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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Environment Protection and Biodiversity
Conservation Amendment (Independent
Expert Scientific Committee on Coal
Seam Gas and Large Coal Mining
Development) Bill 2012**

No. , 2012

(Sustainability, Environment, Water, Population and Communities)

**A Bill for an Act to amend the *Environment
Protection and Biodiversity Conservation Act 1999*,
and for related purposes**

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1 column 2 of the table. Any other statement in column 2 has effect
2 according to its terms.

3

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence before 1 July 2012, they commence on that day.	

4 Note: This table relates only to the provisions of this Act as originally
5 enacted. It will not be amended to deal with any later amendments of
6 this Act.

7 (2) Any information in column 3 of the table is not part of this Act.
8 Information may be inserted in this column, or information in it
9 may be edited, in any published version of this Act.

10 **3 Schedule(s)**

11 Each Act that is specified in a Schedule to this Act is amended or
12 repealed as set out in the applicable items in the Schedule
13 concerned, and any other item in a Schedule to this Act has effect
14 according to its terms.
15

1
2 **Schedule 1—Amendment of the Environment**
3 **Protection and Biodiversity**
4 **Conservation Act 1999**
5

6 **1 After subsection 130(4)**

7 Insert:

8 *Time does not run while awaiting advice from Independent Expert*
9 *Scientific Committee*

10 (4A) If, under section 131AB, the Minister is required to obtain advice
11 from the Independent Expert Scientific Committee on Coal Seam
12 Gas and Large Coal Mining Development before making a
13 decision whether or not to approve the taking of an action, a day is
14 not to be counted as a business day for the purposes of
15 subsection (1B) if it is:

- 16 (a) on or after the day the Minister requested the advice; and
17 (b) on or before the day on which the Minister obtains the
18 advice.

19 **2 After section 131AA**

20 Insert:

21 **131AB Minister must obtain advice from Independent Expert**
22 **Scientific Committee on Coal Seam Gas and Large Coal**
23 **Mining Development**

24 (1) This section applies if:

- 25 (a) the taking of an action, for the purposes of a controlling
26 provision, involves:
27 (i) coal seam gas development; or
28 (ii) large coal mining development; and
29 (b) the Minister believes that the taking of the action:
30 (i) is likely to have a significant impact on water resources;
31 and

1 (ii) may have an adverse impact on a matter protected by a
2 provision of Part 3.

3 (2) Before the Minister decides whether or not to approve, for the
4 purposes of the controlling provision, the taking of the action, the
5 Minister must obtain the advice of the Independent Expert
6 Scientific Committee on Coal Seam Gas and Large Coal Mining
7 Development.

8 **3 After paragraph 136(2)(f)**

9 Insert:

10 (fa) any relevant advice obtained by the Minister from the
11 Independent Expert Scientific Committee on Coal Seam Gas
12 and Large Coal Mining Development in accordance with
13 section 131AB; and

14 **4 After Division 2A of Part 19**

15 Insert:

16 **Division 2B—Establishment and functions of the**
17 **Independent Expert Scientific Committee on**
18 **Coal Seam Gas and Large Coal Mining**
19 **Development**

20 **505C Establishment**

- 21 (1) The Independent Expert Scientific Committee on Coal Seam Gas
22 and Large Coal Mining Development is established.
- 23 (2) The Committee is to consist of at least 5, but not more than 8,
24 members.
- 25 (3) A member of the Committee is to be appointed by the Minister by
26 written instrument, on a part-time basis.
- 27 (4) The Minister must appoint one member of the Committee to be the
28 Chair.
- 29 (5) When appointing members of the Committee, the Minister must
30 ensure that:

-
- 1 (a) each member (other than the Chair) possesses appropriate
2 scientific qualifications that the Minister considers relevant to
3 the performance of the Committee's functions; and
4 (b) each member's appointment is not being made to represent
5 any particular body, group or community.

