **the Narrabri gas project** – to drill 900 coal seam gas wells, including within the Pilliga state forest – “**may very well be**” the source of extra gas and “will meet” the requirement, although she noted the project is still subject to final approval.
<https://www.theguardian.com/australia-news/2020/jan/31/australian-prime-minister-scott-morrison-strikes-2bn-deal-with-gladys-berejiklian-nsw-to-boost-gas-supply>

Where does the federal Labor opposition stand regarding energy policy?

31. The federal Labor party talked big on taking “climate action” and supporting and promoting renewable energy during the May, 2019 federal election campaign. I am sure they want to. However, during the last two weeks of the campaign Bill Shorten announced via a media release that if elected federal Labor would fund a \$1.5 billion pipeline to move fracked gas across Queensland, Northern Territory, Western Australia and NSW., Fracked gas uses enormous quantities of water, risks permanently contaminating groundwater and produces large volumes of waste salt and fugitive methane gas. No doubt, the fact that the Queensland Labor government has many thousands of coal seam gas wells and the Northern Territory Labor government is in the process of allowing fracking to proceed in the NT., influenced Labor’s decision to fund the pipeline to carry fracked gas. So Opposition Leader Bill Shorten was looking after his two Labor Premiers and the gas lobby who made substantial donations in the year 2017to 2018 to them and the federal LNP. Imagine the positive impact that \$1.5 billion would have if it was invested in renewable energy infrastructure!

What is happening at a state and territory level?

32. South Australia under former Premier Jay Weatherill transitioned to renewables via solar and wind farms and supported the construction of the Tesla Big Battery at the Hornsdale Power Reserve. Surprisingly, Mr Weatherill also wanted to introduce fracking into South Australia.

33. The SA Liberal state government that replaced the Weatherill Labor government in South Australia have embraced renewable energy and are moving ahead with the transition to renewables in leaps and bounds.

34. The Labor Queensland state government support the fracking of the state but are also embracing renewable energy via solar and wind farms. Prior to the last Queensland state election Annastacia Palaszczuk supported the Adani Carmichael Mine project misleadingly claiming that it would produce 10,000 jobs [actually only about 1,490 jobs], then suddenly before election day she announced that she did not support the mine. She is now Premier of Queensland and she supports the Adani mine.

35. The present NSW Liberal / National Party government do not overtly display the pro-coal antics of their federal brothers and sisters as described in the paragraph 29 above, but they support the coal mining and export strongly.

36. The following was published in Renew Economy on 10.12.2019 by Michael Mazengarb and it reports on NSW Energy Minister Matt Keans stated support of renewable energy. <https://reneweconomy.com.au/nsw-energy-minister-to-renewables-opponents-enjoy-your-kodak-moment-70541/>

37. NSW energy minister Matt Kean believes it would be “negligent” to miss the economic opportunities that would be created through embracing renewable energy, telling those with **vested interests** in the fossil fuel sector to get ready to “enjoy their Kodak moment.” Speaking at the National Smart Energy Summit in Sydney, **Kean compared those who have chosen to oppose the transition to renewable energy and defend investments in the fossil fuel sector to that of Kodak, the film photography company that infamously end in bankruptcy, after it failed to prepare for the emergence of digital cameras.** “We cannot allow ideology and politics to get in the way of our clear path to economic prosperity, let alone the health of our planet to future generations of Australians,” Kean said. “To those with vested interest and ideologues, that want to stand in the way of this transition. I say, enjoy your Kodak moment, because the energy iPhone is on its way.”

38. “Taking action to reduce our emissions today is not about a cost that we’re morally obliged to pay. **It’s about taking an economic opportunity that we would be negligent to miss,**” Kean said. “We are already seeing mums and dads across the country installing solar panels on their roofs, not because it’s good for the environment, which it is, **but because it saves money on their bills.**” “It makes economic sense, but the opportunities that renewables provides households extends to every part of our economy, in how we fuel our cars, in how we manufacture steel. In how we produce cement, in how we power our ships that are the basis of trade all around the world. **All of that’s going to change because renewables offer nearly no-cost energy,**” Kean added.

39. Last month, the NSW government unveiled a new strategy for the electricity sector in the state, which included plans to establish Australia’s first coordinated renewable energy zone in central NSW and an expanded energy security target to drive investment in energy efficiency measures. NSW plans to establish a **3,000MW renewable energy zone** centred around Dubbo in the state’s central-west region, ensuring that the necessary enabling infrastructure including transmissions network infrastructure is built.

But in contrast to NSW energy minister Matt Kean's support of renewables

40. The NSW LNP government has supported and is pushing for the approval of the Santos Narrabri Gas-field - 850 well project [fracking / unconventional gas] which stands on top of the recharge area for the Great Artesian Basin.

