Submission No. 82
Received 10 October 2016

7th October 2016

Garry Arthur Reed
[redacted]

Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000

Email: aec@parliament.qld.gov.au

Re: EPUWMOLAB2016 - Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016

Dear Chair and Committee Members, thank you for this opportunity to contribute to this vital inquiry.

My family and I have had a long history of involvement on semi-arid agricultural land and in a mining community.

Access to and the reliability of *Underground Water* is vital to life and business for many properties and communities in Queensland.

There is a very great *Imbalance in Power* between large wealthy mining companies profiting from the asset stripping of natural resources and environments that produce *ecosystem services* for the broader community.

Conflict of Interest is a very prevalent problem in the assessment and regulation process and is contributing to great loss of personal and natural capital that is impoverishing Queensland - there is an urgent need to put in place an authority at arm's length from Government and Business, to engage consultants so that a truer independent and bias free advice is realised.

There is an understandable outrage from many in Queensland against giving mining operations free access to water when they already have the upper hand, have enormous impacts on underground water, water infiltration and often are exacerbating CO2 emissions and *global warming*.

The requirement to integrate and internalise all costs so that the most sustainable technologies are developed is best practice. It is a market distortion to give a free kick to mining operations by failing to properly cost underground water.

There must be a comprehensive and committed adherence *to Ecologically Sustainable Development* in Queensland, Australia and around the world if we are not to run down our *global ecosystem* to collapse.

Thank you again for the opportunity to contribute.

Yours sincerely, Garry A Reed

End Notes:

https://theconversation.com/climate-projections-show-australia-is-heading-for-a-much-warmer-future-36776

A projected increase in evaporation rates will contribute to a reduction in soil moisture across Australia.

http://www.un.org/geninfo/bp/enviro.html

The relationship between economic development and environmental degradation was first placed on the international agenda in 1972, at the UN Conference on the Human Environment, held in Stockholm. After the Conference, Governments set up the United Nations Environment Programme (UNEP)... Little, however, was done in the succeeding years to integrate environmental concerns into national economic planning and decision-making… Governments recognized the need to redirect international and national plans and policies to ensure that all economic decisions fully took into account any environmental impact… By 1983, the UN set up the World Commission on Environment and Development, under Gro Harlem Brundtland of Norway, put forward the concept of sustainable development as an alternative approach to one simply based on economic growth — one "which meets the needs of the present without compromising the ability of future generations to meet their own needs"… The United Nations Conference on Environment and Development (UNCED), Earth Summit was held in Rio de Janeiro, 1992 – The resultant Agenda 21 addresses today's pressing problems and aims to prepare the world for the challenges of the next century. It contains detailed proposals for action in social and economic areas, and for conserving and managing the natural resources that are the basis for life — protecting the atmosphere, oceans and biodiversity; preventing deforestation; and promoting sustainable agriculture. At the Summit, the UN was also called on to negotiate an

international legal agreement on desertification.

http://www.environment.gov.au/about-us/international/uncsd

The **CSD (Commission on Sustainable Development)** encourages governments, intergovernmental organizations and major groups to submit sustainable development case studies detailing lessons learned from implementing sustainable development initiatives. At CSD 14, Australia published a number of fact sheets sharing our expertise in implementing best practice initiatives in the areas of energy for sustainable development, industrial development, air pollution/atmosphere and climate change.

http://www.environment.gov.au/resource/environmental-performance-review-australia

Organisation for Economic Cooperation and Development

- OECD environmental performance review: Australia - 2008

  About the review:

  On 19 March 2008, the Minister for the Environment, Heritage and the Arts launched the OECD Environmental Performance Review (EPR) of Australia.

  The EPR of Australia assesses environmental management efforts at national, state and territory and local government levels. It is the second OECD review of Australia - the first was finalised in 1998.

