

<https://www.pc.gov.au/inquiries/current/resources/draft>

## Dr Catherine Pye Submission to Productivity Commission

Thank you for opportunity to provide a submission into Resource Sector Regulations.

### Our Environment

We are dependent on our environment – the air, water, soil and land that we live on and that sustains us.

We need strong and just regulation of the resource development to protect our environment.

Environmental regulation costs money, time, data and expertise and should not be discounted.

Environmental regulations must be accurate and transparent.

In the past many mistakes have been made with failure of resource sector regulation to protect our environment.

### Our Future

I urge the Productivity Commission to look to the future and ensure that we have effective, accurate and transparent resource sector regulation.

Climate change, urbanisation, pollution all have major negative impacts on humanity, on our ability to grow food and the natural world around us.

We must reduce our dependence on fossil fuel and our greenhouse gas emissions to zero by 2050 with 5-year ambitious targets along the way or we will face social, economic and health upheavals on a scale not witnessed in the history of our species.

These Principles must be applied as a first priority for any resource development. Precautionary principle, Intergenerational equity, Natural justice and Human rights.

A full and detailed life cycle analysis of the project must weigh up costs to human health, future generations and climate change including Scope 3 emissions.

### Social Licence

Over 450 communities across Australia<sup>1</sup> have locked their gates on resource developments demanding moratoriums on coal, gas and oil developments. This means that over 90% of the people within that community have said no to these developments. In Qld, NSW, SA, WA, Tasmania, Victoria and the Northern Territory.

Nearly 70% of people surveyed opposed Adani coal mine<sup>2</sup> and yet this is going ahead.

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<sup>1</sup> LTG [https://www.lockthegate.org.au/about\\_us](https://www.lockthegate.org.au/about_us)

<sup>2</sup> <https://www.theguardian.com/business/2017/oct/08/nearly-70-of-australians-oppose-government-loan-for-adani-mine-poll>

Australian people expect that projects should have social license to operate.<sup>3</sup>

Why is it that resource development continues despite the majority of community being opposed?

Why is it that projects continue to expand and are approved by all levels of government without social license?

## Moratoriums

Moratoriums have been placed in many states on GAS developments and yet these have been overturned without due regard to medical, hydrological, scientific evidence that Gas development causes harm to our environment.

The SA Government has listened to the community concerns around unconventional gas development in the Limestone Coast of SA and placed a 10-year moratorium on unconventional gas development into legislation.<sup>4</sup>

Moratoriums are valid and serve an opportunity to review scientific evidence and allow projects to have social license.

## Unconventional Gas Development

Why is it that unconventional gas projects continue to be approved?

There is an increasing weight of scientific, social, community evidence showing the harmful impacts of unconventional gas development.<sup>5</sup>

It is clear that governments are ignoring this evidence in favour of monetary short-term gains.

Gas (methane) is a fossil fuel that is delaying the expansion of renewables.<sup>6</sup>

Methane is a potent greenhouse gas and fugitive emissions from gas projects are unlikely to be under 4%.<sup>7</sup>

## Resource ownership

In Australia underground resources are not owned by landowners and this is different to other countries such as USA and UK where the landowners own the resources underneath their land. Historically, the Crown owned gold and silver and it is only more recently in NSW, that Petroleum (1955), Coal (1981) and Uranium (2012) rights have been given to the Crown.<sup>8</sup>

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<sup>3</sup> <https://publications.csiro.au/rpr/download?pid=csiro:EP178434&dsid=DS1>

<sup>4</sup> [https://www.lockthegate.org.au/south\\_australian\\_parliament\\_passes\\_fracking\\_moratorium](https://www.lockthegate.org.au/south_australian_parliament_passes_fracking_moratorium)

<sup>5</sup> <https://frackinginquiry.nt.gov.au/?a=479474>

<sup>6</sup> <https://www.canberratimes.com.au/story/6829180/theres-enough-questions-around-csg-that-it-makes-sense-to-turn-it-off/>

<sup>7</sup> <https://www.climatecouncil.org.au/resources/gas-driving-massive-increase-in-fugitive-emissions/>

<sup>8</sup> <https://www.parliament.nsw.gov.au/researchpapers/Documents/a-history-of-mineral-and-petroleum-ownership->

Many Australian bodies and community groups have called for right to veto by landowners. Including National Farmers Federation<sup>9</sup>, Grain Producers SA<sup>10</sup>, Lock the Gate, Limestone Coast Protection Alliance.<sup>11</sup>

Right of veto should be given to landowners and communities for projects that do have social licence.