41. In 2019 the NSW., Independent Planning Commission rejected the Rocky Hill and Bylong Valley coal mines in NSW., The IPC took into account the long-term environmental impacts and heritage and agricultural costs which would be borne by future generations. Additionally, when coming to the decision to reject the projects, it took into account the greenhouse gas emissions that would have been produced when the coal sold was burned by overseas customers.

42. In November, 2019 as a result of the IPC decision the NSW Minister for Planning of Public Spaces the Hon. Rob Stokes requested the Productivity Commissioner to conduct a review of the Independent Planning commission. The Productivity Commissioner found the IPC to be in the public interest and will remain the determining authority for contentious state significant developments and public hearings will be maintained, **but it did reduce its powers.**

43. The NSW government prepared a bill titled the Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019. The "Overview of Bill" states:-

"The object of this Bill is to prohibit the imposition of conditions of a development consent that purport to regulate any impact of the development occurring outside Australia or any impact of development carried out outside Australia."

44. So it is obvious that the NSW government has responded favourably to its coal donors by introducing this act of parliament in an effort to protect their expensive, toxic, polluting coal product by attempting to create a loophole in an effort to override the decision of the Independent Planning Commission and the courts. A NSW Parliamentary Inquiry relating to the Territorial Limits Bill was held on 06.02.2020, and a report will be issued soon.

[NSW mining bill 'ignores climate danger' - The Canberra Times](https://www.theguardian.com/australia-news/2020/feb/07/witnesses-fight-back-tears-at-nsw-inquiry-into-anti-climate-scope-3-emissions-law?CMP=share_btn_link)

https://www.theguardian.com/australia-news/2020/feb/07/witnesses-fight-back-tears-at-nsw-inquiry-into-anti-climate-scope-3-emissions-law?CMP=share_btn_link

45. It is clear that state and territory leaders can't say "No" to fossil fuel projects; pushed by their donors, as they will bring revenue to treasury and create jobs. Their actions are also payback to their donors for the financial support given to their political party.

46. Politicians should not be saying "Yes" to such projects, but should instead consider renewables, and they should examine the evidence and science and approve the projects that are best for Australia both economically and environmentally. The best projects are renewable energy projects which are non-polluting, job creating, that are actually cheaper to build than the fossil fuel alternatives. The cost of the renewable energy power to the consumer is also cheaper.

The Murray-Darling Basin River system

47. ABC Four Corners in July, 2017 aired a documentary titled, "Pumped" which reported on the alleged theft of water from the system by some but not all irrigators.

<https://www.abc.net.au/4corners/pumped/8727826>

48. Peter Hannam and James Robertson wrote an article in the Sydney Morning Herald on 25.07.2017 in regard to the program.

<https://www.smh.com.au/environment/nsw-ministers-call-for-urgent-overview-of-water-issues-lame-acf-says-20170725-gxhyb4.html>

49. Some of the allegations that alarmed me were:-

"The Four Corners report raised other issues including the

*apparent **gutting of a strategic investigations unit** set up in the wake of previous reviews by the state's ombudsman to strengthen compliance of water restrictions."*

And

*"The unit identified several cases by large cotton farming combines that **indicated billions of litres of water had been diverted into huge dams** at periods of low river flow even when major downstream centres, such as Broken Hill, were at risk of running dry."*

50. In 2018, a Royal Commission was commenced in the state of South Australia in regard to the management of the Murray-Darling Basin system.

51. An article published in the Sydney Morning Herald on 18.06.2018 by Peter Hannam, <https://www.smh.com.au/environment/conservation/fraud-sa-royal-commission-takes-aim-at-murray-darling-mismanagement-20180618-p4zm46.html> in part stated, "Richard Beasley, SC, the counsel assisting Commissioner Bret Walker, said the plan and its related water act had been set up "to fix a dying system that has had too much water taken from it and ... has suffered environmental degradation". However, the setting of water savings at 2750 billion litres a year - itself at the low end of scientists' estimates of what was needed - had been cut by supply measures that would not kick in for perhaps six years or longer, if at all, Mr Beasley said. Water savings, though, would take effect now. "That, in my submission, commissioner, is a policy that's a fraud on the environment," he said, adding it was "a fraud in a policy sense" rather than a criminal one, because the river was deprived of the water it needed.

52. It was reported, "Mr Beasley [SC] also highlighted **the failure of the plan to take into account climate change** even though the CSIRO had published details in 2008 how the basin would become hotter and drier over time. "Climate change presents challenges to the environment and to those who have the responsibility of managing the basin's water resources," he said. However, a decision was taken in the basin plan to ignore how climate change would affect the environmentally sustainable water take. While not unlawful in itself, the omission raised questions as to whether the plan had been based "on the best available science",

Mr Beasley said.” <https://www.smh.com.au/environment/conservation/fraud-sa-royal-commission-takes-aim-at-murray-darling-mismanagement-20180618-p4zm46.html>

53. The MDBA and the Turnbull government have sought an injunction to bar current officials from giving evidence to the royal commission. However, former officials have made submissions - or plan to - in order to shed light on how the 2750 billion litre-estimate and other details were calculated, particularly when others put the required water savings to restore the health of the system much higher.

