

7 October 2016

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

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*).

I am writing to raise my concerns with the abovementioned Bill and the resource industries environmental impacts on Queensland's surface and ground water systems. Considering my career in horticulture and primary production, I am well aware of the importance of hydrology and access to uncontaminated water resources for agricultural enterprises. I also have personal experience in numerous campaigns to protect Queensland's rural and environmental assets and I therefore object to the *Bill* for the following reasons:

- The Government must not allow the resource industry rights to access water that is not available to other landholders, including primary producers. Particularly as such access will inevitably impact on farmers who rely on untainted groundwater to produce crops or support livestock. I believe the *Bill* will also create further impediments to farmers impacted by mining pollution who may require compensation;
- Water security for primary production is essential to the Queensland economy and will underpin the agricultural sectors sustainability and long term contribution to our economy;
- The mining industry has a poor environmental track record in Queensland when it comes to protecting water resources and there are numerous incidents of extractive operations polluting catchments and walking away. This leaves the public responsible to subsidise the cost of clean-up operations;
- I have witnessed exclusive footage of the collapse of a coal mine dam during a weather event and seen first-hand the impact of millions of litres of contaminated water being released into the catchment and into the waters of the Great Barrier Reef. I also note enterprises such as Queensland Nickel and their poor environmental record in relation to containing pollution;
- I believe in contrast to allowing the mining industry unfettered access to groundwater to contaminate, the Queensland government should be considering tighter environmental restrictions on extractive industries and implementing laws to hold executives of mining companies personally accountable for their pollution;
- Currently there is little incentive for the resource industry to act responsibly when it comes to their environmental impact and many companies either see the possibility of fines as a

cost of production should they be caught and prosecuted, or they simply dissolve the company after they have taken the profits and leave the pollution problem to the taxpayer;

- I am disappointed the Queensland Labor Party has broken their election promise to reverse the LNP's irresponsible policy on water use in the mining industry and now implements policy to apparently placate bodies such as the Queensland Resources Council.

Please note, I agree with the submission of the Environmental Defenders Office and believe the Queensland Government must seriously consider the below matters:

No resource company should get free, unlimited access to groundwater when extracting coal or gas, because it is risky to the environment and risky and unfair to other water users such as farmers. The current laws giving such rights to gas companies ought to be changed. The plans of the current and former State governments to create a 'statutory right to take associated groundwater' for mining companies need to be rejected for the same reasons. For openness, transparency and accountability, a licence should always be required prior to groundwater being taken or interfered with, with public submission and appeal rights to an independent Court with powers of final determination.

- 1) **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 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.
- 2) **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.
- 3) **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.

I would appreciate like the opportunity to appear before the Committee in their hearing into this inquiry.

Yours sincerely,

Aaron White