In my opinion, Australian people expect that landowners should have mineral right ownership.

## Fossil Fuel investment

Do we really want to be investing in fossil fuel development which includes Oil, Gas and Coal?

Coal is no longer an asset but a liability<sup>12</sup> and this is seen by many insurance companies as a “Stranded Asset <sup>13</sup>”

This is a risk for investment and gambles on our future. <sup>14</sup>

## Water

Water is precious resource. Access to good quality uncontaminated water is essential for life.

Water is a finite resource.

Resource developments have a high-water use<sup>15</sup> and this leads to competition with other sectors such as agriculture and biodiversity inevitably leading to negative impacts for our biodiversity and agriculture.<sup>16</sup>

## Pollution

After resource development, Australian citizens and tax payers are left with an increasingly degraded environment.

Air and water pollution, unknown chemical impacts, high levels of VOC, PBAs with detrimental long-term impacts.

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[and/A%20history%20of%20mineral%20and%20petroleum%20royalties%20in%20NSW,%20Issues%20Backgrounder%20Oct%202012.pdf](#)

<sup>9</sup> National Farmers Federation, sub. 14, p. 5

<sup>10</sup> Grain Producers SA 2017

<sup>11</sup> <https://protectlimestonecoast.org.au/>

<sup>12</sup> <https://ieefa.org/moodys-u-s-coal-consumption-to-drop-below-500-million-tons-in-2020-outlook-remains-bleak/>

<sup>13</sup> <http://www.lse.ac.uk/granthaminstitute/explainers/what-are-stranded-assets/>

<sup>14</sup> [https://ieefa.org/wp-content/uploads/2020/03/India-46-gigawatts-of-coal-fired-power-projects-cancelled-in-12-months\\_Mar-2020.pdf](https://ieefa.org/wp-content/uploads/2020/03/India-46-gigawatts-of-coal-fired-power-projects-cancelled-in-12-months_Mar-2020.pdf)

<sup>15</sup> <https://theconversation.com/why-does-the-carmichael-coal-mine-need-to-use-so-much-water-75923>

<sup>16</sup> <https://reneweconomy.com.au/australias-black-coal-industry-uses-enough-water-for-over-5-million-people-98731/>

Loss of flora and fauna, defragmentation of habitats leading to increasing loss of biodiversity.

Many of these costs are not taken into account:

There are 60,000 mine sites around Australia that need to be rehabilitated.<sup>17</sup> Costs of rehabilitation estimated to be billions of dollars.<sup>18</sup>

Acid Mine Drainage (AMD)<sup>19</sup>. "The United Nations recently labelled AMD as the second biggest problem facing the world after global warming, and when considering previous case studies of dam failures and the dwindling global supply of fresh water, it is easy to see why."<sup>20</sup>

## Health

Mining is dangerous.

5 fatalities in Qld in 2018/2019.... *"In many of our investigations into fatalities, serious accidents and other incidents, supervision has been identified as a causal factor. Effective supervision is one of the key preventive factors in minimising workplace incidents and the industry must ensure that supervisors are competent and supported and that supervision is appropriate for the work being undertaken".*<sup>21</sup>

Health and safety laws must be consistent for those in mining as those in any other industry in Australia.

These must comply with Safe Work Australia Guidelines.