54. In 2017 the Environmental Defenders Office raised issues in regard to pumping water from the Barka/Barwon-Darling River in 2016 with WaterNSW; based on information obtained under FOI laws from the NSW Government. Despite this, the regulator failed to take appropriate action in response. So in 2017 as a last resort the EDO filed a civil enforcement case on behalf of the Inland Rivers Network (IRN) – a community organization advocating for healthy rivers, wetlands and groundwater in the Murray-Darling Basin. It was not until March 2018 that WaterNSW commenced its prosecution. As a result of the WaterNSW prosecution, IRN’s civil enforcement proceedings were then put on hold and they have now been discontinued.

55. Following the commencement of the civil proceedings, a new independent regulator – the Natural Resources access regulator (NRAR) – was created in NSW. NRAR is now playing a much more active role in ensuring compliance and enforcement of NSW water laws.

56. On Thursday, 19.03.2020 the Land and Environment Court handed down its judgement in WaterNSW’s prosecution of irrigators charged with an offence relating to allegedly pumping water from the Barka/Barwon-Darling River in 2016 in contravention of an approval condition. The Court found the irrigators guilty, with a sentence to be handed down soon.

Shenhua Watermark coal mine [Liverpool Plains, Gunnedah northern NSW]

57. An article was published on 11.07.2015, in “news.com.au” and written by Charis Chang and wires - titled, “The coal mine in NSW farmland that no one wants to claim responsibility for approving”
<https://www.news.com.au/finance/business/mining/the-coal-mine-in-nsw-farmland-that-no-one-wants-to-claim-responsibility-for-approving/news-story/10ded84f4fbaf9b0396c0c0de2a5773a>
A BILLION dollar coal mine owned by a huge overseas company that is located in prime Australian farmland inched closer to reality this week — but no one wants to claim responsibility for approving it. The latest victory for the proposed Shenhua Watermark coalmine happened on Saturday when it managed to secure federal government approval for its environmental assessment to build a \$1 billion mine near Gunnedah in northern NSW. [Once operational](#), it is expected to run 24 hours a day, seven days a week and will extract 10 million tonnes of coal a year for 30 years.

58. But one of the biggest concerns is whether it will impact on the availability of water. Agriculture Minister Barnaby Joyce, who is also the member of Parliament for the area, has been vocal in his opposition to the mine, saying the “world had gone mad” after federal Environment Minister Greg Hunt gave the project conditional approval. Defending his decision, Mr Hunt said the federal approval is “**subject to 18 of the strictest conditions in Australian history**”. It has also been subject to four expert reviews and two reviews by the Independent Expert Scientific Committee. “There will be no impact on the availability of water for agriculture,” Mr Hunt said.

59. But Mr Joyce has not fallen in line on the issue and said this morning that he was **suspicious of scientific advice that found no proof the mine would destroy the nearby water table**. “You can’t prove that you won’t either, you just can’t prove that you will,” he told ABC radio on Friday. If nearby aquifers were destroyed (the closest is about 900m away), Mr Joyce said he didn’t know of a process in the world that could fix the damage. The aquifers are a vital source of underground water for farmers in the area.

60. Mr Joyce also pointed out that **the federal government’s role was to assess the project on hydrology and whether it would have a damaging effect on the aquifers**. As there was no proof the aquifer would be destroyed, **the government had no reason to stop the mine**, and if it did, this could get challenged in court, he said. He has also talked of his own powerlessness, insisting he has done “everything in my power to try and stop the mine”. Mr Joyce has been strongly criticised for his seeming lack of influence despite being agriculture minister. Former local MP Tony Windsor said Mr Joyce had “done nothing in terms of this”, with his inaction prompting him to [contemplate a return to federal politics](#). Mr Joyce has also cast around for other parties to blame, **suggesting that the decision was also the fault of the former NSW Labor Government**. The former state government issued the mining exploration licence to Shenhua, something the company paid \$300 million for and which started the assessment process. “The fault of this goes right back to who gave the exploration licences and why and was further exacerbated by those who deemed it proper that it should proceed and continued on with the process,” Mr Joyce wrote on [Facebook](#). He has tried to distance the federal government even further from the decision by saying: “**Our involvement federally was part of step 15 of 17 steps. There are still two further steps at the state level to go through.**”

61. The Prime Minister [*Tony Abbott*] has downplayed the role of his government, saying this morning **that it was just step 15 of “a long and at-times torturous” process**. Meanwhile, the issue has been handballed back to the NSW Government, which will have to decide whether to grant Shenhua a mining lease. Mr Joyce has indicated he would lobby NSW Premier Mike Baird to stop the mine.

