

**INQUIRY INTO PERFORMANCE OF THE NSW
ENVIRONMENT PROTECTION AUTHORITY**

Name: Name suppressed

Date received: 29/08/2014

Partially Confidential

The NSW Upper House (General Purpose Standing Committee No 5)
NSW inquiry into the performance of the Environment Protection Authority (EPA)

As a farmer and resident of the area to the south of the Narrabri Gas Project I would like to express my great concern at the lenience of the \$1500 fine imposed on Santos for the contamination of aquifers in the their Narrabri project area. This was not a first offence and the fine did not reflect the seriousness of Santos's potential to pollute while engaging in this Coal Seam gas development.

A contaminated aquifer is a very serious pollution problem, not able to be rectified by man. Nature will take its own sweet time to bring the system back into equilibrium, possibly not ever returning to its pre-contamination state. This area of NSW is heavily reliant on underground water for human and livestock habitation. The argument that the fine was in line with the threat posed by the contamination is inadequate, as the fine is to dissuade a recurrence of the offence, not just to reflect the potential damage that an offence caused. The next aquifer contaminated may be supplying humans and/or livestock and if the same sequence of events recurs over the same time span, the outcome may be disastrously different. The system that took place over many months was completely inadequate to initiate timely responses and divulgence of risks to the public.

We do not want these irreversible pollution incidents to occur and we certainly do not want them repeated. How is a \$1500 fine to a company the size of Santos ever going to initiate changed behaviour?

I would like to have the time at my disposal to address the issue in detail for this inquiry. However I find myself at a disadvantage in that I have a farm business to run and would prefer that the instrumentalities put in place to protect our environment (e.g. the Environment Protection Authority) fulfilled their objectives carefully and thoroughly on the public's and thus my behalf.

Thorough, swift rigorous attention by the Environment Protection Authority to these incidents is required for the public to have confidence that the environment is sustained in a healthy state for future generations.

Thank you for the opportunity to express my concern.

29 August 2014

For reference:

Protection of the Environment Administration Act 1991 No 60

Current version for 4 July 2014 to date (accessed 29 August 2014 at 10:57)

[Part 3](#) §Section 6

Objectives of the Authority

(1) The objectives of the Authority are:

(a) to **protect, restore and enhance the quality of the environment in New South Wales**, having regard to the need to maintain ecologically sustainable development, and

(b) to reduce the risks to human health and prevent the degradation of the environment, by means such as the following:

- promoting pollution prevention,
 - adopting the principle of reducing to harmless levels the discharge into the air, water or land of substances likely to cause harm to the environment,
 - minimising the creation of waste by the use of appropriate technology,
 - regulating the transportation, collection, treatment, storage and disposal of waste,
 - encouraging the reduction of the use of materials, encouraging the re-use and recycling of materials and encouraging material recovery,

- adopting minimum environmental standards prescribed by complementary Commonwealth and State legislation and advising the Government to prescribe more stringent standards where appropriate,
- setting mandatory targets for environmental improvement,
- promoting community involvement in decisions about environmental matters,
- ensuring the community has access to relevant information about hazardous substances arising from, or stored, used or sold by, any industry or public authority,
- conducting public education and awareness programs about environmental matters.

(2) For the purposes of subsection (1) (a), ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

(a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
- (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
 - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.