

**From:** [David Hunt](#)  
**To:** [Brendan Liew](#)  
**Cc:** [John&Sandra Potter](#)  
**Subject:** Submission to Draft Community Consultative Committee Guidelines - State Significant Projects  
**Date:** Monday, 18 April 2016 11:45:01 AM  
**Attachments:** [OriginalSubmissionFor Review of MS CompensationAct1961.docx](#)  
[Attachments.zip](#)  
[MustonAmended Submission for Review of MS CompensationAct1961.docx](#)

---

Hi Brendan  
Many thanks for helping out with this.  
Other info you may need according to the online form  
My address is  
58 Darley Street Thirlmere 2572  
Sandra Potter's address is also in Thirlmere  
Mobile phone numbers are at the end of the email  
Regards

David Hunt

Executive Director

Resources Assessment & Business Systems

NSW Dept of Planning and Environment

**Re. Submission to Draft Community Consultative  
Committee Guidelines - State Significant Projects**

The Tahmoor Colliery Community Consultative Committee (T4C) recently made a submission (30 March 2016) to the Review of the Mine Subsidence Compensation Act. It detailed the inadequacies of the legislation and the unsuccessful efforts made by the T4C community members to have those inadequacies seriously addressed. Those members believe the committee is not performing its advisory role, a stated aim for formation of CCCs, when its suggestions and submissions are continually ignored.

The attached original submission by community T4C members to the Review of the MS Comp Act relates flaws in the workings of the Act to the inability of the T4C committee to communicate its concerns. The attempt by community members of the T4C to summarise those concerns in that submission saw their agreed text significantly amended by the committee chairperson before it was submitted. The fact that such censorship was possible provides the strongest argument for the need for revision of the CCC Guidelines. There is a widespread perception within the community that the existence of CCCs merely allows companies to claim they are fulfilling their community obligations without providing any real benefits to the affected communities.

Preparation and Presentation of T4C Submission to the Review of  
the Mine Subsidence Compensation Act 1961

The final draft of the submission was prepared in consultation with and on behalf of the community members of the T4C. It was sent to the 7 community members on 29 March asking for their final review before it was submitted. It was also sent to the T4C Chair for him to submit after agreement of community members. (See attachment "Submission for Review of Mine Subsidence

Compensation Act 1961")

The five non-aligned community members agreed to its original form and content and the Wollondilly Council representative, David Henry, and Councillor, Col Mitchell, wrote to the T4C chair agreeing in principle to the submission but noting a couple of minor amendments.

However the chairperson, Michael Muston, forwarded it to the Tahmoor Colliery GM and three other mining company employees who attend the T4C meetings. He subsequently sent around his amended version of the submission (see track changed version in attachment - "Muston amended Review of MS Compensation Act 1961") after omitting many clauses and attachments. Community members believed that those changes were made on the instruction of the mining company. However since the submission had to be presented the following day there was no time for community members to consider the major changes made and they agreed the changed version should be submitted to ensure it would not be invalidated for late submission.

The T4C community members were understandably very concerned by this development since they understood the submission was to be solely on behalf of community members of the T4C. It was also noted that Michael Muston presented the submission as the independent chairperson of the T4C whereas he was in fact appointed by and is remunerated directly by the mining company.

The submission finally presented by the chairperson did not represent the concerns of the T4C community members fairly nor comprehensively as did the original.

It well illustrates the inadequacies of a process whereby the mining company has an undue influence over that process. The company not only oversees all Environmental Impact Statements used for the SMP and any future reports for the mine, it appears that it also influences the interpretation of the MSB guidelines and then manages all responses to the consequences of mining. The modifications made to the original submission clearly suggest that the company does not want transparent dissemination within government or the wider community of local concerns regarding those inadequacies. The original submission included many examples of mining company interference in the functioning of the Act which we believe are contrary to the intention of that legislation.

Please find attached below

- Original Submission for Review of MS Compensation Act 1961 plus Attachments
- Muston Amended Submission for Review of MS Compensation Act 1961 (NB. This submission notes the attachments included and these can be found in "Attachments" folder)

Signed Sandra Potter - Current community member of T4C  
(Ph. 0401 558144)

David Hunt - Previous community member of T4C until 2013  
(Ph. 0414 318521)