62. But in a statement to *news.com.au*, a spokesman for NSW Resources Minister Anthony Roberts said approval of the mining lease was a “relative formality” now that it had been approved by the federal government.

63. **My analysis:-**

The imminent threat that global warming poses to this planet is probably unmatched in the history of mankind. The process is destroying ecosystems and wildlife and has the potential to reduce human life significantly. The people with the power to change things so as to bring in a low carbon economy are the politicians and the governments of Australia and the world.

Australian federal politicians seem to be totally unique in their ability to ignore and not acknowledge the climate crisis and they remain willfully blind to it. Our present Prime Minister Scott Morrison claims that he and his government are taking such a course to maintain a strong economy and to create jobs and growth. And he backs that up with, “that’s what we took to the election.” And, “We’ll meet our emissions targets in a canter.”

Almost every economist in the world would agree with the proposition that the renewable energy revolution will deliver massive economic growth, wealth and job creation over the next 30 years. It is also a strong weapon in the fight to get our planet back into balance by radically reducing our greenhouse gas emissions.

Yet here in Australia at both a state, territory and federal level as outlined in the “Background” section of this report on Page 2 to Page 13 inclusive, politicians continually make important decisions and choose to support fossil fuels, that are detrimental to the environment and economy of Australia, its inhabitants and the world. Such decisions are made to ‘look after’ their longstanding supporters’ vested interests.

The motivation for such disastrous decisions is clearly selfish; being for the politicians’ personal benefit or greed, party political greed [toeing the party line]. Some politicians have a strong motivation to help in slowing down the inevitable and imminent demise of the fossil fuel industry because the people in the industry are business mates and large donors. While at the same time and for the reasons stated they attempt to hold back or slow down the move to safe, clean non-polluting renewable energy and the booming economy it will deliver. They are compromised.

This current LNP Federal Government wants to promote coal and gas and to spend billions of dollars on research into unproven, Carbon Capture and Storage [CCS] and High Energy Low Emissions [HELE] coal-fired generation plants in an effort to reduce their carbon dioxide output so that they will be more acceptable. It would make more sense to put all of their financial resources into the proven alternative “renewable energy” which does not produce carbon dioxide and is here now being used and built. They have allowed themselves to be compromised by the fossil fuel industry.

The federal government is aided and abetted by the state and territory governments as per the examples given in this report. In my state, New South Wales, the LNP government directed the Productivity Commissioner to investigate the Independent Planning Commission and they are also attempting to introduce the Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019. Both actions taken because the IPC decision to take into account “Scope 3 emissions” would stop the approval of new coal mines and reduce revenue to treasury. It shows that vested fossil fuel interests have the control of our governments and politicians.

The Murray-Darling River system fiasco as set-out in the ABC’s 4 Corners documentary “Pumped” shows that the environmental approval process is corrupted! If a federal Royal Commission is ever held into the Murray-Darling fiasco people in authority will most likely be prosecuted.

The actions of the NSW State government and the federal government in regard to the approval process for the Shenhua Watermark coal mine shows that the political process relating to it lacks integrity and accountability. The federal politicians when challenged as to why it received approval attempt to distance themselves:- Former federal Environment Minister Greg Hunt said, “... **subject to 18 of the strictest conditions in Australian history**”. Former Agriculture Minister and local MP Barnaby Joyce said, “**Our involvement federally was part of step 15 of 17 steps. There are still two further steps at the state level to go through.**” Former Prime Minister Tony Abbott downplayed the role of his government, saying, “**that it was just step 15 of “a long and at times torturous” process.**” Anyone who watches American cop show television will know that this is the “*ole, good cop, back cop trick.*” Shift the blame. Ofcourse when the state government is challenged on the matter they will respond, “This has been approved by the federal government.” The buck has been successfully passed at both a federal and state level.

Basically it’s pretty easy for politicians to rot the system. Maybe it always is.

The economics doesn’t support politicians nor governments supporting fossil fuels and holding back renewables. **But they do!**

Is the EPBC Act sufficient to address future challenges?

A: Not if the power to make decisions via the act are delegated to and made by politicians. Politicians are truly compromised. It needs independent oversight.

What are the priority areas for reform?

A: We need a Federal ICAC with teeth, not the joke that the current federal LNP Government is proposing.

What changes are needed to the EPBC Act? Why?

A: Direct that all decisions made under the act are assessed and made **independently** by expert environmental scientists and accredited specialists. Ban politicians from being involved in the process. Politicians can't be trusted.

64. This report outlines in detail the many different directions in which politicians move. The reasons for doing so are varied but most of their decisions are made from a compromised position.

65. History will show that during the decade 2010 to 2020 politicians were not capable of accepting accountability or responsibility for environment protection and biodiversity conservation. Can a federal act of parliament force them to do what is required? I doubt it, as a world-wide climate emergency hasn't been able to do the job.

