

NSW Government Department of Planning and Environment.

Submission to: Final Draft Community Consultation Committee Guidelines - State Significant Projects.

Sir/Madam

Thank you for the opportunity to be part of this process on the Department of Planning and Environment (DPE) Final Draft Community Consultation Committee Guidelines.

The name says it all COMMUNITY CONSULTATIVE COMMITTEE.

To me that means that this Committee is for the benefit of the Community and as such there should be minimal involvement by a company in the running of the committee and none at all in the reporting of information back to the public save for the provision of a website or web page solely for this purpose. The visits to that site should not be recorded and if they are then they should not be used by the company to improve or show that company's community consultation as being accepted by the community.

I will be submitting on only one category of State Significant Projects- Coal Seam Gas with a mention of coal mining and I will be using PEL 238 and Narrabri Shire as my models. I mean no disrespect to anyone or any identity when using this area as my model when writing this submission.

At present I sit on the current Narrabri Gas Project Community Consultation Committee (NGPCCC) and was a member of the previous Santos Narrabri CCC, so I have some knowledge as to how a Community Consultation Committee works. Both these community consultative committees were set up for the exploration phase of CSG in PEL238 with particular interest in the Narrabri Gas Project area.

The Committee I currently sit on was set up by the now Department of Industry Resources and Energy (DIRE). This type of pre-development exploration Community Consultation Committee was the subject of an Exploration Code of Practice- Draft Community Consultation Code Review in November 2015 and was designed around the community being able to ask questions and for getting information out to the community throughout exploration and leading up to the development stage.

This submission is written to include Exploration CCC's because the wording in this draft does not indicate that the CCC Guidelines under consideration are for post Exploration CCC's only.

Concerns

Qualifications for Community Representatives

Community representatives should be drawn from a very diverse group of community members some of who should represent the various local "area" groups or organisations which represent both sides of the debate on the effects of the project/development and who must be able to demonstrate respect of each other and their views. Representations from Environmental groups external to the local "area" are extra to the allotted Community Consultative Committee numbers.

E.g. If the committee community representative numbers are six (6) and an environmental group membership is required then the committee has seven (7) representatives

Community representatives should not have any connection with any particular company and its subsidiaries, nor contractors and their subsidiaries nor associated businesses, which are involved with the particular project or development. This connection should extend to spouses, partners, offspring and siblings of those mentioned above.

Other exclusion categories should be, persons receiving sponsorships, any person who received or is receiving payment or inducements from a company that is directly associated with a particular project, this includes;

- persons who have and are receiving payment or other inducements for Access Agreements,
- persons receiving payments or inducements for rent or leases of land or premises used by the project company,
- any State or Federal Government employee or anyone receiving monies for services from those Governments (Local Council Representatives should be excluded from sitting on any Community Consultative Committee if there has been a direct contribution of any kind, to that Council or Councillor by that particular company, its subsidiaries or other identities. Persons associated with a Council that are also members of Government Committees which have influence over the outcomes of the project should also be excluded from sitting on any Community Consultative Committee),
- persons who are members of groups or teams whose sponsorships amounts to more than \$1000.00 in a single year,
- persons whose views on a particular project are known to be so extreme as to prevent and obstruct the efficient operation and debate of a Community Consultative Committee, with the same going to the other extreme of “rubber stamp” representation.

Examples of exemption to exclusion can be persons or businesses who through the normal course of trade receive a modest third party income as a result of a project, such as:

- main street shop owners,
- petrol stations but not bulk fuel outlets,
- general freight companies but not those directly involved with the cartage of project material,
- representatives from community groups such as Lions or Rotary.

The requirement for “current resident of the area” should be changed to “current landowner in the area of the project/development”. The wording in the draft shows discrimination towards those who own property in the “area”, in that it implies that they have no rights and their views are neither respected nor wanted. These persons can have their property in the “area” affected by a project/development and just because they reside at another property, either owned or rented, in a town which is outside an “area”, should not exclude them from being able to sit on a Community Consultative Committee which is for a project/development in the “area” of their property. In my view if they are entitled to vote in the local elections that comes into the “area” of a project/development then they have the right to apply to be part of the Committee.

