

COAL SEAM GAS PROHIBITION (SYDNEY WATER CATCHMENT SPECIAL AREAS) BILL 2013

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Bill introduced on motion by Mr John Robertson, read a first time and printed.

Second Reading

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [10.05 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Coal Seam Gas Prohibition (Sydney Water Catchment Special Areas) Bill 2013. This is a bill that every member of this House should support because its purpose is very simple: to permanently ban coal seam gas activity from the precious water catchment areas of Sydney and the Illawarra. It is an honour and a privilege to serve as a New South Wales parliamentarian. We have many responsibilities, but none can be greater than providing people across Sydney and the Illawarra with access to clean, fresh drinking water. Without safe drinking water, human health is put at risk. Without safe drinking water, the very future of a region is compromised. Australia is one of the driest continents on Earth. Our water is our most precious asset.

So today—at a time when we have wall to wall Coalition governments in Sydney and Canberra; at a time when the Prime Minister and his Minister for Industry are ready, like bulls at a gate, to allow coal seam gas companies open slather—the Parliament of New South Wales must be a cautious voice for restraint. Together, we must take a stand and protect the integrity of our water supply both now and into the future, for our children and our grandchildren. I say to the people of New South Wales who may be disillusioned with State politics, who look at this place and think that politicians are all the same, that on this issue we are not all the same. Labor has made its choice and there is no going back. Labor will put water first, and coal seam gas second. Labor will put rural and regional communities first, and coal seam gas second. Labor will put people first, and coal seam gas second.

Ours is a party that historically has enjoyed proud links with mining. And we are talking today about a sector that is not without potential to support jobs and economic growth in New South Wales. The sector has a role to play in the twenty-first century energy mix. Mining and farming interests can and must find a way to coexist because both underpin the livelihoods of thousands of people across our State. Nonetheless, today we need to face a brutal fact. There are scores of coal seam gas licences in operation across New South Wales. However, the industry does not enjoy the most crucial licence of all—that is, the licence from the community to proceed.

As Leader of the Labor Party in New South Wales, I make no bones about the fact that politicians of all sides rushed too quickly ahead of the people on coal seam gas. In saying that I include the previous Labor Government. Contrary to the claims made by the Coalition, I have never issued a coal seam gas licence. However, I will say that this is an area where the previous Labor Government should have done much better. When I became the Leader of the Opposition, I travelled across regional New South Wales. I listened to the experts. I read the scientific research. I am proud that I stood up and said enough is enough. Labor is going to stand with the community on this issue. We will support an immediate moratorium on coal seam gas. We want to see the pause button hit in New South Wales. We will apply the

precautionary principle until the scientific community can demonstrate this industry is safe.

I recognise that it is not enough for Labor simply to say that we will suspend coal seam gas until the science is in. The people of this State also deserve certainty, and that means having no-go zones. Some parts of our State are so precious and so important that they must be permanently ring fenced without delay. The core Sydney and Illawarra catchment areas are two such places. Coal seam gas activity in those areas must be ruled out—ruled out today and ruled out forever. The bill that I have introduced seeks to achieve two main goals. First, it cancels any exploration licence, assessment lease, production lease or special prospecting authority relating to coal seam gas in any Sydney water catchment special area. Secondly, it prevents the granting or renewal of any coal seam gas licence or leases in these areas. Importantly, the bill also provides that the State is not liable for any compensation as a result of the proposed Act.

Today five drinking water catchments are managed and protected by the Sydney Catchment Authority. They are Warragamba, Woronora, Upper Nepean, Blue Mountains and Shoalhaven. Together they cover less than 2 per cent of the land in New South Wales, yet they supply drinking water to 60 per cent of the State's population. The Parliament has further defined and declared special areas in each of these catchments in order to exclude industrial development that could contaminate the water supply, particularly by microorganisms. I refer members to section 22 of the Sydney Water Catchment Management Regulation 2013. That section makes it illegal to enter, fish, swim, camp or light a fire in any special area listed in schedule 1. A \$22,000 maximum fine exists for even walking in these areas. Yet these water catchment special areas are covered by coal seam gas licences—licences renewed by the O'Farrell Government as recently as March 2013.

[Interruption]

As the interjections keep coming I make the point that the licences were issued by the former Government and renewed by this Government. As the people of the Illawarra know, Apex Energy has been seeking to drill 16 coal seam gas exploration wells within its local catchment areas. In July this year permission was rejected by the New South Wales Planning Assessment Commission. My view is that if we are serious about protecting the integrity of our drinking water supply it should never have got to that point. It makes no sense that in 2013 people cannot swim in special areas of the Sydney drinking water catchment or fish there and yet there is no legislative protection to stop people drilling for coal seam gas. This is not just an anachronism and an absurdity; it is also a risk to the quality and security of Sydney's drinking water.

The SPEAKER: Order! The member for Oatley will come to order. The Leader of the Opposition will be heard in silence. The member for Shellharbour will cease interjecting.

Mr JOHN ROBERTSON: There is much that we strongly suspect about the impact of coal seam gas activity on our water supply. We suspect that it has the potential to produce contaminated water that is high in salt, methane and toxic compounds and that it has the potential to deplete our aquifers and our groundwater—sources of water that are vital to our overall health. We also know that coal seam gas wells have the potential to degrade over time and that this sort of development cannot occur without land clearing and all the implications that contains for our plants, native vegetation and wetlands. Yes, there is much that we suspect about the impact of coal seam gas activity but there is also too much that we do not

know. In July this year in her initial report on the Independent Review of Coal Seam Gas Activities in New South Wales, Chief Scientist and Engineer Mary O'Kane wrote:

For a dry continent such as Australia more knowledge will be necessary. Further research is required to build our understanding of hydraulic connectivity between groundwater bodies—and also between shallow aquifers and connected surface water bodies.