66. On Monday, 06.06.2016 the ABC program Q&A was held in Tamworth and was titled, "Tussle in Tamworth". It was held just before a federal election. Tony Jones was the presenter and the politicians on the panel were Barnaby Joyce, Tony Windsor (former) and Joel Fitzgibbon. It covered the areas of agriculture, gas and coal mining and the environment.

67. I transcribed the relevant portion of the Q & A program, but I will make no comment on what was said by these two politicians and one ex-politician. Any person reading the transcript can form their own view about what was said and the conflicting views.

68. However, it shows for sure, that the whole system at a state and federal level, in regard to environmental protection and biodiversity conservation is very confused, ill-defined and capable of being manipulated by governments and politicians.

Start of transcript

<http://www.abc.net.au/tv/qanda/txt/s4452793.htm>

Q & A – Monday, 20160606

Tussle in Tamworth

TONY JONES: Good evening, welcome to Q&A, live from the Tamworth War Memorial Town Hall. I'm Tony Jones, and answering your questions tonight, the Vice President of the National Farmers' Federation, Fiona Simson, the Deputy Prime Minister, Minister for Agriculture and local Member for New England, Barnaby Joyce, Country Independent Tony Windsor, who held New England for many years and is now trying to win it back, rural businesswoman Robbie Sefton, and Labor spokesman for agriculture Joel Fitzgibbon. Please welcome our panel.

TONY JONES: Thank you. And, as usual, you can watch Q&A live across Australia on ABC TV, or News 24 if you live outside the eastern States. And tonight we are also streaming Q&A live via Facebook, where you can watch, you can comment and you can ask a question. Of course, Tamworth is the home of

country music, but it's also the centre of struggle to decide who should represent rural and regional Australians - major parties like the Nationals, or independents like Tony Windsor. Let's go to the first question tonight, from **Sandra Bamberry**.

COAL SEAM GAS 00:01:34

SANDRA BAMBERRY: I am born and bred in the New England. We have been forced to move our children back here from our home in Tara, Queensland. Without us knowing, a gas field had surrounded us - over 25 gas wells within a 7km radius of our home. We have tests that show contamination of our air and our water, with lead levels too high for the kids' safety. Yet even with proof, we are being ignored by government at all levels. We are tired of this nightmare. We have done everything possible to get help. My husband is a shearer, and we have worked hard to get our land. What will you do to help the little people like us get the new beginnings we deserve?

TONY JONES: Barnaby Joyce, we'll start with you.

BARNABY JOYCE: Sandra, I'm very aware of the issues that surround Tara and I know the fight that the people of Tara have had to try and make sure that they get treated justly. Sandra, one of the issues, in 2011, **we presented a Senate report that we wrote the extension of terms on to try and make sure that we dealt with this issue**. Now, the extension was not written by the Greens or the Labor Party, or even the Liberal Party - it was written by the National Party. We came down with **five key principles**, noting, Sandra, **that overwhelmingly, this is State legislation** - they're the ones who get the **royalties**, they're the ones **who actually approve the exploration licences**. But the five principles stated that

you can't go onto prime agricultural land.

You can't interfere with aquifers - if you destroy an aquifer, it's common property, Number three, **you shouldn't disturb the quiet enjoyment of the people there** - and that's you, Sandra, you're living with the quiet enjoyment, and you've got virtually an industrial site next to you. The next one was to make sure that

if you're not doing that, that a fair return goes back to the community, and also that a fair return goes back to the land holder, if you're not destroying prime agricultural land and you're not destroying an aquifer.

Now, Sandra, it's well and good us ventilating a lot of this at a Federal level. **Of course, overwhelmingly, it's State laws**, and if you go beyond what you're able to do at a Federal level, of course, **that becomes an issue where the State will just take you to the High Court and most likely win**. So, it's a position which we try to do our very best, **but overwhelmingly it's run by the States**.

TONY JONES: I'm just going to quickly go back to Sandra. Are you happy with the answer?

SANDRA BAMBERRY: **No, of course not. That's just passing the buck. It is our air. We have a basic right to clean water, and that is a national law.**

BARNABY JOYCE: Well, Sandra, I can... (APPLAUSE)

BARNABY JOYCE: And, Sandra, I can understand your frustration completely, **but it's just a constitutional reality**. There is the division of powers between Federal, between State and between

local, and if we go beyond our jurisdiction, **Sandra, it is just an issue for the High Court. They will just take it and repeal whatever the Federal Government says.**

TONY JONES: Let's hear from other panellists. Stay there, Sandra. We might come back to you. Tony Windsor.