6 Note: Other provisions relating to members are set out in Division 3.

7 **505D Functions of the Committee**

- 8 (1) The Committee has the following functions:
- 9 (a) within 2 months of a request by the Minister (the
10 ***Environment Minister***)—to provide scientific advice to the
11 Environment Minister in relation to proposed coal seam gas
12 developments or large coal mining developments that are
13 likely to have a significant impact on water resources;
- 14 (b) within 2 months of a request by an appropriate Minister of a
15 declared State or Territory—to provide scientific advice to
16 the Minister in relation to proposed coal seam gas
17 developments or large coal mining developments in the
18 relevant State or Territory that are likely to have a significant
19 impact on water resources;
- 20 (c) at the request of the Environment Minister—to provide
21 advice to the Environment Minister about:
- 22 (i) how bioregional assessments should be conducted in
23 areas where coal seam gas development or large coal
24 mining development is being carried out or is proposed;
25 and
- 26 (ii) priority areas in which bioregional assessments should
27 be undertaken; and
- 28 (iii) bioregional assessments commissioned by the Minister;
- 29 (d) at the request of the Environment Minister—to provide
30 advice to the Environment Minister about:
- 31 (i) priorities for research projects to improve scientific
32 understanding of the impacts of coal seam gas
33 developments and large coal mining developments on
34 water resources; and
- 35 (ii) research projects commissioned by the Minister in
36 relation to the impacts of coal seam gas developments
37 and large coal mining developments on water resources;

- 1 (e) to publish information about improving the consistency and
2 comparability of research in relation to the impacts of coal
3 seam gas developments and large coal mining developments
4 on water resources;
- 5 (f) to publish information relating to the development of
6 standards for protecting water resources from the impacts of
7 coal seam gas development and large coal mining
8 development;
- 9 (g) to collect, analyse, interpret and disseminate scientific
10 information in relation to the impacts of coal seam gas
11 development and large coal mining development on water
12 resources;
- 13 (h) any other functions prescribed by the regulations;
- 14 (i) to do anything incidental to, or conducive to, the performance
15 of the above functions.
- 16 (2) The Committee also has the following functions:
- 17 (a) at the request of the Environment Minister—to provide
18 scientific advice to the Environment Minister in relation to a
19 matter that is protected by a provision of Part 3;
- 20 (b) at the request of the appropriate Minister of a declared State
21 or Territory and with the written agreement of the
22 Environment Minister—to provide scientific advice to the
23 Minister of the State or Territory in relation to the matters
24 specified in the request, if the Committee has sufficient
25 scientific expertise.

26 **505E Declared States and Territories**

- 27 (1) The Minister may, by legislative instrument, declare a specified
28 State or self-governing Territory to be a ***declared State or***
29 ***Territory***.
- 30 (2) The Minister must not declare a State or a self-governing Territory
31 unless, at the time of the declaration, the State or Territory is a
32 party to the National Partnership Agreement on Coal Seam Gas
33 and Large Scale Coal Mining Development between the
34 Commonwealth and one or more States or self-governing
35 Territories that commenced on 14 February 2012.

1 **5 At the end of section 506**

2 Add:

3 ; (d) the Independent Expert Scientific Committee on Coal Seam
4 Gas and Large Coal Mining Development.

5 **6 Section 528**

6 Insert:

7 *bioregional assessment*, in relation to an area, means the scientific
8 analysis of the ecology, hydrology and geology of the area for the
9 purpose of assessing the potential direct and indirect impacts of
10 coal seam gas development or large coal mining development on
11 water resources in the area.

12 **7 Section 528**

13 Insert:

14 *coal seam gas development* means any activity involving coal
15 seam gas extraction that has, or is likely to have, a significant
16 impact on water resources:

17 (a) in its own right; or

18 (b) when considered with other developments, whether past,
19 present or reasonably foreseeable developments.

20 **8 Section 528**

21 Insert:

22 *declared State or Territory* means a State or self-governing
23 Territory that is declared by the Minister under section 505E.

24 **9 Section 528**

25 Insert:

26 *Independent Expert Scientific Committee on Coal Seam Gas and*
27 *Large Coal Mining Development* means the Committee
28 established by section 505C.

29 **10 Section 528**

30 Insert:

1 ***large coal mining development*** means any coal mining activity
2 that has, or is likely to have, a significant impact on water
3 resources:
4 (a) in its own right; or
5 (b) when considered with other developments, whether past,
6 present or reasonably foreseeable developments.

7 **11 Section 528**

8 Insert:

9 ***water resource*** has the same meaning as in the *Water Act 2007*.