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The Research Director
Agriculture, Resources and Environment Committee
Parliament House
Brisbane, QLD 4000
By email only: AREC@parliament.qld.gov.au; edoqld@edo.org.au;

4 October 2014

Dear Sir/Madam,

Letter from Tom Crothers and EDO. I agree with what is written below and urge you to take it on board.

Submission on the Water Reform and Other Legislation Amendment Bill 2014

Thank you for the opportunity to provide comment on the proposed regulatory changes introduced by the *Water Reform and Other Legislation Amendment Bill 2014* (**Water Bill**). We are greatly concerned that the amendments proposed in the Water Bill do not adequately protect this valuable natural asset which our ecosystems and communities depend on.

Alpha Coal Example
By way of example of why we need to keep existing regulation of water use, not just rely on assessments by large corporate interests: in April of this year the Land Court of Queensland found that it did not have confidence in the off-lease groundwater assessment undertaken by a multibillion dollar mining company. That assessment was part of their environmental impact statement made to the Coordinator-General for the Alpha Coal project,[1] proposed to be one of the biggest coal mines in the world.

We are opposed to the many proposed changes within the Bill which weaken the management, monitoring and enforcement of water use in our State. In particular, we draw your attention to the following four key issues for your consideration:

1. **Deregulation of water use does not lead to sustainable water management**

   Clauses 53; 63; 68 -new section 93(g) and 94(c); 243; and 248.
   The deregulation of water use around smaller watercourses is a high risk proposal which requires solid scientifically based research to understand possible short and long term impacts. So we do not agree with the proposal to remove assessment and licence obligations, including public notification procedures, for 'low risk' water use activities. Where is the thorough research, understanding and management to ensure it does not lead to cumulative impacts on water resources?

2. **Weakened assessment of impacts by large scale water users is unacceptable**
   Clauses 68-new section 51(2)(c) , 52 and new Ch 2.Part 2, Division 7.

[1] *Hancock Coal Pty Ltd v Kelly & Ors and Department of Environment and Heritage Protection (No. 4)* [2014] QLC 12, at 406

The implementation of a ‘development option’ for large scale water users, which will guarantee the largest water users to water for their project prior to completion of a full environmental assessment, is irresponsible and does not ensure adequate and well informed management of our water resources. What about other users and the long term impacts?

It is also unacceptable that the assessment material prepared for a proponent’s project, by consultants paid by the project proponent, may be used to direct amendments to regional water plans. Regional water planning is complex, involving many competing interests. Amendments to regional water planning should only be undertaken in a transparent way with broad consultation with independent informed scientists, other users and informed groups involved in water management in the area.

3. **Regulation of water use by mineral resource *and* petroleum and gas industry projects should be strengthened, not weakened**

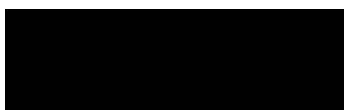
Clauses 11- new Chapter 12A, Part 1; 14 and 15.
We do not support the granting and retention of statutory rights to associated water[2] for mining or petroleum activities. The highest standards should be adopted for these high impact projects. This proposal creates uncertainty, and bias towards these industries, at the cost of our agricultural industries and ecosystems. Further, as detailed above, the environmental assessments undertaken for mining leases and environmental authorities have been found to be inadequate in their assessment of water impacts.

However, we do support the removal of a right to all non-associated water for the petroleum and gas industry and the move to provide statutory obligations for mineral proponents to enter into make good agreements with bore owners in order to protect bore owner rights, but these negotiations must be regulated to account for the resource imbalances between landholders and resource companies.

4. **Water allocations must be supported by thorough research**

Clauses 68-new section 70; and 202-‘water allocation security objective’.
The amendments propose a streamlined process for the conversion of water licences to secure and trade water allocations. This is likely to result in an increase in the usage of existing water rights. This proposal must therefore be supported with substantial research to thoroughly understand the potential impacts on ecosystems and existing water entitlement holders. We do not support the move to encourage tradable water rights without adequate understanding of the impacts to water use and Queensland’s environment.

We urge the Committee to address the concerns outlined above. There have not been adequate studies done to properly understand our water resources, particularly groundwater resources, to support these amendments. As the Alpha Coal project example demonstrated, even highly resourced proponents may not be currently undertaking reliable, well-informed studies of water impacts of large scale projects. Adequate regulation, including monitoring and enforcement, is integral to ensure our water supplies remain sustainable for today’s users and future generations.

Yours sincerely, Joan Vickers 

[2] Clause 11, new section 334ZP defines ‘associated water’ for the purpose of the amendments as underground water in the area of the licence or lease taken or interefered with during the course of, or results from, the carrying out of an authorized activity for the licence or lease.