



Alliance to Save Hinchinbrook Inc.

Submission No. 37
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Research Director
Agriculture and Environment Committee
Parliament House
Sent via email only: aec@parliament.qld.gov.au

To the Chair and Committee Members,

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

Please accept our submission to the inquiry into the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016 (Bill).

The Alliance to Save Hinchinbrook Inc (ASH) (incorporated 1997) has had many years for our members to observe the inequities in Queensland policy and legislation which favour certain kinds of natural resource users over others, and at the expense of the public good and the natural environment generally.

Our **General Comments** below are followed by our **Conclusions and Recommendations**.

GENERAL COMMENTS

The principal obligation of democratic governments is to protect the public interest and prevent damage to the public good.

Fresh water, in all its forms, is a scarce and essential resource which must be highly valued now more than ever, given the burgeoning human population and the present shifting weather and the longer term expected severity of climate change.

Compare what householders pay for water reticulated to their homes. This high cost, ultimately for daily necessities, is in stark contrast to the gifting of mega litres to mining companies. If this is not corporate welfare, it is legalised theft.

Queensland has a long history of company privileges accompanied by lack of transparency of process when it comes to access to land and water. The public interest has been ill-served, the people of this state now burdened with the high costs of a damaged natural environment and rehabilitation expenses of abandoned mines and national park island resorts. The common response is to leave the damaged good to yet another “next” generation, with no regard to intergenerational equity.

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The ease with which mines can be abandoned is now general knowledge; less well known is the damage done to world heritage listed national park islands such as Hinckley Island and Duck Island, when a lessee abandons and sells a lease following cyclone damage or in general disrepair, rather than spend the insurance money on the site as the lease conditions required. Our group is acutely aware of the failure of many successive governments, to the present, who have failed or refused to enforce lease conditions affecting a public good when the lessee declined to cooperate. We find ourselves forever trying to convince governments that governing means minding the commons, the public good, the natural environment; our species has no future without it.

The legislative changes brought in by the Newman government were a step further towards simply giving away the long term public good and preventing public access to justice, even for people whose material interests were affected by the actions of mining companies. This inequity must not stand. Apart from the obvious unjust disadvantage to those affected directly by mining companies, and the damage to the public good, this legislated inequity is an attack on democracy; democracy in this sense being government for ALL the people. This alone is a matter of the most fundamental public interest.

CONCLUSIONS and RECOMMENDATIONS

ASH strongly supports the amendments to the groundwater impact assessment for projects at the environmental authority stage, as proposed in the present Bill.

The ‘statutory right to take associated groundwater’ for mining companies must be abolished.

Any take of groundwater or interference in groundwater must be controlled by licencing processes that are open, transparent, and accountable; accompanied by right to public submission and appeal rights to an independent court.

Groundwater is a precious and fragile public good which must be husbanded with care into the long term future.

Resource companies must no longer have unlimited or free access to groundwater. The ‘statutory right to take associated groundwater’ is a particularly pernicious case because it carries known risks of causing serious environmental harm.

Each aquifer likely to be affected must be analysed and any impacts predicted. Environmental values that will or may be affected must be analysed and strategies proposed to avoid these impacts altogether.

ASH does not support the current “avoid-mitigate-offset” decision hierarchy.

In Australia we live on shallow lenses of fresh water in a land of sand and salt. When it comes to the quality of natural water, our view is that the damage (when impact occurs and mitigation fails) is too long-lived to be risked at all. Mitigating is uncertain and offsetting a declaration of failure. Neither is acceptable.

ASH strongly supports the proposal that mines must obtain an 'associated water licence' if they have not gone through the improved groundwater impact assessment as introduced by the Bill.

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ALL water use/interference of mining and gas projects must be properly assessed and licensed.

ASH is familiar with the scale of mines like Adani Carmichael and with the risks they pose to groundwater. In February 2015 ASH challenged the Queensland government (judicial review, Federal court Brisbane) until the Queensland government withdrew its referral to the Commonwealth government for the Adani mine approval.

ASH strongly supports an additional amendment to mandate the application of ESD and the PP.

Queensland has not yet incorporated ESD and the Precautionary Principle (PP), to which all states signed as part of the Intergovernmental Agreement on the Environment (IGAE), in all relevant state legislation. ASH has made many representations on this matter to a succession of Queensland governments. In 2006 we heard a Queensland judge, in making his finding (judicial review, Supreme Court, Cairns) dismiss the PP because it had not been incorporated in the relevant Act at the time the decision being challenged had been made. The direct consequence was that the decision was upheld; the resulting structures built are causing ongoing damage to this day.

ESD and the PP should be, but have not been, included in all legislation affecting the natural environment. The PP is particularly pertinent to ground water licensing, for which prediction of impacts is poor.

Yours faithfully



Margaret Moorhouse

Secretary/treasurer

Alliance to Save Hinchinbrook Inc.