



## The Queensland Murray-Darling Committee Inc. Submission on the Waste Reduction and Recycling Bill 2011

### Submission To:

The Research Director  
Environment, Agriculture, Resources and Energy Committee  
Parliament House  
Corner George and Alice Streets  
BRISBANE QLD 4000  
EMAIL: [earec@parliament.qld.gov.au](mailto:earec@parliament.qld.gov.au)

### Submitting Organisation:

Chief Executive Officer  
Queensland Murray-Darling Committee Inc.  
PO Box 6243, Toowoomba QLD 4350  
Phone: 07 4637 6270 Fax: 07 4632 8062  
Email: [geoffp@qmdc.org.au](mailto:geoffp@qmdc.org.au)

This submission is presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) group that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

### 1.0 Background

QMDC and the communities we work closely with have identified waste management as an important NRM issue. Waste in its many forms (domestic, rural, industrial) provides not only challenges to the region's natural resources and assets but also opportunities for better NRM practices and strategies.

Waste management is identified as a key issue in the Regional NRM Plan. In order to secure sustainable waste reduction and recycling outcomes at local, regional and State levels the proposed legislation must align with regional and national planning and policy instruments.

QMDC's submission is informed by discussions with community members and groups, local and State government staff and representatives. These discussions identified the need to analyse waste management and recycling opportunities against nationally and internationally accepted priorities in conjunction with regional NRM plans and other relevant regional planning instruments, for example, Regional Council Strategic Plans, the Maranoa Statutory Regional Plan, the Queensland Waste Strategy 2010 -2020, the Queensland Government's Coal Seam Gas Water Management Policy, and the Surat Basin Future Directions Statement.



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Areas of significant interest to QMDC include:

1. coordinated and collaborative large scale waste minimisation and waste recovery projects with local government, industry and DERM;
2. community education with schools, landholders, the wider community, industry and business clusters;
3. brokerage of investment into waste avoidance and recovery technology, especially Green waste; and
4. sustainable CSG water management.

The next sections of this submission will address specific clauses of the Bill.

## 2.0 Clause 3 Objects of Act

*The objects of this Act are the following—*

*(a) to promote waste avoidance and reduction, and resource recovery and efficiency actions;*

*(b) to reduce the consumption of natural resources and minimise the disposal of waste by encouraging waste avoidance and the recovery, re-use and recycling of waste;*

*(c) to minimise the overall impact of waste generation and disposal;*

*(d) to ensure a shared responsibility between government, business and industry and the community in waste management and resource recovery;*

*(e) to support and implement national frameworks, objectives and priorities for waste management and resource recovery.*

QMDC submits that the object 3(c) needs to be strengthened to reflect the need to primarily **avoid** impact caused by waste generation and disposal and not merely reflect a mitigation or minimisation objective. The action to avoid is clearly indicated in some of the approaches identified in Clause 5, for example, 5(f) and 5(l).

The term “*overall impact*” is also vague. QMDC recommends using the term *cumulative impact* and the interpretation of cumulative to be included in the Act’s definitions.

QMDC also asserts 3(e) should state the need to implement “*national frameworks, objectives and priorities*” in alignment with *regional frameworks, objectives and priorities*.

The Regional NRM Plan serves as a framework to guide coordinated and holistic regional planning and on-ground action to improve the management and condition of the natural resources in the NRM Plan area. The environmental responsiveness of the proposed Act relies on identifying and prioritising resource condition and aspirational targets for the country’s regional assets together with innovative waste management actions to help the regional communities’ achieve their aspirations.

Waste management action targets should focus on motivating changes in land use and in production and environmental management practices, protecting and conserving regional and catchment environmental values and, as appropriate, undertake activities to arrest degradation and rehabilitate degraded areas.



Regional NRM plans, and associated technical reports, regional profiles or overviews can provide important data on resource condition and trend analysis. These Plans therefore offer national frameworks, objectives and priorities a better understanding on the waste reduction and recycling investment activities needed for the long term health and sustainability of a region's natural assets and its communities.

