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Research Director
Agriculture and Environment Committee
Parliament House
Sent via email only: aec@parliament.qld.gov.au

Dear Research Director,

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

The Environmental Defenders Office Northern Queensland (EDO NQ) welcomes the opportunity to provide a submission to the Agricultural and Environment Committee on the Qld Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016 (EPOLA-UWM Bill).

For 20 years community groups and members of the public have made use of the EDO NQ's free or low-cost environmental law legal service. As well as making submissions on over 300 law reform and policy changes and presenting 200 legal education projects, EDO NQ has assisted over 1,300 clients with 9,000 information advices; 4,170 legal advices and nearly 600 cases. EDO NQ assists conservation groups, members of the public and landholders to protect the places they love, their health, and the wider natural environment and has been assisting CSG Free NQ Inc in responding to this Bill.

Revocation of Part 5 of WROLA

Although we commend the previous revocation of part 4 of WROLA we are seriously concerned that the proposed Bill has not removed part 5 of WROLA. This part of WROLA gives the mining and petroleum and gas industries a statutory right to take underground water as "associated water" and removes current requirements for them to get a water licence. Consequently as a result the failure to delete part 5 threatens the security of agricultural water supplies by granting miners and CSG companies the unregulated use of any water they intercept during the course of excavation work or drilling. We believe that failure to remove these parts threatens agricultural stakeholder's water rights.

Groundwater assessments for projects at environmental authority stage

The improvements proposed in the Bill by the current State government to the groundwater impact assessment for projects at the environmental authority stage are good, necessary and supported. Those improvements include a requirement for the applicant to provide more



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information as to the proposed impacts from their use of underground water, including detailing each aquifer likely to be affected and analysis of those aquifers, impacts on the quality of underground water, and identification of the environmental values that will or may be affected and proposed strategies to avoid or mitigate these impacts. Functional, clean groundwater resources are essential to many Qld farmers, businesses and ecosystems.

Improved impact assessment and associated water licences

The current government's proposal that mines obtain an 'associated water licence' if they have not gone through the improved groundwater impact assessment introduced by the Bill is positive. This would mean the public submission and appeal rights would continue to apply to large, risky coal mines like Adani, Carmichael and Hancock Alpha coal mines. Those proposed mines pose serious potential groundwater impacts that might affect natural areas and landholders who depend on groundwater. However, see above, licensing ought to be required in relation to all mining and gas projects not just older proposals. Also, see below, the licensing needs to be assessed against ESD principles.

Associated water licences and Ecological sustainable development

The Bill needs to be amended so that the 'associated water licence' is assessed against the principles of ecologically sustainable development (ESD principles) as necessary for every other water licence assessment. ESD principles include the precautionary principle –in effect that if we do not understand the likely results of the proposed impacts sufficiently, we should not allow the activity to be undertaken. Current legislation in force does require assessment against ESD principles as part of all water license assessment. The effects of impacts to our groundwater basins are often uncertain, and must be assessed against the ESD principles.

Recommendations

1. We request that the EPOLA-UWM Bill is not passed unless it is suitably amended to revoke Parts 5 of WROLA, and thus prevent the granting of statutory unregulated water rights to the mining/gas industries.
2. The Bill needs to be amended so that the 'associated water licence' for all resource companies, including oil and petroleum industries, is assessed against the principles of ecologically sustainable development (ESD principles) as is the case for every other water licence assessment.

Yours sincerely,

Tania Heber
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