TONY WINDSOR: Sandra, unfortunately, your circumstance and the circumstance of a lot of people in Queensland represents the horse bolting, in a sense, before we fully understood the scientific and social ramifications of some of these extractive activities. **When I was in the Federal Parliament, in 2013, I instigated what's called the water trigger.** It won't help in your circumstance, but I think it may well help others who suffer from the same circumstance into the future. The water trigger gives the Commonwealth Government, through the Environmental Protection and Biodiversity Conservation Act, **some power of approval**, where there are mega coal mines and coal seam gas, where there are large amounts of groundwater. So there is legislation, and Mr Joyce is not quite correct to say that the Commonwealth can't do anything, that it's all about the States. In fact, the Commonwealth can, and in certain areas of Australia, there was supposed to be - **including the Liverpool Plains - there was supposed to be a full bioregional assessment to assess the capacity of the landscape to absorb these impacts on groundwater systems.** If that had been in place in your area a decade ago, you may not be facing the consequences that you are now.

TONY JONES: You're saying it's Federal power that could have been used.

TONY WINDSOR: **Since 2013, it could have been used...**

TONY JONES: I'm just going to quickly go back to Barnaby Joyce. A quick right of response to that, because if there is a Federal power that could have been used, why isn't it being used?

BARNABY JOYCE: Well, with the issues with the Liverpool Plains - and I know they'll come up later on - you've got PEL 1, PEL 452 and PEL 456.

TONY JONES: Can we just actually... Just to put this into some sort of context, today, front page news on the Northern Daily Leader here - everyone's seen it - **the gas miner Santos is planning to drill for gas on the Liverpool Plains.** That must be a bit inconvenient for you during an election campaign. (LAUGHTER)

BARNABY JOYCE: Well, I'll take that as a comment. But with PEL 1, that was actually... You have to look at how these things start, who gave the exploration licences, 'cause that's the source of the problem, Sandra - in your instances, and also on the Liverpool Plains. PEL 1 started on 11 December '93. I was not in government here - Mr Windsor was actually the local Member then. PEL 452 started on 10 January 2007 - Mr Windsor was the Federal Member then. And PEL 456 started on 5 March 2008, and Mr Windsor was the Federal Member then. It's really... What we are always left with, Sandra, is trying to fix up the problems left to us from the past. That doesn't mean that we have to... (

BARNABY JOYCE: ...walk away from those problems - it means we have to do our very best. That's probably one of the reasons we brought up Minister Hunt, to try and make sure with the Shenhua and BHP Caroon mines, which have not started, that we did everything in our power to bring in new conditions, and our target is to make sure that they don't start. And that'll be the same with coal seam gas on prime agricultural land, which is most definitely the Liverpool Plains...

TONY JONES: Sorry to interrupt you. We've got another question on this. I'll just quickly go back, if I can, **to Sandra. Just a final response, listening to the discussion between the two gentlemen, who both, it appears, are to blame for various aspects of this.**

SANDRA BAMBERRY: **Well, neither have given me an answer. Basically, they're not saying they're going to do anything to help the little people.** You know, I've got the proof of the contamination. I've done everything, including go see both these gentlemen previously to this, and you just get fluffed off, to put it in a polite way. And you're just not doing nothing! Lead's a carcinogenic, which causes cancer. There is people up there, children, living with this in their air, in their rainwater, and **you're sitting there telling me it's a State issue?** It's not a State issue. **It's a very, very serious issue right across this nation, and you just sat there and told me you're going to do nothing.**

TONY JONES: Sandra, I'm just going to...

BARNABY JOYCE: That's not correct.

TONY JONES: You can quickly respond. But we've got another similar question...

BARNABY JOYCE: I understand your frustration, Sandra, I really do, **but really, the State Government is the ones who gave out the licences, and the role of the State Government still is overwhelmingly the person who has the authority to deal with that issue...**

TONY JONES: Barnaby, I think you've made that point. I'm going to go to our next question, which is on a similar subject, and you'll get more opportunity, and so will the other panellists. It's from Nicola Chirlian.

MINING V FARMING 00:09:36

NICOLA CHIRLIAN: Minister Joyce, we produce beef on the Liverpool Plains. In 2013, I met with you in Parliament House while down there on gas and coal concerns on the Plains, and you were in Opposition. You said to me, and I quote, "You need me" - as in you - "to be at the table in government. "I am the only one that can protect your interest," end of quote. Since then, we have had Federal approval for Shenhua Watermark, BHP is still on the table, Santos is busy in the Pilliga, and, as we've just heard, it's announced today that it's set out a three-year program to explore for gas in PEL 1. **And Santos has stated to the Federal Government in its 2014 EPBC application that this WILL affect the groundwater of the Gunnedah-Oxley Basin.** So, why should we vote for you if this is the best you can do to protect water and land into the future?

TONY JONES: Barnaby, I'm going to put you on hold, because I want to hear from our other panellists first. Fiona Simson, you also have a farm on the Liverpool Plains. Do those concerns reflect your concerns? Or do you have a different view?