Coal mining needs to stop. Miners Dust Lung disease should not be a disease of the 21<sup>st</sup> century.<sup>22</sup>

FIFO workers and their families are at increased risk of mental illness.<sup>23</sup>

**Our environmental indices are getting worse not better.**

State of Environment report 2016<sup>24</sup>,

*Mining developments have slowed in recent years, although the management of former mining sites is an emerging concern. So too is the expansion of unconventional gas*

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<sup>17</sup> <https://www.abc.net.au/news/2017-02-15/australia-institute-report-raises-concerns-on-mine-rehab/8270558>

<sup>18</sup> <https://independentaustralia.net/business/business-display/who-will-pay-the-178-billion-mining-rehabilitation-bill,7772>

<sup>19</sup> <https://earthsystems.com.au/services/water-management/acid-and-metalliferous-drainage-management/>

<sup>20</sup> <https://www.engineersaustralia.org.au/event/2019/05/acid-mine-drainage-causes-consequences-and-remediation>

<sup>21</sup> [https://www.dnrme.qld.gov.au/\\_data/assets/pdf\\_file/0007/1464523/safety-performance-report-2018-19.pdf](https://www.dnrme.qld.gov.au/_data/assets/pdf_file/0007/1464523/safety-performance-report-2018-19.pdf)

<sup>22</sup> <https://www.business.qld.gov.au/industries/mining-energy-water/resources/safety-health/mining/accidents-incidents-reports/mine-dust-lung-diseases>

<sup>23</sup> <https://www.mhc.wa.gov.au/media/2547/impact-of-fifo-work-arrangement-on-the-mental-health-and-wellbeing-of-fifo-workers-full-report.pdf>

<sup>24</sup> State of Environment report 2016. <https://soe.environment.gov.au/frameworks/pressures>

*extraction, particularly because of concerns about safety, but also because of competition for land with other uses.*

Australia's state of environment report from ANU 2019.<sup>25</sup>

*The national Environmental Condition Score was at its lowest since at least 2000, decreasing 2.3 points out of ten to a score of 0.8. Scores declined in all states and territories. The poorest conditions occurred in NT, NSW and WA. In all cases this was due to dry and hot conditions. The largest decline occurred in WA. Relatively less adverse conditions prevailed in Queensland and Tasmania.*

*Greenhouse gas emissions remained high, decreasing only 0.1% from the previous year. They were 5% above the 2000–2018 average. Emissions decreased due to floods and drought in agriculture (-5.9% from the previous year) and due cleaner technologies in electricity generation (-1.2%) and transport (-0.5%). These reductions were offset by increases from fugitives (+4.4%), direct combustion (+3.6%) and industry (+0.6%), mostly from oil, gas and mining.*

## **Indigenous Peoples rights**

In my opinion, indigenous peoples must own mineral and petroleum rights to their own lands.

There needs to be meaningful free, prior and informed consent requirements for all landholders, particularly for First Nations people, across all Australian jurisdictions in line with the United Nations Declaration on the Rights of Indigenous Peoples.<sup>26</sup>

## **New National Environmental Laws**

It is clear that our current environmental legislation, our regulations and our Commonwealth and State regulators are inadequate.

We need strengthening of our environmental laws and Commonwealth control.

Introduce National environmental Laws along the lines suggested by Australian Panel of Experts on Environmental Law, *Blueprint for the Next Generation of Australian Environmental Law 2017*.<sup>27</sup>

Review and strengthening of the EPBC Act to protect our environment along the lines suggested by Doctors for the Environment Australia.<sup>28</sup>

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<sup>25</sup> [https://www.wenfo.org/aer/wp-content/uploads/2020/03/AustraliasEnvironment\\_2019\\_SummaryReport.pdf](https://www.wenfo.org/aer/wp-content/uploads/2020/03/AustraliasEnvironment_2019_SummaryReport.pdf)

<sup>26</sup> [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>27</sup> Australian Panel of Experts on Environmental Law, *Blueprint for the Next Generation of Australian Environmental Law 2017*

<sup>28</sup> DEA Submission into the 2019-2020 Independent Review of the Environmental Protection and Biodiversity Conservation (EPBC) Act April 2020

Yours sincerely,

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