Summary

Community Consultative Committees should include representatives from local groups or organisations from within the “area” that represent both sides of the debate on a project/development as well as non connected representatives. Groups and organisations usually have a network that should enable a wider dissemination of information within the “areas” community and beyond.

The criteria for Community Consultative Committee exclusions should be widened to include persons receiving payments or inducements from such sources as: rent, leases, Governments/Government Bodies or Committees (State and Federal).

A further reason for exclusion from being a Community Consultative Committee Member, is the holding such extreme views (left or right) as to obstruct any outcomes of the Committee.

The requirement of “residency” should be replaced by “owner of Land”, this will reduce any

“discrimination” due to residency location.

“Area” in the context of these guidelines needs to be defined.

Committee Types

There should always be two Community Consultative Committees, one set up for Exploration (DIRE) and one set up for Production/Development (DPE). While these committees have the same basic role, that is getting the information out to the community, they have a completely different role to play when it comes to the type of information that the community requires. The type of information required is as alike as chalk is to cheese.

The exploration CCC's are about correctly informing the public about the industry with all its pros and cons to get the debate about the industry going so that all the people within the State of NSW and elsewhere, the companies, the NSW Government and Federal Government and their respective departments can learn from this robust debate which can also lead to establishing the correct regulation of the industry and most importantly, to enable a review of that regulation when new and better practices are found. Even the questions asked around each phase are different.

Exploration Community Consultation Committees should be kept running as separate identities from those set up at the development stage even when the company is involved in both exploration and development in the same area or PEL.

I trust that these Exploration Community Consultation Committees will continue into the future and be separate to any committee established under the Department of Planning Guidelines. However, the Draft Guidelines indicate differently. At least one gas company, Santos, has at the March 2016 NGPCCC indicated that they have a strong preference for a single Community Consultative Committee to cover the two very different stages, exploration and development. I will not comment on their reasoning here as I am sure that they will declare that in their submission.

I do agree that the Community Consultative Committee for development/production should be established at the same time as an application is submitted to the NSW Department of Planning by a company to move to production/development. As stated earlier, any Department of Planning required CCC should not replace any Exploration CCC, nor should the two be combined.

Exploration is Exploration; Development and Production is just that Development and Production.

Summary

There should be two separate Community Consultative Committees both set up at the application stage of each phase of a projects activity, one for the exploration and one for the development/production phase. These committees should run independently of each other while ever the respective phases of mining and gas extraction are being carried out in that PEL or Coal Mining Lease area. There should be a requirement that no processing of the application for either phase of a projects life can commence until the establishment of a CCC has occurred and there has been at least one meeting with the minutes made available to the community by the approved channels.

Getting Information out to the Public.

Looking again at the NGPCCC , time is taken up at every meeting talking about the lack of information getting out to the community and the same problems arise, such as, lack of internet capabilities for many people outside of the metropolitan area. This varying level of access applies almost equally to those who

live out of town on rural properties as it does to those who live in the towns and cities outside the larger population areas.

Some members of the NGPCCC send out what little information has been given to them in electronic format to the community via their email services, there have even been attempts to turn hard copies into transmittable documents, however, despite all the various attempts, the quantity of information being disseminated to the wider community is only minimal, whichever way the information is getting out to the community is small. Many documents are simply not small enough or cannot be broken into smaller segments to be transmitted. Links are provided, however due to the poor internet services in regional areas these are often not accessed. Companies and Local Government do not seem to want to allow ready access at their premises to the information discussed or referenced at the CCC meetings.

Taking Narrabri Shire Council as an example; the Council has a policy of not publishing any information on neither its website, facebook page nor in the Council meeting agendas that has come out of any committee that is located within the Shire boundaries, yet Council has representatives on the coal and gas committees. Councils are the largest single community body in their Shire and yet Narrabri Council will not publish anything that comes out of the NGPCCC, not even the Communique. Narrabri Shire Council claims to have a policy which forbids displaying the results of local committee meetings on any of its electronic media or in the Council meeting papers.