### 3.0 Clause 4 Achieving Act's objects

***(1) If, under this Act, a function or power is conferred on a person, the person must perform the function or exercise the power in a way that best achieves the objects of this Act.***

***(2) Without limiting subsection (1), the achievement of the objects of this Act must if practicable be guided by—***

***(a) the waste and resource management hierarchy; and***

***(b) the following policy principles (the waste and resource management principles)—***

***(i) the polluter pays principle;***

***(ii) the user pays principle;***

***(iii) the proximity principle;***

***(iv) the product stewardship principle.***

QMDC suggests that the “*waste resource management principles*” should include a number of other guiding principles. QMDC suggests the additional principles would provide a stronger platform for ecologically sustainable management. Achieving the Act's objects by relying on a wider reaching set of principles would allow more inclusive community participation; stronger evidenced based action and more precaution where uncertainty prevails.

QMDC recommends the following principles be included to Clause 4 (2) (b) and further defined in the *Interpretation* section under *key concepts and definitions*:

- community based processes
- best available science
- the precautionary principle

*Community based processes*; are where, for example, Traditional Owners and Aboriginal communities, land care groups and other key community organisations are empowered to share responsibility for waste management and resource recovery and can do so on the basis of their specific local knowledge and experience.

*Best available science*; is where definitions and criteria are based on peer reviewed scientific research. The aim of such science would be to produce information from data gathered from each specific region. The collection of this information should be used to understand the potential consequences of actions and not advocate for commercial interests of key stakeholders.



QMDC would argue that in order for science, and problems addressed by scientists, to effectively influence decision-making and contribute to “best available knowledge”, the science must also have these attributes (Clark et al. 2002)<sup>1</sup>:

- (i) *Saliency*—whether science is perceived as addressing policy relevant questions
- (ii) *Credibility*—whether science meets standards of scientific rigour, technical adequacy, and truthfulness
- (iii) *Legitimacy*—whether science is perceived as fair and politically unbiased

QMDC suggests that that *the precautionary principle* must be formulated as a legislative obligation, linked to achieving the objects of the Act as well as specified process or outcome standards developed on a regional basis, with respect to, for instance, specific sites or landscapes, or protected areas.

The implementation of precaution within national and regional frameworks, objectives and priorities needs to carefully address and outline the specific purposes of precautionary management and the standards to be aimed for, and find ways to address the interaction of competing interest groups with different aims, values, and priorities.

Application and implementation of the precautionary principle if context-specific will enable specific decisions and management or policy measures to support regional interests and natural resource assets.

Applying the precautionary principle should be accompanied by efforts to gather more information and reduce uncertainty, and address uncertainty in management. This relies on a supportive legal, policy, institutional, administrative, procedural and technical framework, where governance problems such as poor enforcement, low capacity, or lack of inter-institutional coordination are overcome. Strategies such as education, training, and investment in enforcement capacity are vital and are supported by the Bill’s stated objects (Clause 3).

Participation of stakeholders is particularly important in decision-making involving the precautionary principle. In particular, less powerful groups and communities who may be negatively affected by decisions should be involved.

However, QMDC recognizes that the precautionary principle should not be used only in a negative sense, to say “no” to all activities or development. In the context of management of natural resources, the precautionary principle can lead to effective management of potentially damaging activities, rather than complete prohibitions. The precautionary principle should guide a constructive search for alternatives, practical solutions and opportunities involving all stakeholders.

Natural systems because they are complex dynamic entities means their management must constantly deal with uncertainty and inadequate or incomplete information. It is not always possible to know the outcome of a management decision with any certainty.

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<sup>1</sup> Clark, W., R. Mitchell, D. Cash, and F. Alcock. 2002. *Information as Influence: How Institutions Mediate the Impact of Scientific Assessments on Global Environmental Affairs*. John F. Kennedy School of Government, Harvard University, Cambridge, MA.



QMDC supports the use of “adaptive management” as one method of managing resources under uncertainty and inadequate or incomplete information, with adequate, timely and careful monitoring and feedback. However, adaptive management is not be appropriate in every context, as some activities or decisions may lead immediately or in the longer term to serious and/or irreversible impacts. In this regard, QMDC is concerned about prolonged discharges of treated CSG water into the QMDB or Great Artesian Basin.

QMDC suggests that because the precautionary principle often reverses the burden of proof that when considering where the burden of proof lies, the cost of bearing the burden of proof, the costs of management, and liability for the threat of environmental damage should be borne either by the party who is in better circumstances to provide information This will usually be the party in a stronger economic position.

