

7 October 2016

Research Director
Agriculture and Environment Committee
aec@parliament.qld.gov.au

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

The North Queensland Conservation Council welcomes the opportunity to make a submission on the *Environment Protection (Underground Water Management) and Other Legislation Amendment Bill 2016 (EPOLA)*.

NQCC is the regional conservation council for the area from Cardwell to Bowen, and from the Reef to the Northern Territory border. Established in 1974, it falls under the broad umbrella of the Queensland Conservation Council and focuses on education, advocacy and policy development.

Water is a vital resource in Queensland to which resource companies present an especially acute and persistent threat. NQCC generally supports the Bill, however we would like to make it clear that we do not support a statutory right to groundwater for any resource company. Our position is that a statutory right to associated groundwater runs counter to community and environmental interests and will negatively impact other water users. The statutory right would see resource companies get free, unlimited access to associated water whilst landholders and farmers continue to be bound by the water licence assessment process.

The strengthening of the groundwater impact assessment in the environment authority approval process for mines is an improvement on the Newman era laws. We endorse the increased requirements for mining companies to provide information on the impacts of their proposed use of groundwater. Nevertheless, these changes do not go far enough to rectify the issues present in the legislation and are not an adequate replacement for a water licencing system.

We are concerned that the Bill amends that the Land Court will no longer make the final decision over the approval process of a mine's EIS, instead merely offering recommendations to the Director General. The Court is an independent body whose decisions are informed by public submissions on a mine's EIS.

By placing the final decision into the hands of the Director General, the impartiality of the decision making process is threatened and the effect of public consultation is drastically diminished.

Upon accessing the statutory right to groundwater, the mine is required to make an Underground Water Impact Report for public comment. However, there are no appeal rights in regards to this report and the mine can begin interfering with groundwater before the report has been approved by the Department of Natural Resources and Mines. The appeal process and public consultation is crucial to ensure that openness, transparency and accountability to the community.

The introduction of an associated water licence for mines that have already undergone an Environmental Authority application process is a positive and necessary measure to ensure the proposed water usage of these mines are assessed. However, the assessment criteria for the associated water licence represents a weaker form of the current water licence, because of the exclusion of the principles of ecologically sustainable development (ESD) in its assessments, particularly the precautionary principle. Mines are currently assessed against the ESD and other operators will still be required to obtain a water licence that is assessed against the precautionary principle. Mining companies often pose the greatest threat to groundwater resources. We support that there is no justification for weakening their assessment criteria.

On behalf of NQCC members and supporters, we urge you to make the following amendments to EPOLA:

- Incorporate the EDS and precautionary principle into the assessment criteria of the associated water licence.
- Reject the statutory right to water for mining and gas companies.
- Extend the requirement of an associated water licence to all mining and gas projects prior to groundwater being taken or interfered with, with public submission and appeal rights to a Court with powers of final determination.
- Make resource companies bear the payments to all bore related expert assessments for make good agreements.
- Require upfront assessments of the cumulative impacts of proposed mining developments in environmental impact assessments.
- Introduce an independent Make Good Commissioner to adjudicate disputes.
- Set minimum standards and apply a Code of Conduct for make good agreements.

Water resources are of supreme importance in our state and strong legislation is necessary to ensure resource companies do not jeopardize this resource to the disadvantage of our farmers, landholders and the greater community. The improvement of the groundwater impact assessment and introduction of the associated water licence for transitional mines are positive improvements upon the Newman era laws, but not sufficient enough to protect community rights and the environment.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'J. Miller', with a long horizontal flourish extending to the right.

Jacob Miller
Community Campaigner