

**Submission
No 24**

**MINERALS LEGISLATION AMENDMENT (OFFSHORE DRILLING AND
ASSOCIATED INFRASTRUCTURE PROHIBITION) BILL 2023**

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Inquiry into Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023

I address your term of reference as follows:

(a) any constitutional issues or unintended consequences raised by the bill, and whether any amendments may address those;

If there are constitutional issues or unintended consequences this is clear evidence that both commonwealth and state governments are hamstrung by their inability to achieve outcomes that are clearly demanded by their constituencies. It is indisputable that people want PEP11 stopped and it ought to be within the power of governments to achieve this. I can't state with certainty that there aren't risks associated with this legislation, just that there shouldn't be and that, if there are, they should be legislated out of existence.

(b) whether there are other ways to achieve the intended outcomes of the proposed bill including through the New South Wales Government offshore exploration and mining policy;

As stated in (a) I feel that, where there is clear agreement and mandated policy across the political spectrum for a particular result to be achieved, there should be a legislative method to make that happen. The intent and substance of the NSW Government Offshore Exploration and Mining Policy clearly provide for this and any legislation could either be in parallel with the policy or rely on it. Hopefully the policy could achieve its intended result per se, but this Bill in no way conflicts with it and can help achieve its intentions.

More broadly, offshore petroleum extraction would contribute to climate change and to its impacts on health and environment. Antonio Guterres, Secretary General of the United Nations, has stated: 'Coal and other fossil fuels are choking humanity' (media statement 5/3/2022). Accordingly, applying an existing NSW policy against offshore petroleum and enacting other legislation consistent with this and is vitally important.

There are important and urgent changes that could be made to reduce the demand for gas in NSW, for example by disallowing it in new residential construction, as has been done in Victoria. Similarly, there are many opportunities to increase the uptake of renewable energy.

(c) enforcement and compliance issues raised by the bill;

The NSW Government is party to the Joint Authority under the OPGGS Act and in that role can jointly make decisions affecting a proposed offshore petroleum industry in Commonwealth waters. It is therefore consistent that it should have responsibility and ultimate authority over such developments in NSW waters, including actions covered by the NSW Offshore Exploration and Mining Policy and the current Bill, which should it be enacted and have inarguable authority over such developments.

(d) environmental impacts of offshore drilling; and

The environmental impacts including damage to marine ecosystems and to marine species are well documented and will not be elaborated on here.

The risk of catastrophic damage from petroleum spills along our coast is an utterly important criterion in determining any proposal for offshore extraction, as consequences would be extreme.

Therefore, that criterion is equally important in this Bill and it is incumbent on the Environment and Planning Committee to recognise this. The amenity and tourism value of our coast is at stake and the consequences of a catastrophic petroleum spill along NSW's most populous and economically important coastline are unthinkable.

The impacts of offshore drilling also include risks associated with seismic testing. This process is injurious to almost all marine life exposed to it and catastrophic to the entire marine food chain.

(e) any other related matter

The stumbling block preventing refusal of PEP11, particularly at the Commonwealth level, is the risk of legal challenge by the proponent. For PEP11 this is clearly against the wishes of the public and their elected representatives. There is clearly something wrong where an elected government cannot enact a mandated policy which is supported across the political spectrum. It could be regarded as case of capitalism trumping democracy. This risk is inferred in Term of Reference (a), yet proceeding

with the Bill would be to the greater benefit of the people of NSW and achieve a result demanded by them. Any inability to act should be eliminated so that the wishes of the public can be achieved.

I thank you for the opportunity to inform this Inquiry and hope that my views will help shape your findings.

Yours sincerely,

Peter Morris