Where relatively powerful private interests propose potentially damaging activities, they should bear the burden of proof. Where poorer or less powerful groups rely on activities which pose potential risks, it may be inequitable to place the burden of proof on them unless full funding is made available to enable that party to fulfil this obligation.

Even though the precautionary principle may place the burden of proof on one party, all stakeholders have a shared responsibility to act transparently and in good faith in assessing evidence of possible harm. Invoking the precautionary principle to reverse the burden of proof should not be used by some groups to avoid constructive engagement.

QMDC suggests that the inclusion of the above principle will provide transparency and certainty for both those implementing waste reduction and recycling policy and strategies and also for those affected by it.

#### **4.0 Clause 5 Approach to achieving Act’s objects**

*The objects of this Act are intended primarily to be achieved through approaches that include the following—*

- (a) preparation, implementation and maintenance of a waste management strategy for the State;*
- (b) preparation and implementation of a business plan for the strategy;*
- (c) price signalling, including through the introduction of a levy on waste disposal;*
- (d) providing for the preparation of State, local government and industry strategic waste management plans;*
- (e) providing for reporting requirements for the State, local governments and business and industry;*
- (f) banning particular waste disposal;*
- (g) identifying priority products and associated management tools;*
- (h) preparation, implementation and maintenance of a priority product statement;*
- (i) providing for product stewardship schemes;*
- (j) waste tracking requirements;*
- (k) granting approvals of resources for beneficial use;*
- (l) prohibiting particular conduct in relation to waste;*
- (m) appointing authorised persons to investigate matters arising under this Act and otherwise to enforce this Act;*

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Fr further information, contact QMDC on (07) 4637 6200 or visit [www.qmdc.org.au](http://www.qmdc.org.au)

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***(n) supporting approaches mentioned in paragraphs (a) to (m) through the making of regulations under this Act.***

QMDC recommends the inclusion of a threshold limit approach in Clause 5. This approach would provide greater clarity and certainty because thresholds limits would help to define those natural resource assets identified as being both nationally and regionally at risk to the impacts caused by activities and infrastructure associated to the waste created by industries and businesses.

Setting threshold limits for natural assets (water (surface and groundwater); vegetation & biodiversity; land and soils; air; nitrogen, phosphorous, carbon elements) will help the Act to identify whether a new development or existing industries or businesses can operate without generating or disposing of levels of waste that will cause unacceptable impacts on those assets within the defined threshold limits.

The Act will then be able to define:

- “no go” zones;
- provide clear and predetermined standard environmental practices acceptable under legislation e.g. safe effluent disposal, no net loss environmental offset programmes, defined buffer zones for activities and infrastructure against stream order classifications, set road heights on floodplains etc;
- provide more efficient administrative processes so that a proposal for development if its impacts live within those threshold limits does not need to enter an EIS process, however if a project lives outside those pre-existing limits then an assessment process is still required;

## **5.0 Clause 8 The concept of disposal**

***(1) This Act commonly uses the expression disposal in relation to waste.***

***(2) In practical terms, a primary outcome arising from the implementation of this Act's provisions is intended to be a reduction in the amount of waste that permanently, or at least indefinitely, effectively becomes incorporated into land, commonly referred to as becoming landfill.***

***(3) Accordingly, in this Act, a reference to disposal in relation to waste may ordinarily be taken to mean the depositing of the waste, other than on a temporary or short term basis, into or onto land.***

***(4) Subsection (3) does not limit what disposal may be taken to mean in an appropriate context.***

QMDC submits that without further definition the term *temporary or short term* as per clause 8 (3) creates an ambiguity in the law. QMDC is concerned this ambiguity will allow disposal outcomes that may have an adverse impact on both environment and community even if deemed for a temporary basis.



## 6.0 Clause 15 What may be included in State's waste management Strategy

- (1) The State's waste management strategy may provide for anything affecting, or that may affect or be affected by, the management of waste.*
- (2) Without limiting subsection (1), the strategy may include the following—*
- (a) waste avoidance;*
  - (b) resource efficiency;*
  - (c) resource recovery;*
  - (d) product design;*
  - (e) consumption;*
  - (f) product stewardship;*
  - (g) priority products;*
  - (h) standards, criteria and specifications for recycled materials and products containing recycled material;*
  - (i) strategic waste management planning;*
  - (j) data reporting.*

QMDC suggests including in the above list:

- Threshold limits for natural resources
- A community consultation process that allows community to contribute to the preparation of the plans

