

From: [Peter Sainsbury](#)
To: [IPCN Enquiries Mailbox](#)
Subject: United Wambo Open Cut Coal Mine Project - comments on proposed condition
Date: Tuesday, 6 August 2019 9:02:33 AM

Dear IPCN,

I refer to your request of 2 August 2019 for comments on the merits of the condition you are proposing.

I wish to make the following comments:

- Climate change is the most serious and most urgent risk facing humanity at present. It is probably the most threatening risk humanity has faced in the last 12,000 years.
- Despite much talk over the last three decades, greenhouse gas emissions, atmospheric levels of greenhouse gases (principally but not only carbon dioxide) and the mean global temperature continue to increase globally (and in Australia).
- While it is good that the world's nations have agreed to limit global warming to under 2C, and strive to keep it under 1.5C (the Paris Agreement), it must be recognised that an increase of 1.5C, and even less so an increase of 2C, cannot be considered safe. Even at the current 1C of warming, the world is experiencing dramatic effects, most notably but not only extreme weather events which are already causing injuries, illnesses and premature deaths.
- To keep warming under 1.5C greenhouse gas emissions, principally caused by the burning of fossil fuels, especially coal, must peak globally by 2020 at the latest and reduce at approximately 10% per year after that until they reach zero net emissions globally by 2050. Developed nations need to reach net zero emissions by 2040.
- To achieve this reduction in greenhouse gas emissions, the world must make a rapid transition away from fossil fuels to renewable energy sources. The burning of coal, oil and gas must be rapidly curtailed. Put bluntly, coal kills people now and the longer we burn it the more people it will kill through air pollution and global warming.
- The world already has more than enough coal. If the world burns all its current reserves, global warming will greatly exceed 2C. We do not need to expand or develop any new coal mines. We need to stop mining and burning coal if we are to stand any chance at all of containing global warming to a manageable, but far from safe, level - ie somewhere around 1.5C.
- These considerations were among those that influenced Chief Justice Preston when he issued his judgement in the Rocky Hill case. The Chief Justice's 'wrong time, wrong place' observation was and remains extremely relevant and should influence decisions about all applications to develop or extend coal mines (and gas fields) in NSW.
- With this in mind, it is very appropriate and necessary that NSW should impose increasingly strict conditions on companies mining coal in NSW. And if the conditions cannot be met, it is appropriate that the company not be issued a licence to mine coal. Consequently, the IPCN is to be congratulated for considering developing conditions intended to minimise Scope 3 emissions from exported coal.
- However, the conditions that have been proposed in section 1 to achieve this goal are too weak to achieve anything meaningful. In fact, to be blunt, they look as though they have been written so as to look good but actually be meaningless.
- First, 'best endeavours' is a toothless tiger. People who are experienced in working in large organisations, including public servants, know that this means nothing in terms of actual achievement. Any requirement placed on the company must be a requirement to achieve something, not simply to try hard to achieve something. If

'best endeavours' remains in the conditions it will very clearly demonstrate that the Commission is simply trying to make it look as though it is adopting a new approach that will achieve something meaningful rather than being determined to change anything. On the contrary; if 'best endeavours' remains, it will be clear to everyone that the Commission has no commitment whatsoever to ensuring that NSW's exported coal has minimal Scope 3 emissions.

- Second, regarding sub paragraph (a), nearly every country in the world is a signatory to the Paris Agreement so setting this as a requirement is completely meaningless. Again, retaining this will demonstrate that the Commission is not serious about tackling the issue of climate change.
- Third, very few countries that are signatories to the Paris Agreement have emission reduction targets and policies in place that are sufficient to keep global warming under 2C. So, even being a signatory to the Paris Agreement does little to reassure us in NSW that if coal was exported to such a country it would be used in a way that would contribute to keeping warming under 2C. This is hardly surprising, of course, because one of the best contributions a country can make to limiting global warming would be to stop burning coal completely as quickly as possible regardless of being a signatory or not to the Paris Agreement.
- Fourth, sub paragraph (b) is completely meaningless because: (1) as I have said, there are almost no countries that have not signed the Paris Agreement, and certainly the countries that Australia does export coal to have all signed it; and (2) it is difficult to understand how the Secretary would make the judgement required of her/him of countries that are not signatories. What evidence would the mining company need to produce? Where would it come from? How would it be verified?
- If the Commission is serious about minimising Scope 3 emissions from coal exported from NSW it must go back to the drawing board and start again. The current proposals are too weak and meaningless, and not based on any scientific evidence or logic, for them to be 'amended' to make them useful.
- I suggest that the Commission reviews the evidence and best practice regarding reducing emissions from the burning of coal and reducing Scope 3 emissions, and takes the advice of experts in these fields, and then drafts new conditions.
- In summary, I congratulate the Commission on identifying the need to impose regulations on coal mining companies that require them to ensure that Scope 3 emissions from exported coal are minimised but I consider the requirements currently proposed to be completely useless, indeed without any redeeming features. The Commission will be condemned by its own ineptitude (and apparent duplicity) if it formalises these conditions or ones similar to them.

I have no objection to my submission being made public if that is your usual practice.

Many thanks for considering my submission. I would be grateful if you could acknowledge receipt of it. I would also be grateful if you could ensure that I am notified of your eventual decision on this matter.

Yours sincerely,

Peter Sainsbury

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