FIONA SIMSON: Absolutely they do. I mean, the whole reason that I'm sitting where I am now is because of the BHP and Shenhua mine developments in the Liverpool Plains, and the fact that I have great sympathies for Sandra, and also for Nicky, because I still can't believe that we are living here in a democracy where the people have such strong feelings about this, **such strong feelings about agricultural land and water, yet we still see politicians passing the buck and blaming each other.** Now, I know that it's difficult when you have a situation where you're dealing with licences from another administration, but somebody has to take responsibility at some stage. Somebody has to stand up for

our land and our water. We need to look forward at our productive agricultural land and we need to actually put in place measures to protect them, and what we're hearing tonight about **that it's the State Government's responsibility or it's somebody else's responsibility for actually putting those licences in place - it's just not good enough.** In the Liverpool Plains, we've been doing this for ten years now. We've actually been standing up and saying, "Enough is enough." The Liverpool Plains is some of the most productive land in the whole of Australia. It has amazing underground aquifer systems. We're told consistently by politicians that we shouldn't have to be dealing with these licences and that somebody else will deal with them. But nobody ever does. So, Tony, I can totally understand the frustration in the room. **And I think this is frustration that is being felt all the way across Australia, as we see some of these industries, and the lack of planning that goes into where these industries operate. The whole reason that we have a planning system is to plan for the best places for agriculture, the best places for mining, the best places for schools and hospitals, and all those things. Yet we have a planning system that totally disregards agricultural land, when we're talking about extractive industries, and gives its precedence. And the people are feeling frustrated. The people are feeling like they don't have a voice in the process.**

TONY JONES: Let's go to the other side of the panel. Robbie Sefton, is there a different view from business owners in Tamworth? Obviously the mining industries do provide money for the community.

ROBBIE SEFTON: I think it's a really good point, and I really understand where Sandra and Nicole are coming from. Small business is really critical to rural and regional Australia, and the wealth and the jobs that mining brings must certainly be considered. And you look at small communities and you look at the difference that those jobs make to them. So it is really critical. And I think that the other thing to think about is how mining and agriculture can co-exist. So, I know we're talking about a subject here that isn't necessarily relevant to what I'm going to be saying, but I do know of a very good dairy farmer who's been dairy farming in the Hunter Valley for over 16 years, and he's been co-existing with the mining companies. So he's leased that land from that mining company. They have got an underground mine that's happening right there for them, so they have planted trees together, they've developed irrigation systems together. So there has been an opportunity where mining and agriculture has worked really well together. So, I believe that agriculture and mining does need to co-exist. **We do need to get need to get really clear about who is responsible for making the decisions, how the decisions are being made. I think that understanding... I've done a little bit of research and I understand that New South Wales Government, with the new government we've got now, has really tried very hard to clean up its processes, and the way that the transparency, how decisions are being made.** So, it may not be perfect, but I think we're certainly getting there, and I do believe that there needs to be an opportunity for agriculture and mining to co-exist.

TONY JONES: Let's hear from Joel Fitzgibbon. **What's Labor's position on this, on both fronts, I guess - mining of coal on agricultural land, but also CSG gas?**

JOEL FITZGIBBON: Well, Tony, I've said on this program - I think on a number of occasions now - **that I believe all coal and CSG projects should be dealt with on their merits.** There'll be some which will bring that economic benefit that Robbie was speaking about, and there will be those with whom the impact on the environment, or on our agricultural sector, make the risk too great. And one would expect the closer they are to prime agricultural land, for example, the more likely they are to be approved. I certainly hope that is the case. But if Sandra... **If it's true that Sandra has scientifically backed evidence that water is being contaminated, for example, that should be it, because we're not only talking about an approvals process, we're talking about approvals which have conditions attached to them. And just**

I don't understand how contamination could be taking place without anyone taking action. If that is happening, it should not be happening. Now, it's alright for people to say it's a State issue - and predominantly it is - **but I heard Barnaby hopping into the Local Government amalgamation issue in New South Wales pretty heavily. That's definitely a State Government issue.** But if you're a leader in the community, you've got to speak up for your community, whether it's a Local Government issue, a State Government issue, or a Federal Government issue. And we all need to have a view on these things locally. I certainly have a view on these issues in my own electorate, and I state them very, very clearly. Recently, I've been fighting a **flying fox infestation.** I know many of you are familiar with that problem. It's a State Government issue, but as a community leader I've been out there saying, "Something's wrong, and we need to fix this." **Barnaby, it's just not good enough for you to pass the buck to the State Government. You are the Deputy Prime Minister of this country. And you have to have a voice, mate.**

TONY JONES: Sorry, Barnaby Joyce, you do need to respond to that. Can I put it this way - if it were in your power to stop these projects on the Liverpool Plains, would you do so?

BARNABY JOYCE: I've said quite clearly - and I've said the same since 2009 - **that you shouldn't have mining on prime agricultural land.** I've made my task to do whatever is within my power to assist. And if we just look at the facts, of course Joel would say that, 'cause it was the Labor Party that gave out the mining leases on the Liverpool Plains, so...

