



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

**No. 145, 2012**

**An Act to amend the *Environment Protection and  
Biodiversity Conservation Act 1999*, and for related  
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



---

## Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedule(s).....	2

<b>Schedule 1—Amendment of the Environment Protection and Biodiversity Conservation Act 1999</b>		4
--	--	---

---

*i* Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Act 2012 No. 145, 2012





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

**No. 145, 2012**

---

---

**An Act to amend the *Environment Protection and  
Biodiversity Conservation Act 1999*, and for related  
purposes**

[Assented to 24 October 2012]

The Parliament of Australia enacts:

---

*Environment Protection and Biodiversity Conservation Amendment (Independent Expert  
Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Act 2012* No.  
145, 2012 1

---

## 1 Short title

This Act may be cited as the *Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Act 2012*.

## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

---

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	24 October 2012
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	9 November 2012 (see F2012L02158)

---

Note: This table relates only to the provisions of this Act as originally enacted.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

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

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule

---

2 *Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Act 2012* No. 145, 2012

---

concerned, and any other item in a Schedule to this Act has effect according to its terms.

---

*Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Act 2012* No.  
145, 2012 3

## **Schedule 1—Amendment of the Environment Protection and Biodiversity Conservation Act 1999**

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

Insert:

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

- (4A) If, under section 131AB, the Minister is required to obtain advice from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development before making a decision whether or not to approve the taking of an action, a day is not to be counted as a business day for the purposes of subsection (1B) if it is:
- (a) on or after the day the Minister requested the advice; and
  - (b) on or before the day on which the Minister obtains the advice.

### **2 After section 131AA**

Insert:

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

- (1) This section applies if:
- (a) the taking of an action, for the purposes of a controlling provision, involves:
    - (i) coal seam gas development; or
    - (ii) large coal mining development; and
  - (b) the Minister believes that the taking of the action:
    - (i) is likely to have a significant impact on water resources, including any impacts of associated salt production and/or salinity; and

---

<sup>4</sup> *Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Act 2012* No. 145, 2012



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

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

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

Insert:

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

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

Insert:

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

### **505C Establishment**

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

- (a) each member (other than the Chair) possesses appropriate scientific qualifications or expertise that the Minister considers relevant to the performance of the Committee's functions; and
  - (b) each member's appointment is not being made to represent any particular body, group or community.
- (6) The Minister must also ensure that a majority of the members possess scientific qualifications and expertise in one or more of the following areas:
- (a) geology;
  - (b) hydrology;
  - (c) hydrogeology;
  - (d) ecology.

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

### **505D Functions of the Committee**

- (1) The Committee has the following functions:
- (a) within 2 months of a request by the Minister (the *Environment Minister*)—to provide scientific advice to the Environment Minister in relation to proposed coal seam gas developments or large coal mining developments that are likely to have a significant impact on water resources, including any impacts of associated salt production and/or salinity;
  - (b) within 2 months of a request by an appropriate Minister of a declared State or Territory—to provide scientific advice to the Minister in relation to proposed coal seam gas developments or large coal mining developments in the relevant State or Territory that are likely to have a significant impact on water resources, including any impacts of associated salt production and/or salinity;
  - (c) at the request of the Environment Minister—to provide advice to the Environment Minister about:
    - (i) how bioregional assessments should be conducted in areas where coal seam gas development or large coal mining development is being carried out or is proposed; and

- 
- (ii) priority areas in which bioregional assessments should be undertaken; and
  - (iii) bioregional assessments commissioned by the Minister;
  - (d) at the request of the Environment Minister—to provide advice to the Environment Minister about:
    - (i) priorities for research projects to improve scientific understanding of the impacts of coal seam gas developments and large coal mining developments on water resources, including any impacts of associated salt production and/or salinity; and
    - (ii) research projects commissioned by the Minister in relation to the impacts of coal seam gas developments and large coal mining developments on water resources, including any impacts of associated salt production and/or salinity;
  - (e) to publish information about improving the consistency and comparability of research in relation to the impacts of coal seam gas developments and large coal mining developments on water resources, including any impacts of associated salt production and/or salinity;
  - (f) to publish information relating to the development of standards for protecting water resources from the impacts of coal seam gas development and large coal mining development, including from any impacts of associated salt production and/or salinity;
  - (g) to collect, analyse, interpret and disseminate scientific information in relation to the impacts of coal seam gas development and large coal mining development on water resources, including any impacts of associated salt production and/or salinity;
  - (h) any other functions prescribed by the regulations;
  - (i) to do anything incidental to, or conducive to, the performance of the above functions.
- (2) The Committee also has the following functions:
- (a) at the request of the Environment Minister—to provide scientific advice to the Environment Minister in relation to a matter that is protected by a provision of Part 3;

- (b) at the request of the appropriate Minister of a declared State or Territory and with the written agreement of the Environment Minister—to provide scientific advice to the Minister of the State or Territory in relation to the matters specified in the request, if the Committee has sufficient scientific expertise.

#### **505E Declared States and Territories**

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

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

Add:

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

#### **6 Section 528**

Insert:

*bioregional assessment*, in relation to an area, means the scientific analysis of the ecology, hydrology and geology of the area for the purpose of assessing the potential direct and indirect impacts of coal seam gas development or large coal mining development on water resources in the area, including any impacts of associated salt production and/or salinity.

#### **7 Section 528**

Insert:

*coal seam gas development* means any activity involving coal seam gas extraction that has, or is likely to have, a significant

impact on water resources (including any impacts of associated salt production and/or salinity):

- (a) in its own right; or
- (b) when considered with other developments, whether past, present or reasonably foreseeable developments.

## **8 Section 528**

Insert:

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

## **9 Section 528**

Insert:

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

## **10 Section 528**

Insert:

*large coal mining development* means any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

- (a) in its own right; or
- (b) when considered with other developments, whether past, present or reasonably foreseeable developments.

## **11 Section 528**

Insert:

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

---

*[Minister's second reading speech made in—  
House of Representatives on 22 March 2012  
Senate on 18 June 2012]*

*(57/12)*

---

*10 Environment Protection and Biodiversity Conservation Amendment (Independent  
Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Act 2012  
No. 145, 2012*