## 7.0 Clause 123 Matters to be complied with in the preparation and adoption of a local government's waste reduction and recycling plan

- (1) A local government, in preparing or adopting a waste reduction and recycling plan for its local government area, must have regard to—*
- (a) current and predicted information about the following matters relating to its area—*
- (i) population profiles;*
  - (ii) residential, industrial and commercial development;*
  - (iii) amounts and types of waste generated; and*
- (b) the services, markets and facilities relevant to dealing with different types and amounts of waste; and*
- (c) the waste and resource management hierarchy; and*
- (d) the waste and resource management principles; and*
- (e) how the goals and targets of the State's waste management strategy will be achieved.*
- (2) Subsection (1) does not limit the matters the local government may or ought to have regard to.*
- (3) A waste reduction and recycling plan for a local government must provide for the plan to be in effect for a period (the implementation period for the plan) of at least 3 years.*
- (4) Subsection (3) does not stop a waste reduction and recycling plan being amended or replaced within the implementation period for the plan.*

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QMDC recommends including in clause 123 (1) (a):

- Condition, trends, targets and threshold limits for natural resources
- Other principles outlined above for clause 4

## **8.0 Clause 146 Local government reporting**

*(1) Within 2 months after the end of each financial year, a local government must give the chief executive a report about the operation, in the financial year, of all the local government's waste reduction and recycling plans in force in its local government area.*

*(2) The report must be in the approved form and must otherwise comply with the requirements of this section.*

*(3) However, the local government is not required to include in the report any information that has already been supplied to the chief executive in a waste data return in relation to a levyable waste disposal site operated by or for the local government.*

*(4) Without limiting what the approved form may require, the approved form may require the following—*

*(a) details of any recycling programs conducted or managed by or for the local government during the year, including—*

- (i) the amounts and types of waste collected and recycled, or collected and delivered to some other entity for recycling, under the programs; and*
- (ii) the names and addresses of the facilities used in the programs;*

*(b) details of local government waste services to households;*

*(c) amounts and types of waste delivered directly to waste facilities from individual households;*

*(d) the total amount of energy generated in the year from landfill gas;*

*(e) details of landfills operated by or for the local government during the year, including—*

*(i) the amounts and types of waste disposed of during the year to the landfills;*  
*and*

*(ii) the name, address, capacity and life expectancy of each landfill that started operation during the year; and*

*(iii) the name, address and capacity of each landfill that ceased operation during the year;*

*(f) the amounts and types of waste collected by or for the local government and disposed of to landfill at waste facilities other than those operated by or for the local government, and the addresses of the waste facilities.*

*(5) The matters mentioned in subsection (4) must be addressed in relation to waste generated within or outside the local government's area.*

*(6) The report must also give details of the following—*

*(a) the types of waste generated by the local government in carrying out its activities;*

*(b) actions taken to reduce the amount of waste generated by the local government in carrying out its activities;*

*(c) actions taken to increase the use of recycled material by the local government;*

*(d) actions taken by the local government to improve the re-use and recycling of—*

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- (i) waste generated by the local government; and*
- (ii) the types of waste generated in the local government area;*
- (e) the amount and types of waste that were the subject of offences against the general littering provision or the illegal dumping of waste provision and were collected by the local government;*
- (f) progress made by the local government, having regard to—*
  - (i) performance indicators, however referred to, included in the local government's waste reduction and recycling plans; and*
  - (ii) any other performance indicators prescribed under a regulation for gauging performance under local government waste reduction and recycling plans;*
- (g) how the local government has contributed towards achieving the goals and targets under the State's waste management strategy.*

QMDC recommends including in clause 146:

- Details of the impacts of waste generation, disposal and management actions on condition, trends, targets and threshold limits of natural resources in that local government's region
- A community consultation process that allows community to contribute to the preparation of the plans and report

## **9.0 Clause 147 State entity reporting**

QMDC recommends including in clause 147:

- Details of the impacts of waste generation, disposal and management actions on condition, trends, targets and threshold limits of natural resources in the region of the State entity

## **10.0 Clause 153 Annual report on waste disposal and recycling**

*(1) The chief executive must, by 31 December in each year, prepare and make publicly available a report that summarises the amounts of waste and recycling reported in the most recently completed financial year.*

*(2) In preparing the report, the chief executive must have regard to information in reports given to the chief executive under parts 1 and 2.*

