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07 October 2016

Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000

Dear Sir/Madam

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

I have worked in the area of environmental approvals for mining for approximately 20 years, which has comprised about five years as a government regulator and 15 years as an environmental advisor for a mining company. During this period, I have been responsible for the delivery of a number of environmental impact statements and their associated approvals both under the *Environmental Protection Act 1994* and the *State Development and Public Works Organisation Act 1974*. Most of this work has involved groundwater matters.

Based on this experience, I would like to make the following submission in relation to the "Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016" (EPOLA).

Submission

I possess a small number of major concerns with the 'associated water licence' requirements of EPOLA for mining projects. These concerns are outlined below with possible solutions to the issues raised.

1. I believe it is unreasonable to capture current mining projects that are well advanced through the approvals process. Advanced mining projects have been subject to multiple public and government consultation requirements and have normally been well scrutinised by both Commonwealth and State regulators. The outcomes of this phase of the approvals process has resulted in appropriately conditioned approvals under State and Commonwealth legislation. Many of these advanced mining projects have also been further subjected to objection processes in Land Court, and in some cases, on-going judicial review and/or legal appeal processes. Therefore, I believe forcing advanced mining projects into another possible round of objections under the proposed associated water licence application process is unreasonable and may add further costs and delays to the development of these mining projects, which could result in the loss of jobs, economic growth and other associated benefits.

Solution: EPOLA should be amended to include appropriate 'transitional arrangements' for advanced mining projects.

2. Queensland currently possesses a rigorous approvals regime for mining projects that normally involves an environmental impact statement (EIS) as part of the development of the accompanying primary approvals (i.e. the environmental authority and mining lease). Therefore, why can't the associated water licence become one of the primary approvals that are developed from the EIS rather than as a stand-alone approval with its own objection process? Where groundwater is a major component of an EIS for a mining project, the associated water licence should become one of the required primary approvals, and therefore, could be subject to the same timing as the objection processes for the environmental authority and mining lease. This approach would save costs and time because it would remove the necessity for mining proponents and objectors to visit Land Court twice if objections were raised against the environmental authority and/or mining lease and the associated water licence.

Solution: EPOLA should be amended to make the necessary legislative changes to allow objections to an associated water licence to be heard in parallel with the objections for the environmental authority and/or mining lease.

3. If EPOLA is enacted, objections against an associated water licence should be limited to those persons who own or operate land with operational groundwater bores within the zone of potential groundwater impacts that has been identified by an approved environmental impact assessment (e.g. EIS). This approach would prevent further frivolous efforts by 'green groups' to delay the development of mining projects and would also allow more efficient use of the Land and other Courts' time.

Solution: EPOLA should be amended to clearly define who can object to an associated water licence application.

In general, I do not object to the intent of EPOLA. Groundwater is a valuable resource for Queensland that should be protected so that it can be used in a sustainable manner by all potential users (i.e. both now and into the future). However, as explained above, EPOLA does require some amendments to ensure that it is applied in a fair, consistent and efficient manner. The Queensland Government needs to ensure that its legislative framework for the management and development of resources allows prosperity (jobs and growth) without causing adverse impacts to the environment.

Yours sincerely



David Genn