JOEL FITZGIBBON: It's not working for you.

BARNABY JOYCE: ..it's pretty cute, I'd have to say, Joel, to have that position. But there is no mine at Shenhua, and there is no final approval for a mine at Shenhua. There is no mine at BHP Carooona, and there is no final approval for a mine at BHP Carooona. **There's only one major mine in the area and that's at Werris Creek, and I talk to the people, and have as recently as this week, with the concerns they have of what's been happening to their water table and what's been happening to their capacity to irrigate.** And I take that on board, and we're using all that information to try and make sure that we continue to provide it in such a way as to bring to a final conclusion the issues that are pertinent to the Liverpool Plains so that we don't have what appears to be happening around the mine at Werris Creek happening around other parts of the Liverpool Plains.

TONY JONES: I'm just going to go back to our questioner, because she had her hand up there - go ahead.

NICOLA CHIRLIAN: A couple of points. One is regarding co-existence. Three million hectares... 96% of land holders across this region - so the size of Tasmania - on surveys said they did not want more coal mines or coal seam gas, and they did not want and did not think that agriculture could co-exist with those industries. The other point is, Minister Joyce...

TONY JONES: You have to keep it quick, 'cause you're in the zone of making comments now, so make a quick one, and we'll let the panellists talk.

NICOLA CHIRLIAN: **How come the Federal Government stopped sand mining on Fraser Island under Section 51 of the Commonwealth of Australia Constitution Act?** You CAN stop mining, you DO have that power, and we're waiting for you to do it.

TONY JONES: Barnaby, a short answer, and can I put this to you - is the problem you face that your Environment Minister, Greg Hunt, approved the Shenhua project and you're bound by Cabinet solidarity once he's done that?

BARNABY JOYCE: No, Tony, the problem is if we had gone further than where we went, **we would have been trotted off to the High Court and they would have said quite clearly, "You have gone beyond the realm of where the Federal Government has authority, "to the realm where states have."** If we have a problem with the Constitution... I know that at first blush, people say, "You can't pass the buck," but we can't get rid of the Constitution either. As much as people would like to, as much as we could have a Q&A audience talking about what we'd do to the Constitution if we were going to change it, you can't. And in other areas where there are international agreements, international agreements...

TONY JONES: Barnaby, Fiona wants to jump in and say something here, I'm gonna let her quickly do that.

FIONA SIMSON: **So, definitely there was a development on Middle Head in Sydney that was overturned by Tony Abbott. So, that was a State Government decision, a decision that had gone all the way through the approval process that was then overturned by the Prime Minister.** So, we can't have these projects, Tony, on land for ten years plus, with the uncertainty that that brings, for the industries and the communities that are there. We need to have an end to them.

TONY JONES: Quickly, Tony Windsor, when the Werris Creek mine was brought up, most of the people in this room would realise that what Barnaby just was talking about was a mine on property that you once owned. So, obviously, that's a nuanced way of saying you're responsible for problems on that property.

TONY WINDSOR: Well, that's not quite true, because there is no mine on the property my family once owned, it's next door to a mine, and was affected by the zone of affectation. **But to go to the key issue here of the questioner, the Liverpool Plains, the issue of the groundwater, and the Liverpool Plains has the largest groundwater system in the Murray-Darling system. We're not talking about windmill water here, we're talking about massive volumes of water.** It once had the largest irrigation bore in the world. So, massive volumes of water. The water trigger was put in place in 2013, because... And Barnaby Joyce is right here. **..because the State-based processes had failed and no-one had any trust in those processes. We needed some sort of Federal oversight so that there was a process that could objectively, scientifically, independently assess these landscapes, as to whether they could absorb these impacts of these mega mines and coal seam gas.** That water trigger is sitting there now, **Minister Hunt, Minister Joyce, could have been using that process through the Bioregional Assessment process, to access... The Federal Government CAN stop those developments.** It would have difficulty at Tara, because the circumstances has passed, in a sense, it would have difficulty at Werris Creek, because the mine's been there since 1929, but there is a process that can, in fact, work, and it's an objective process **and both Minister Joyce and Minister Hunt have been complicit by neglect in terms of this particular issue. They can do something if they really want to. And the questioner is right. The questioner is right. The Murphyores case that applied to Fraser Island, where, in a sense, it was passed, and this was back in the Bob Hawke days, where the Hawke Government used their export powers to prevent something from happening.** The State Government had approved sand mining on Fraser Island, the Commonwealth didn't have any direct power, as Barnaby would suggest, in this case. It used its export powers to prohibit the export of sand - which was the intention of the company - from Australia and that killed the mine.

TONY JONES: OK...

TONY WINDSOR: Those sorts of things can be done.

TONY JONES: Thank you very much. You are watching Q&A live from the country music capital of Australia. The next question comes from David Doherty.

End transcript