*(3) The report must include the following information and, if appropriate, an evaluation of the information—*

- (a) the amounts and types of waste reported as being recycled by local governments;*
- (b) the amounts and types of waste reported as being recycled by reporting entities;*
- (c) the amounts and types of waste reported as being disposed of by local governments;*
- (d) the amounts and types of waste reported as being disposed of by reporting entities;*
- (e) the amounts and types of waste reported as being the subject of littering or illegal dumping;*
- (f) the number of product stewardship schemes in effect under this Act;*

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- (g) the number of local governments that have adopted a waste reduction and recycling plan and have reported on the plan;
- (h) the number of State entities that have adopted a waste reduction and recycling plan and have reported on the plan;
- (i) the number of planning entities that have adopted waste reduction and recycling plans, other than by adopting the waste reduction and recycling plan of a sector of reporting entities;
- (j) the number of waste reduction and recycling plans that are in place for sectors of reporting entities.

QMDC recommends including in clause 153:

- An evaluation by local governments and reporting entities of the degree and types of impacts reported as being caused by waste generation, disposal and management actions on condition, trends, targets and threshold limits of natural resources

### 11.0 Clause 156 Application

(1) A person may apply to the chief executive for a specific approval of a resource if—

(a) the person possesses the resource when the application is made; or

(b) the person has consent to make the application from the person who, when the application is made, has possession of the resource.

(2) The application must—

(a) be in the approved form; and

(b) include the following information about the resource—

(i) a description of it, including, for example, its physical state and its components and their concentrations;

(ii) details of any of its environmentally significant characteristics;

(iii) details of its origin, including, for example, its place of production and the type of activity resulting in its production;

(iv) details of the persons, premises or industry intended to receive it;

(v) details of the form of transportation, storage, re-use, recycling, energy recovery, reprocessing or other use proposed for it;

(vi) details of the benefits, and any end product, of its proposed use;

(vii) the quantity of it proposed to be used;

(viii) details of any waste minimisation scheme, waste management plan or industry code relevant to it;

(ix) any Australian or industry standards relevant to its end product;

(x) an assessment of the potential for material environmental harm, serious environmental harm or environmental nuisance arising from its proposed use;

(xi) an assessment of its alternative uses having regard to the waste and resource management hierarchy;

(xii) an assessment of the best practice environmental management for its proposed use;

(xiii) an assessment of commonly available technologies, methods or processes relevant to its proposed use;

(xiv) other information required under a regulation; and

(c) state details of the proposed measures to ensure the applicant's proposed use of the resource is not likely to result in material environmental harm, serious environmental harm or environmental nuisance; and



*(d) be accompanied by the fee prescribed under a regulation.*

QMDC submits that the Bill does not clearly describe what the assessment should comprise of. In our opinion this assessment should outline very specific information so a well informed decision can be made on the application. Guidelines need to be provided to ensure all relevant data and information is collated and considered.

QMDC recommends including in clause 156:

- Assessment guidelines
- Details of likely cumulative impact
- An assessment of the degree and types of impacts that may potentially be caused by the resource on condition, trends, targets and threshold limits of natural resources

## **12.0 Clause 159 Criteria for decision**

*(1) In deciding whether to grant or refuse the application, the chief executive must consider the following—*

*(a) the waste and resource management hierarchy;*

*(b) the waste and resource management principles;*

*(c) the standard criteria under the Environmental Protection Act, schedule 4;*

*(d) any regulatory requirement under the Environmental Protection Act that an administering authority under that Act must comply with in relation to a development application under that Act and for that purpose the requirement applies—*

*(i) with any necessary or convenient changes; and*

*(ii) as if a reference to the administering authority were a reference to the chief executive and a reference to a development application were a reference to an application for a specific approval;*

*(e) the best practice environmental management for the proposed use of the resource;*

*(f) the likelihood of any material environmental harm, serious environmental harm or environmental nuisance happening because of the proposed use of the resource;*

*(g) the benefit and sustainability of the proposed use of the resource;*

*(h) any alternative use of the resource;*

*(i) another matter prescribed under a regulation.*

*(2) Also, the chief executive may consider the following—*

*(a) the applicant's environmental record;*

*(b) the applicant's ability to comply with any proposed conditions of the approval;*