  Overall, the EPR provides an encouraging assessment of Australia's efforts. It makes 45 recommendations for future progress. The conclusions and recommendations are presented against three broad themes:

1. Environmental management (strengthening implementation; water; air; biodiversity);
2. Towards sustainable development (environment, economic and social integration;

   agriculture);
3. International commitments and cooperation.
   Preparations for the EPR commenced in 2005. An OECD review team, comprising experts from Austria, New Zealand, the United Kingdom and the United States, came to Australia in 2006. They conducted site visits and sought the views of a wide range of stakeholders, including Commonwealth, State, Territory and Local Governments, industry, the non-government sector, the Indigenous community and research organisations. They also collected and analysed a large number of policy and other documents relating to Australia's environmental management.

https://www.uow.edu.au/~sharonb/EIS.html

Bias and Credibility in Environmental Impact Assessment

Citation: Sharon Beder, 'Bias and Credibility in Environmental Impact Assessment', *Chain Reaction*, No. 68, February 1993, pp28-30.

Environmental Impact Statements (EISs) have lost credibility with environmental and resident groups over recent years because they are being increasingly perceived as biased public relations documents. This arises in part because the community generally expects that an EIS should be an objective scientific report whilst many consultants and project proponents view an EIS as a supporting document prepared as part of the procedure for gaining approval for a project.

The goal of a completely objective document is illusory because science itself is socially constructed. This is exacerbated by the circumstances of EIS preparation where large investments, careers and the viability of businesses are at stake. It is therefore inevitable that the values and goals of those preparing an EIS will shape its contents and conclusions through the way scientific data is collected, analysed, interpreted and presented.

Why EISs cannot be objective

Because the EIS is done rather late in the planning process the project proponents will almost certainly have committed considerable financial resources to a particular option at a particular site. The EIS at this stage becomes another obstacle in a field of bureaucratic hurdles on the way to their end goal. Naturally, they will want that document to emphasise the advantages of the project to the community and to down play the disadvantages.

Moderating Bias and Removing Conflicts of Interest

It is often argued by supporters of the system that the Environmental Impact Assessment process has built in checks against bias and distortion because the EIS is subject to public scrutiny when it is displayed and then it is assessed by government authorities. Those preparing the EIS, generally professional consultants, are aware of this and few would risk their reputations by preparing a shonky EIS. However, as I have been arguing, the bias in EISs is generally not of the type that can be pointed to as being incorrect or a lie or an omission. More generally, the consultants have merely made their choices and judgements at the more favourable end of a range that is scientifically credible.

Nevertheless there are ways in which the social shaping of an EIS can be made more transparent to the reader. Rather than attempting to appear objective an EIS should incorporate discussion of assumptions, choice of methods and different interpretations that can be made of the studies. Sub-consultants' unedited reports and raw data should also be made publicly available. The final EIS could be subject to peer review.

It has been suggested that peer review be anonymous because of the retribution that can be meted out to those criticising an EIS prepared for a powerful organisation or business interest. However, anonymity can also provide a cover for abuse since the reviewer cannot be held accountable for their comments. It is for these reasons, that whistle blowers and those that speak publicly against the work of their peers in the public interest should be encouraged and protected. Employees and sub-consultants should also feel free to speak out when they feel their work has been misrepresented or wrongly interpreted in the EIS.

The major factors preventing a more transparent and accessible EIS and an atmosphere conducive to free discussion of likely impacts arise from the way the Environmental Impact Assessment (EIA) process is itself structured. Those who prepare the EIS, or hire the consultants to do so, usually have much at stake, financially or politically. The consultants themselves can also have much to lose. Consultants are dependent on the judgement of clients and that judgement is based on whether they are perceived to be able to deliver what is required by the client. Consultants with overdeveloped consciences, who do not put the client's priorities first, are less likely to be given work in future. Professional integrity and codes of ethics don't always withstand such pressures.

Consultants could be more independent if they were not directly hired by project proponents. An independent panel with community representation could choose the consultants from tenders. Proponents would still pay the consultants. In this way a firm which compiled an EIS that led to the abandonment of a project would not be penalised for doing so by being denied EIS work in the future. Of course such a panel would have also to be independent from government because of the prevalence of government projects that would have to be assessed.

Biases would still remain since judgements would still be required but there would be a better chance that those biases would be aligned with the community interests rather than the project proponent's interests. Also there is more likelihood that consultants under such a system would be willing to make EISs more transparent to the public and to discuss uncertainties and unknowns. Nevertheless I have found both developers and EIS consultants opposed to such a scheme because it suits them and the cosy relationship they have with each other.

End – G A Reed - EPUWMOLAB2016 - Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016