

Dr Kerri Clarke
PO Box 357
Uralla NSW 2358
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Executive Director
Resources Assessment & Business Systems
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Submission for draft (February 2016) Community Consultative Committee Guidelines – State Significant Projects

Based on my experience as the Maules Creek Coal Community Consultative Committee Environmental representative some concerns of the proposed changes to the CCC guidelines (February 2016 draft) are provided below.

p. 3. The Company is responsible for nominating an appropriate Independent Chairperson to the Department.

Concerns here are mainly that of selecting a chairperson that is unbiased toward the Company. If the company shortlists the Independent Chairperson it is possible that the preferred Chairpersons are not necessarily independent. Maules Creek Coal CCC (as part of the Leard Forest Mining Precinct coal mines – Maules Creek, Boggabri, Tarrawonga mines) is a case in point, where the current Chairperson has a close personal and professional association to the chairperson of Whitehaven Coal, and there is perceived bias in tabling correspondence from mine affected community members, accepting recorded minutes, allowing misconduct of mining staff during a meeting. Shortlisting for this role by the company has the potential to limit objectivity of the Independent Chairperson further and then effective bias of community roles in CCC meetings.

p. 4. Selection criteria for the role of Independent Chairperson

Addition of considerations for approval of the Independent Chairperson are recommended to determine:

- any personal or professional relationships with any current Board Members or Executives of the Company
- family members with a personal or professional relationship with any current Board Members or Executives of the Company
- are there share holdings, or current or future entitlements, or benefits with the Company
- if there is a conflict of interest.

p. 4. Independent Chairperson where three or more Committee members are concerned about the manner in which the Independent Chairperson is fulfilling the role (e.g. there is an ongoing perception of bias, inappropriate control, or a refusal to share information or to adhere to the wishes of the Committee) they may request that the Secretary reviews the Independent Chairperson's appointment with a view to making a new appointment.

- Any complaint from any number of members of the CCC of an ongoing perception of bias, inappropriate control, or a refusal to share information, etc. should be encouraged and addressed.
- Concerned individual members required to canvass support from other members could lead to undue stress from being in embarrassing or inflammatory situations, and give rise to factions or claims of bullying.
- Ensuring that prudent selection of the chair in the outset could alleviate many such problems in CCC meetings.

p. 5. Appointing community representatives.

The Independent Chairperson will review all application in line with the above selection criteria, and forward the names and applications of all community representative applicants to the Department, along with the recommended candidates.

If the Independent Chairperson is shortlisted by the Company and has a bias towards the company, shortlisting biased community members could lead to a CCC that does not fulfil the community needs for information and open dialogue. Such issues have been observed with the Maules Creek Coal CCC with the Company in charge of filling CCC roles. No environmental representative had attended any CCC meetings until November 2015 due to the failings of the Chairperson, the Company, and the Department (via enforcement). I have personally noticed that many CCC members of the Boggabri, Maules Creek, and Tarrawonga mines have been appointed by the mines and have some personal interest in keeping the mine staff 'onside' (dependent on mine business, contracting to the mine, tenants on mine owned properties) and that limited communication between the CCC members and the broader community has been commonplace. The opportunities for an ineffectual CCC could be further increased if a biased Independent Chairperson is responsible for reviewing and shortlisting CCC community and environmental members rather than the Department.

Training and costs incurred for attending CCC meetings by community members and related expenses, and costs related to disseminating information to the community should be paid for by the Company. Any fees paid to CCC members should be administered by the Department to avoid pecuniary interest of community and environmental CCC representatives. To me it is a strange expectation that community members attend at their own expense while mine and Department members are paid for their time and compensated for any costs.

p. 7. The Independent Chairperson may similarly request the replacement of any member who fails to attend Committee meetings regularly.

Prudent selection of an Independent Chairperson can ensure that all CCC community roles are well attended and kept filled to maximise the purpose of the CCC. Some community roles on CCCs are

left unfilled and delays by the Company to fill these roles seem to be ignored by the CCC Chair aiding to a perception of bias. Wording that ensures the CCC chair keep on top of attendance or vacant roles would be appreciated.

In addition, continuing with a minimum of four CCC meetings per year during the life of a mine (or such a company) should be in place and bringing the CCC into play prior to approval stage is a good idea to engage communities.

Regards

Dr Kerri Clarke

Maules Creek Coal CCC Environmental representative