*(c) whether a disqualifying event has happened in relation to—*

*(i) if the applicant is an individual—the applicant or another person who is the applicant's partner; or*

*(ii) if the applicant is a corporation—*

*(A) the corporation; or*

*(B) any of the corporation's executive officers; or*

*(C) another corporation of which any of the corporation's executive officers is, or has been, an executive officer.*



QMDC recommends including in clause 159:

- Inclusion of other key principles as per above discussion on Clause 3
- An evaluation of the degree and types of impacts reported as being caused by waste generation, disposal and management actions on condition, trends, targets and threshold limits of natural resources
- The applicant's ability to provide adequate financial assurance should any harm occur

**13.0 Part 10 Amendment of Water Supply (Safety and Reliability) Act 2008**  
**'Division 4A Provisions for CSG emergency releases**

**'329GA What is a CSG emergency release**

**'(1) The release of coal seam gas water that is recycled water by a CSG entity directly or indirectly into a water source is a CSG emergency release if—**

**(a) the release—**

**(i) is necessary to avoid or respond to an emergency situation; and**

**(ii) may impact on the drinking water supply of a drinking water service provider; and**

**(iii) is authorised or required under an EP Act authorisation; and**

**(b) the CSG entity complies with the EP Act authorisation for the release.**

**'(2) A CSG emergency release may consist of a series of releases mentioned in subsection (1), but only to the extent the total period for which the releases occur is 12 months or less.**

**'(3) In this section— CSG entity means an entity who is the holder of a CSG environmental authority.**

QMDC does not support the emergency release of CSG recycled water that may have an impact on drinking water supplies and asserts this should not be permitted under the Act. However, if CSG recycled water is released QMDC also asserts an emergency release should have a very limited timeframe of no more than 7 days. If a CSG entity perceives the likelihood of emergency releases their operations should not be allowed to proceed and an environmental authority (EA) be declined or revoked. No CSG activity or infrastructure should be allowed to proceed on floodplains or on sites known to pose risks because of climate change or variability.

The amendments to the *Water Supply (Safety and Reliability) Act 2008* (Water Supply Act) must provide rigorous requirements under the existing recycled water regulatory framework, for coal seam gas water impacting on town drinking water supply sources. DERM has to this date not released relevant information or facilitated robust community and stakeholder consultation on indirect and direct augmentation of coal seam gas recycled water into water sources. Without access to and discussion on scientific and social research both international and local the proposed amendments are unable to provide QMDC assurance that public health will be protected.



It is not only the responsibility of coal seam gas producers to dispose of the coal seam gas recycled water in an environmentally acceptable manner but in the view of QMDC also the responsibility of legislators and regulators to implement legislation and policy that provide a high level of protection for the QMDB and Great Artesian Basin.

Disposal should consider this region's NRM Plan (the Plan) whilst taking into consideration not only the individual impacts of each proposal but also the cumulative impacts of the whole CSG industry and other water users. The Plan states that by 2020, the following key water quality indicators should remain below baseline levels:

- Salinity concentrations at end of valley locations for specified median and peak EC unit levels and average salt loads
- Total suspended sediment loads for specified average and peak levels at locations;
- Pesticide concentrations for specified levels at set locations; and
- Nutrient concentrations for specified levels at set locations.

Options for disposal of coal seam gas recycled water currently include release into a water source (including to a watercourse, lake, dams, weirs or aquifers) or by directly supplying treated coal seam gas recycled water to a town as a source for drinking water supply are still contentious and fraught with scientific uncertainty.

The proposed amendments to allow prolonged emergency releases or exclusion from existing policy and legislative frameworks are not adaptive management strategies or actions. They will serve to further entrench a policy and legislative framework that increases risks to both the natural resources of a region and its local communities.

QMDC recommends that where the CSG companies make CSG recycled water available for 'beneficial use', the water must be:

- Subject to risk assessments based on the immediate, future or cumulative impact which may result from its use, taking into account potential contaminants including salt, surface and ground water interaction, changes to overland flow, and new and existing infrastructure.
- When water is released into streams or weirs, those streams or weirs are subject to chemical and biological monitoring to assess impacts; and all monitoring data be made available to the public within one month of collection.

QMDC submits that the new legislation should promote and encourage sustainable use of Great Artesian Basin water and ensure that practices relating to the exercise of water "rights" by CSG and petroleum projects will ensure high-quality stewardship of Great Artesian Basin and QMDB resources; minimise disturbances to Great Artesian Basin and QMDB resources; and protect Great Artesian Basin and QMDB resources for future human and environmental purposes.

