

7<sup>th</sup> Oct 2016

Research Director  
Agriculture and Environment Committee  
Parliament House

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**).

We are primary producers, currently beef and small crops. We have been orchardists and growers of food all our lives. The most important/essential resource required to produce food is a reliable, plentiful water supply. There is no substitute for water in food production.

Energy production on the other hand, does not require water. Energy can be produced and generated by methods other than mining, such as solar, wind, hydro, wave power etc. None of these technologies require unlimited access to groundwater. All of these technologies have a better environmental outcome.

Concerns for climate change and future food production are undoubtedly the most pressing issues facing Australia today and likely to become more urgent, so it is unwise to continue to give resource companies free unlimited access to groundwater when extracting coal or gas. The activity is risk laden and far too expensive to the environment, and unfair to other water users such as farmers who need this precious resource to feed our people and to keep our farmlands sustainable for future generations.

Now that we are aware of imminent changes to our climate, the current laws giving such rights to coal and gas mining companies need 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 sensible, 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.
- 2) In actual fact no interference to aquifers should be permitted. Functional, clean groundwater resources are essential to the many food producers and farmers, businesses and ecosystems.
- 3) 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.

- 4) 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. Therefore the Bill really 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.

Yours sincerely

**Meg Nielsen**

