



## Full Day Hansard Transcript (Legislative Council, 6 March 2014, Proof)

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Extract from NSW Legislative Council Hansard and Papers Thursday, 6 March 2014 (Proof).

### CENTRAL COAST WATER CATCHMENTS PROTECTION BILL 2014

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Jeremy Buckingham.**

#### Second Reading

**The Hon. JEREMY BUCKINGHAM** [10.40 a.m.]: I move:

That this bill be now read a second time.

On 28 February 2008 Barry O'Farrell, who was the then Leader of the Opposition, in speaking at a protest against the Wallarah 2 coalmine—a coalmine that, if approved, will allow longwall mining to undermine the drinking water catchments of the Central Coast—said:

The next Liberal Government will ensure that mining cannot occur here. It will ensure that mining cannot occur in any water catchment area and will ensure that mining leases and mining exploration permits reflect that common sense, no ifs, no buts, a guarantee.

I repeat those words:

... no ifs, no buts, a guarantee.

The Central Coast Water Catchments Protection Bill 2014, prepared by The Greens, will give the Premier the opportunity to show the people of New South Wales what his guarantee is worth. Let me be absolutely clear: this is a key moment for the O'Farrell Government. The credibility of both the Premier and his Government is on the line. When the Premier told the people of the Central Coast that he would stand up for them and stop invasive, destructive and water-intensive coalmining in their drinking water catchments, they trusted him. Barry O'Farrell stood shoulder to shoulder with Chris Hartcher, Chris Spence, Darren Webber and Chris Holstein—four key Central Coast members of his Government—proudly wearing a T-shirt with the words "Water, no coal"

Many people on the Central Coast voted for the Liberal-Nationals Coalition on the basis of that promise. How will the Premier repay their trust? Will the Premier support this bill, which makes good that promise and will prevent all new exploration or mining for petroleum or minerals in the seven key Central Coast drinking water catchments, or will he hide behind the so-called independent Planning Assessment Commission and do nothing? People are starting to doubt the Premier's commitment and his word. We have not seen any moves by Barry O'Farrell to protect—

**The Hon. John Ajaka:** The honourable.

**The Hon. JEREMY BUCKINGHAM:** We have not seen any move by the Hon. Barry O'Farrell to protect water over coal. There have been a remarkable number of meetings with Kores—the Korean mining company that is seeking permission to dig up our drinking water catchments. When the Premier just happened to drop in on a meeting with the president of Kores, did he tell him of his firm opposition and concern that the Kores mine would put at risk community access to clean drinking water in that area?

When the Deputy Premier met with the president of Kores as part of a trade mission to South Korea, did he indicate the Government's opposition and warn Kores not to waste its money by proceeding with its application? When the former Minister for Resources and Energy, the Hon. Chris Hartcher, met with Kores and lobbyist Nick Di Girolamo, did he make the Government's opposition clear? The answer is, shamefully, no. To date, the O'Farrell Government has been an abject failure in following through on its promise to the people of the Central Coast. But the Central Coast Water Catchments Protection Bill 2014 will give the Premier and his Government the opportunity to right that wrong.

Premier O'Farrell needs to ask himself what it means to be the Premier. Is he a plodder, who is content to break his promise and see the removal of five million tonnes of coal per year for 30 years from the drinking water catchment of 300,000 people, or is he a Premier who will stand up to this toxic industry and say enough is enough? I do not want to mislead members into thinking that the Premier is the only Government member who

will be pleased to see this bill introduced by The Greens. Chris Hartcher has been even more insistent, if that is possible, that coalmining should not and will not occur on the Central Coast while the Coalition is in Government. Indeed, no-one is more supportive of this bill than Chris Hartcher. In May 2005, in relation to coal seam gas operations on the Central Coast he said:

The people of the Central Coast cannot be sacrificed on the altar of economic expediency. Their entitlement to clean, safe water must be paramount.

In November 2006 he sent a letter to the residents of Yarramalong and Dooralong in which he said that the Coalition:

... supports the fight by the residents against long-wall mining that might impact on the water catchment or affect water quality.

He said further:

A New South Wales Coalition Government will not permit any coal mining in the water catchment district ... and will ensure, by amendment of any mining lease or mining exploration permit, that the Coast's water supply is protected.

Importantly, he said:

If necessary, special legislation will be introduced into the Parliament to protect the Wyong water catchment.