Further research is also required on cumulative impacts on groundwater and connected surface water ... where there are numerous wells and plays ... and where there are other industries also drawing on the water such as agriculture, or changing the geological structures such as long-wall mining.

The Sydney Catchment Authority has raised concerns about the cumulative consequences for Sydney's drinking water. The chairman of its board, Mark Bethwaite, recently stated:

Given the real and potential risks to Special Areas and Sydney's water supply, SCA's strong position is that coal seam gas activities should be excluded from the Special Areas.

For its part, the New South Wales Planning Assessment Commission has also stated that more conclusive studies on the impact of coal seam gas on drinking water are needed and that these studies are currently being pursued in New South Wales, Australia and internationally. With our agricultural needs, our dry climate and propensity for drought there is no country on Earth more reliant on the integrity of its water supply than Australia. Once an aquifer is damaged, it is destroyed forever. Once groundwater is contaminated, the genie cannot be put back in the bottle.

Labor believes in free enterprise and free markets, but environmental degradation is the ultimate case of market failure. In such a case it is the government that must step up and regulate. Of course, there was a time when we might have expected legislation to ban coal seam gas activity in drinking water catchments to sail through this Parliament unopposed, because prior to the last election that was the Premier's position. The Premier is the man who famously went up to the Central Coast and wore a shirt bearing the slogan, "Water, Not Coal."

The SPEAKER: Order! Members will come to order.

Mr JOHN ROBERTSON: I see the member for The Entrance in the Chamber. He was photographed wearing a similar shirt.

The SPEAKER: Order! Members will cease interjecting and arguing.

Mr JOHN ROBERTSON: The Premier is the man who addressed a rally in Woodbury Park, Wyong, in March 2011 and said the immortal words:

The next Liberal/National government will ensure that mining cannot occur in any water catchment area ... no ifs, no buts, a guarantee.

Nearly three years on that solemn promise to the people of New South Wales seems to have disappeared down the murky depths of a coal seam gas well.

The SPEAKER: Order! Members will come to order. The member for Keira will come to order. The Leader of the Opposition does not require his assistance.

Mr JOHN ROBERTSON: I enjoy his support nonetheless. Before the 2011 election the Coalition spoke of no-go zones, yet over the past three years it has systematically laughed in the face of every sector in the community that is desperately dependent on that commitment being fulfilled. Incredibly, the Government's Strategic Regional Land Use Policy that was released last year contained not a single no-go zone. It failed to declare a single hectare of prime agricultural land that would be ring fenced to the exclusion of mining. It failed to ring fence vital industries such as equine and viticulture and it failed to ring fence our precious drinking water catchments. Instead, it relegated them as interests to be merely considered during any development process.

The facts are indisputable. Before the election the Premier promised to protect water catchments; since the election, he has not lifted a finger. That is why this bill is so important and why he should support it. A Premier who is prepared to wear a "Water, Not Coal" T-shirt to drum up votes cannot now be allowed to wriggle out of the accountability that goes with that promise. Today I issue a challenge not just to the Premier but also to every other Liberal and Nationals member. In February this year the Deputy Premier said:

I wouldn't want coal seam gas 5 metres from my property ... there is always the potential for something to go wrong.

If the Deputy Premier is so eager to ring fence his country estate from coal seam gas why will he not extend the same protections to the drinking water of every person in the Sydney Basin? Where is the member for Kiama, who said, "I believe CSG extraction in water catchments should be banned"? Where is the member for Heathcote?

The SPEAKER: Order! Members will come to order. I call the member for Oatley to order for the first time. Opposition members who continue to argue and interject will be placed on calls to order. This is an important bill. The Leader of the Opposition will be heard in silence.

Mr JOHN ROBERTSON: The member for Heathcote stated on the record:

I have always opposed CSG mining in and around our water catchment and special environment areas ...

He should stand up for the Illawarra and back this bill. If the member for Wollondilly and the member for Blue Mountains were genuinely concerned about coal seam gas we would expect to see them supporting this legislation. Everyone should be supporting this legislation. We should all be enthusiastically clapping and cheering as this bill passes through. Those opposite should back this bill and show the courage of their so-called convictions. Otherwise, we and the people of New South Wales can only conclude that their support for the protection of water catchments was the ultimate in posturing prior to the last election.

The dividing line of politics in Australia in 2013 is clear. Labor stands with the people of Sydney and the Illawarra, who are rightly concerned about the future of their drinking-water supply. Tony Abbott and Barry O'Farrell are quickly becoming the stooges of the big coal seam gas companies at the expense of the community. Today, Labor is all that remains to stop Coalition governments in Sydney and Canberra from signing a blank cheque to companies like Apex and AGL and declaring vast swathes of New South Wales ripe for plunder.

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While the legislation I have introduced today applies to the Sydney and Illawarra water catchments, Labor is also looking into similar protections in catchments across the Hunter, the Central Coast and far-northern New South Wales. To people in those regions I say, "Labor is the only party that is listening to you." We are the only major party in New South Wales prepared to tell the coal seam gas companies to stop. Getting tough on coal seam gas is core business for me and it is core business for Labor. And I am quite prepared to fight the next election on the issue of which party is more committed to stopping dead in its tracks coal seam gas activity in our water catchment areas.

On this crucial issue, every member of Parliament must demonstrate how committed they are to protecting our drinking water. I ask everyone in this Chamber whether they will protect Sydney's drinking water or whether they are prepared to increase the risk of contaminating it. Will they stand up for future generations or will they sell them out? I call on the House to take this opportunity to protect the Sydney water catchment and to support this bill. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.