I along with others did not agree to the idea of a Communique replacing minutes and never will. Councils and companies should be required to place all information from CCC's on their community accessible media sites as well as installing dedicated terminals for public use at Chambers, all local Libraries and at the offices of the company. These terminals should be dedicated solely to displaying and providing material discussed, referenced and presented at the CCC's. There should also be hardware facilities such as a DVD burner and USB access for downloading information. Printing facilities should also be provided.

There should also be a dedicated but independent website established which contains all the information coming out of the CCC's. The establishment of such a site must form part of the first steps of establishing a "projects" CCC. The establishment of such a site removes any temptation for a company to "boost" its creditability and Community Consultation figures by including the figures from those who want information about the CCC activities and those who visited the site because they were just curious. The use of just a company's website could discourage committee members from reporting back to the community as required, saying "why should we, when the whole CCC activity is up on a company's website for all to see".

Summary

Reasonably detailed minutes should form part of the Guideline Instructions on meeting practice. The corrected and approved minutes should be readily available for community access no later than seven calendar days after the meeting. Communiques and brief minute formats similar to Narrabri Shire Council meeting minutes are not acceptable as are those now given to the NGPCCC by the Secretariat, Santos.

In the interest of true and unbiased recording, meeting minutes should not be taken, corrected or distributed by the 'company', rather the Independent Chair should be allocated a budget large enough to accommodate paying for an independent minute taker and distributor.

Also see comments in the Summary on "Qualifications for Community Representatives"

A dedicated web page independent of any company or government site should be established so as to enable the public to have access to CCC information without the possibility of their visits being seen as approval of a company's project or community consultation.

Community Observers at Meetings.

I do not subscribe to scare tactics such that these CCC's could be taken over by those in the public gallery who question the project/development. I base this on my experience in attending Narrabri Council and Committee Meetings in excess of seven (7) years now and from my experiences with the CCC's which I have been part of. I have found in 99% of cases where the public has been allowed to attend Council meetings that they have been respectful of the rules for attendance with the occasional murmuring being the worst behaviour I have witnessed. The conduct of some the Narrabri Gas Project Community Consultation Committee Members, towards other members, has at times, been very challenging, almost nasty.

I firmly believe that there should always be a public gallery to observe and learn more about the workings and subjects brought up in any State Significant Consultative Committee whether it is for exploration or development/production.

In order to maintain control over the meetings, the Chair must have the right to remove any rowdy individual and/or, ask the public to leave due to discussions of a confidential nature, but even these cases should be rare.

Any confidential matters should be kept until the end of a meeting. Committee members should be able to be excused from a confidential meeting for whatever reason without any repercussions.

Summary

The community should have a right to attend all CCC meetings as observers only. The only exception to the community's attendance is when the committee may be discussing material that could be considered in-confidence.

Committee members may exclude themselves from any "confidential" part of a meeting without any repercussions.

Committee Meetings.

CSG Community Consultative Committee Meetings should be held at least six (6) times per year on fixed dates approved at the first meeting and then reset at the first meeting held every year. This practice must be adhered to for the life of the CCC. Alternate dates can be provided as a contingency measure. This number is required to keep committee members and the community informed as to what a company is doing with regard to exploration and project development due to the ever changing circumstances that surround this industry and to keep all members abreast of current influential circumstances.

A small example of these circumstances: changing world and domestic markets leading to either an increase or decrease in well drillings, changing "world's best practice" that require new legislative requirements attached to operating conditions and changing of CCC Code of Meeting Practice.

Each appointed primary committee member is to attend at least 60% of the Community Consultative Committee Meetings and at least one localised regional-based community information session in any one calendar year.

The idea of combining a number of Community Consultative Committees into one is not a good one due to the different stages and conditions that can be experienced with individual companies, even those that are of the same industry. For example: open cut versus underground coal mines, versus CSG extraction, as this industry has very different regulatory requirements to coal mining, etc.