I repeat:

If necessary, special legislation will be introduced into the Parliament to protect the Wyong water catchment.

The Central Coast Water Catchments Protection Bill 2014 is the legislation that the Government failed to introduce. I seek leave to table Chris Hartcher's letter.

**Leave not granted.**

That is shameful. You are afraid of his words.

**The Hon. John Ajaka:** You did not even bother to show me the letter.

**The Hon. JEREMY BUCKINGHAM:** The people of the Central Coast have read it. This legislation is essential and urgent because, in the absence of government leadership, Wallarah 2 coalmine, which was rejected by the Labor Government on the eve of the last election, has just received endorsement from the Department of Planning and is being considered by the Planning and Assessment Commission. It is an absolute travesty that consideration would be given to allowing longwall coalmining in the drinking water catchment of a population greater than that of the Northern Territory. The Government has tried to plead that the Department of Planning and the Planning and Assessment Commission are at arm's length from the assessment process and has asked that we leave them alone. Many people do not accept that this process is impartial.

As legislators, we have a responsibility to develop an assessment framework that serves the interests of the people of New South Wales, not the interests of a Korean coalmining company or its dodgy lobbyists. I remind members that longwall mining is a key threatening process listed in schedule 3 of the Threatened Species Conservation Act which dramatically alters geology, hydrology, surface topology, surface water quality, surface water quantity and ecological integrity. In the Sydney drinking water catchment, where this stupidity has been allowed by this and previous governments, every day coalmining is damaging, cracking and draining rivers, creek beds and underground aquifers. It was for that reason that the Sydney Catchment Authority's submission to the Government's resource-significant mining State environmental planning policy called for a ban on longwall mining near major lakes and reservoirs. It is common sense.

The bill prohibits any new authorities for mining or exploration, including for petroleum, in the seven critical Central Coast drinking water catchments, namely, the catchment areas of Mangrove Creek Dam, Mardi Dam, Ourimbah Creek, Wyong River, Porters Creek, Mangrove Creek Weir and Mooney Mooney Dam. It provides that the Minister must, within three months after the date of assent to the Act, recommend to the Governor the making of regulations which declare each of those catchments to be protected catchment areas and must include all land from which surface water drains to those dams, creeks or rivers.

A catchment area declared under this section must not be reduced in size, and a regulation declaring an area of land to be a catchment area must not be repealed, unless authorised by an Act of Parliament. Once these areas are declared, the Minister administering the Mining Act 1992 must not grant any mining authorisation in relation to land in a protected catchment area; renew any mining authorisation in relation to land in a protected catchment area; and amend, omit or impose any condition to which a mining authorisation in relation to land in a protected catchment area is subject. In addition, the Minister administering the Petroleum Onshore Act 1991

must not:

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- (a) grant any petroleum title in relation to land in a protected catchment area, or
- (b) renew any petroleum title in relation to land in a protected catchment area, or
- (c) amend, omit or impose any condition to which a petroleum title in relation to land in a protected catchment area is subject.

No ifs, no buts, a guarantee. This means that the bill does not cancel any existing licences but does prevent the Minister from renewing or modifying them. I take this opportunity to acknowledge the remarkable work of the community who fought for this bill and fought to protect their drinking water catchments from the impacts of mining. The community fought for and was given a guarantee from the Hon. Barry O'Farrell that there would be no mining in their drinking water catchments. The community will hold the Premier to account on that promise. It is an issue of credibility, integrity and honesty for the Premier of this State. The Australian Coal Alliance, especially its spokesperson Alan Hayes, has been at the forefront of this battle, as have the Central Coast Greens and the Lock the Gate Alliance.

I also acknowledge the work of Wyong Shire Council. It has made extensive submissions to the Government to support its unanimous resolutions to oppose coalmining in its water catchment areas. This work and community opposition has been supported by Gosford City Council as well. It is The Greens policy to prohibit all mining and exploration, including for petroleum, in all drinking water catchments throughout New South Wales. That is just common sense. That position is supported by the vast majority of people in New South Wales and is opposed only by the Minerals Council of Australia, the miners and their stooges in this place. While the Government does not share this policy decision, it made a promise to the people of the Central Coast that in government it would protect them from mining in their drinking water catchments. This bill achieves that end. I commend the bill to the house.