***'329GB Relationship with Environmental Protection Act 1994 for CSG emergency release***

*'(1) This section applies for a CSG emergency release by a recycled water provider, if a condition or requirement of the EP Act authorisation for the release is inconsistent with a condition or requirement of the provider's recycled water management plan or exclusion decision.*

*'(2) The EP Act authorisation prevails to the extent of the inconsistency.*

*'(3) Sections 197 and 199 do not apply to the provider for the CSG emergency release to the extent the provider complies with the EP Act authorisation for the release.*

QMDC does not support this clause. It must be mandatory for the provider's recycled water management plan to fully consider a range of emergency conditions and plan for them within the stringent conditions of an EA.

***'329GC Obligations for continued release of recycled water after CSG emergency release***

*'(1) This section applies for a CSG emergency release that becomes a supply of recycled water under a CSG recycled water scheme.*

*'(2) The recycled water provider or scheme manager for the scheme must, before the end of the compliance period for the CSG emergency release—*

*(a) prepare, and give to the regulator for approval, a recycled water management plan for the scheme under part 2; or*

*(b) apply for an exclusion decision for the scheme under part 9A, division 3.*

*'(3) Section 196 does not apply to a responsible entity for the scheme—*

*(a) during the compliance period; and*

*(b) if, under subsection (2), the provider or scheme manager for the scheme gives a plan to the regulator for approval or applies for an exclusion decision—until the provider or scheme manager is given a notice or information notice under section 206 or 326 for the regulator's decision on the application.*

*'(4) In this section—compliance period means 3 months from the day the CSG emergency release becomes the supply of recycled water under a CSG recycled water scheme.'*

QMDC does not support the continued release of an emergency release of CSG recycled water and asserts that this should not be permitted under the Act.

QMDC also asserts an emergency release should have a very limited timeframe of no more than 7 days. If a CSG entity perceives the likelihood of emergency releases their operations should not be allowed to proceed and an environmental authority be declined or revoked.

The cumulative impact of emergency CSG water releases by multiple CSG or other entities must be considered. An emergency release should be within the water quality limits set by any current or future Water Quality Guidelines

**395 Amendment of sch 3 (Dictionary)**

**(1) Schedule 3, definitions CSG environmental authority and supply—omit.**

**(2) Schedule 3—insert—**

**‘CSG emergency release see section 329GA.**

**CSG environmental authority means a coal seam gas environmental authority within the meaning of the Environmental Protection Act 1994, section 310D.**

**EP Act authorisation, for a CSG emergency release, means—**

- (a) a transitional environmental program under the Environmental Protection Act 1994, if the program contains public health conditions for the release; or**
- (b) an environmental protection order issued under the Environmental Protection Act 1994, chapter 7, part 5, if the order contains public health conditions for the release; or**
- (c) a direction or an emergency direction given under the Environmental Protection Act 1994, section 467 or 468 requiring the release.**

**public health conditions, of an EP Act authorisation for the release of coal seam gas water, means conditions or requirements—**

- (a) imposed to protect public health; and**
- (b) about assessing and minimising any impacts of the release on the drinking water supply of a drinking water service provider.**

**supply, of recycled water, means—**

- (a) for recycled water that is sewage or effluent—**
  - (a) the reuse of the water by the entity that produces it; or**
  - (b) the supply of the water, by the entity that produces it, to another entity for reuse.**
- (b) for coal seam gas water that is recycled water—**
  - (i) the release (other than a CSG emergency release) of the water, directly or indirectly, into a water source, if it is used by a drinking water service provider in a drinking water service; or**
  - (ii) the delivery of the water by an entity, other than a drinking water service provider who uses it in a drinking water service, to another entity, if the water is used by a drinking water service provider in a drinking water service;**
- (c) for other recycled water—supply of the water, by the entity that produces it (the producer), to another entity for reuse, other than another entity that, under a guideline made by the regulator and prescribed under a regulation, is a related entity of the producer.’**

QMDC submits the definition of public health should be extended to include those impacts which have environmental and cultural and spiritual components associated with water and Aboriginal belief systems.

The cumulative impact of emergency CSG water releases by multiple CSG or other entities should also be defined.