The suggestion of a periodic regional-based community information session is a sound one, however it must be industry based only and not take the place of any scheduled Community Consultative Committee Meeting dates, and the description “regional-based” needs to be changed to “localised regional-based”. Regional-based gives the impression of very large areas possibly encompassing areas as large as four (4) to five (5) local Government areas, while localised regional-based indicates a much smaller area of possibly two (2) or three (3) local Government areas.

Every group/organisation community representative must have an alternate and these alternates should be required to attend at least 30% of the annual meetings in an observer capacity so as to keep abreast of the committee’s progress. Alternates should be allowed to attend all meetings and outings, if they so wish.

Summary

Community Consultative Committee Meetings should held be at least six (6) times per year on predetermined dates with industry based, localised regional-based information sessions held an extra two (2) times a year which should be open to the public for questions and answers.

Primary appointed committee members must attend at least 60% of the Community Consultative Committee Meetings and should attend at least one (1) of the localised regional-based community information sessions in a calendar year.

Alternate members must be allowed for each group/organisation community committee member, with a minimum annual requirement of 30% attendance at meeting as an observer. Alternates can attend all meetings and outings, if they so wish, as an observer except when replacing an appointed member.

Committee Funding

If it is a requirement stated in the Secretaries Requirements (DGR’s) as well as in the Conditions of Operating Approval then companies must fund the expenses of Community Consultative Committees. If they do not then it is up to the NSW Government to ensure that this and other conditions are met; so to that end there should be inserted in the many covering Industry Acts, a SEPP with a penalty clause attached for delayed or non-compliance.

Funding responsibilities for a CCC must be carried over to the new owners of a licence for exploration or development/production should the original owner of that licence sell their holdings in that licence or cease to be the major operator.

As stated earlier, the funding should be extended to the provision of an Independent Secretariat.

Summary

NO EXCUSES, NO EXCEPTIONS. If the establishment of a CCC is required for exploration and or development/production of a Project or for any other reason, then the company must fully fund that CCC for the full term as prescribed for that CCC. This funding should also include funding for an Independent Secretariat.

Full funding responsibilities for a CCC are to be transferred to any new owner or new major operator should that event occur.

Conclusion

When it comes to the formation and structure of Community Consultative Committees, it must be remembered why they are required. Community Consultative Committees are supposed to be an open, honest and two-way street between the companies and the community with the NSW Government sitting on the side lines providing advice to both parties as and when required and should last the full term of any project or development.

Community Consultative Committees should be fully funded by the company in charge of a particular development/production or project at the time, and be in existence for the full length of that development or project.

Persons or groups applying for positions on the committee should not be receiving payments, donations or incentives, including sponsorships, of any kind for any purpose from the company involved and should not be employees of any person, organisation, group or identity that are receiving such payments or incentives. Prospective committee members should not be employed by State or Federal Governments or be receiving any form of payment or incentives from those bodies. This also applies to any person who is sitting on any committee and organisation which could influence the outcome of any stage of the industries exploration and/or development/production approvals or regulation including regulation enforcement. Family members and those in relationships with those described above should also be disqualified from becoming CCC members. This also applies to alternates.

Alternates are required for all non-company Community Consultative Committee members. These alternates should be able to attend all meetings and outings but as observers only except when substituting for the appointed member.

Appointed community members are to have no fixed term and any review of their performance should not be the sole reason for Community Consultative Committee membership exclusion. Reasons must be given for any termination of Committee Membership. Any terminated member has the right to a review of that decision and to that end a Review Committee must be established and included in the Community Consultative Guidelines.

There has to be a “balance of views” in the members appointed to the Community Consultative Committee.

The length of a Community Consultative Committee, once the need for one is established, should be as the saying goes- “From cradle to grave”.

Thank you
Mr A J Pickard.
Narrabri. NSW.

29th March 2016

The below personal information is not for publication

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