



Submission No. 41
Received 07 October 2016

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

October 7, 2016

Dear Chair and Committee Members,

Re: Submission to Committee on Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016

Thank you for the opportunity to make this submission to your inquiry into the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016 (Bill).

The Cairns and Far North Environment Centre (CAFNEC) is the peak environment organisation for the region from Cardwell north to Torres Strait and from the coast west to the Gulf of Carpentaria. CAFNEC is a non-profit, community organisation that has been operating for over 30 years with the aim of encouraging the community to value, protect and restore the natural environment.

Whilst CAFNEC is not philosophically opposed to mining, it is opposed to mining that is carried out without due consideration of environmental, social and long-term economic impacts. In the Far North, many communities are suffering the legacy of poorly considered and poorly managed mining activities, where frequently the taxpayer has been left to pay for the clean-up and locals left to suffer the consequences. Our region includes some of the most extensive and pristine freshwater systems particular those found throughout Cape York and two World Heritage areas which depend on healthy, functioning freshwater systems. To the west we also have the Northern Gulf country which like the majority of rural Queensland, relies on the Great Artesian Basin for agriculture. With the current Federal government

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pursuing the 'Developing Northern Australia' agenda, water resource allocation is one of the most pivotal challenges facing our region in coming years. As such we have a number of concerns relating to the proposed Bill:

1. In the interest of accountability, exploitation of mineral resources, which are the property of the people of the State of Queensland, must be subject to a completely transparent and accessible approvals process, including for take of groundwater. We therefore strongly oppose the proposed legislation that would give mining companies a 'statutory right to take associated water'. Removing the public's right to know and right to object to proposed interference with or take of groundwater is unacceptable. A licence should *a/ways* be required, and the community afforded the opportunity for public submission and appeal rights to an independent court with powers of final determination. We consider that giving mining companies a 'statutory right to take associated water' to be a retrograde step that works against the public interest. Functional, clean groundwater resources are essential to many QLD farmers, businesses and ecosystems. Giving mining companies free and unlimited access to groundwater is risky to the environment, as well as risky and unfair to farmers and other water users. For the same reasons, the current laws giving such rights to gas companies also ought to be changed and not be used instead as a justification for giving equivalent rights to other resource companies.
2. CAFNEC supports the proposed improvements to groundwater impact assessment for projects at the environmental authority stage including the requirement for applicants to provide more information as to their proposed impacts on groundwater. We believe these improvements to be both positive and necessary. We also support the current government's proposal that will require mines that have not done this improved groundwater impact assessment to obtain an 'associated water licence' as this would still afford the community the opportunity to object through public submissions and maintain appeal rights. This is particularly of importance for large,

risky coal mines like Adani Carmichael and Hancock Alpha coal mines – the development of which potentially affects our region through potential risks and impacts to the Great Artesian Basin. We believe the community should at all times maintain the right to object to proposals and the right to appeal decisions made that relate to *all* groundwater interference and extraction, old and new.

3. One of the biggest concerns in the far north however is that we simply do not have the knowledge of our freshwater systems and groundwater resources to be able to predict with any reasonable level of accuracy the impact of significant levels of groundwater extraction. It is therefore deeply concerning that the government has not included in the proposed Bill, a requirement for either the improved groundwater assessment *or* the ‘associated water licence’ to be assessed against the principles of ecologically sustainable development (ESD) – in particular the precautionary principle. Requiring proposals to be assessed against ESD would mean that in the face of scientific uncertainty, especially with regard to risks involving catastrophic consequences such as loss of pressure in the Great Artesian Basin – we should err on the side of caution and not allow the activity to be undertaken. The principles of ESD have been around and supported globally since the 1980’s. It is deeply concerning that more and more, they are being removed from Queensland legislation.

Proposed developments in the north, being pursued under the ‘developing the north’ agenda include mining, large-scale dams and large-scale irrigated agriculture all of which require vast amounts of water and will significantly affect our water resources. We are particularly concerned that adding free and unlimited access to groundwater for mining companies leaves no scope for assessing or mitigating cumulative impacts on water resources, especially given there is no water resource management plan for Cape York and impacts of extraction are not well understood. Combined with renewed investigations into large-scale dams and large-scale irrigated agriculture in the north, these additional rights for mining



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companies' are a recipe for user conflict and both short and long-term environmental damage.

Once again, thank you for the opportunity to make this submission to your inquiry.

Please keep us informed of the progress of the Committee and the outcomes of the public hearings and inquiry.

Yours sincerely,

Roz Walden

Director – CAFNEC

