



28 September 2016

Mr Rob Hansen
Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000

Mr Hansen

Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016

As the peak body representing Queensland councils, the Local Government Association of Queensland (LGAQ) appreciates the opportunity to provide comment on the proposed amendments to the legislation identified in the *Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016*. The LGAQ acknowledges that the water-related reforms presented in this Bill are consequences of the previous reforms undertaken by the *Water Reform and Other Legislation Amendment Act 2014* and *Water Legislation Amendment Bill 2015*.

The decision by the Queensland Government to include an assessment of the impact of mining and petroleum operations on water resources as part of the environmental authority process is supported by the LGAQ. Local governments recognise that water is a resource that should be shared equitably across each region through institutional arrangements that best facilitate efficient service delivery and resource use. Recognising and managing the impact of sectors like mining and petroleum on the availability and quality of water resources is essential to achieving effective institutional arrangements.

Noting the importance of the upfront assessment of the impact of mining and petroleum resource activities on underground water, questions remain as to the adequacy and means of enforcement for conditions imposed by the Queensland Government. While conditions on environmental authorities will attempt to mitigate impacts on underground water, they are likely to become meaningless if the company fails or moves offshore. For example, the recent \$3.6 million payment by Linc Energy to the Queensland Government is reported to be well below the amount needed to remediate their impact on underground water near Chinchilla. The risk of failing to provide for adequate compensation or resources to remediate affected aquifers may leave many communities in Queensland without a suitable water supply.

Currently financial assurance *may* be imposed as a condition under s.292 of the *Environmental Protection Act 1994*. Given the potentially devastating consequences for communities and other industries that depend on underground water, the LGAQ asks the Committee to consider the inclusion of provisions that require financial assurance as a condition for the exercise of underground water rights. The financial assurance condition should not be optional for underground water rights where underground water is the only source of water for a community.

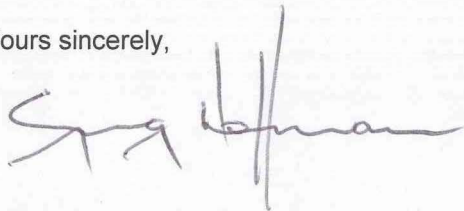
The LGAQ would strongly encourage the Queensland Government to ensure appropriate engagement and consultation with local governments during the environmental authority assessment process - especially when water resources are potentially impacted. Local government, as an equal government partner in resource communities planning, requires early and

comprehensive engagement in resource tenure approval processes to allow sufficient time to plan for impacts associated with the commencement or expansion of a resource project. Additionally, local government seeks a commitment from the Queensland Government that where underground water is impacted that the costs are not borne by local government – including the costs of securing additional water sources where they support a community supply. In particular, where a community water supply has been affected, the financial assurance or monetary penalty should be available to local government to provide for a continuing water supply for the community.

Concerning the amendment of the *Queensland Heritage Act 1992* (QHA), the LGAQ supports the proposed change. The LGAQ's current Policy Statement states "The Queensland Heritage Act 1992 should be amended to facilitate delegation of the powers of the Act to local government in relation to places of local heritage significance." The amendment expressly enables this ability as requested by local government.

The LGAQ commends the Government on the reforms referenced in this Bill. Should further information on any aspect of the Association's response be required, please do not hesitate to contact Ms Simone Talbot, Manager Advocate on [REDACTED] or [REDACTED].

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Greg Hoffman', with a stylized flourish at the end.

Greg Hoffman PSM
GENERAL MANAGER - ADVOCACY