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Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane QLD 4000
By email: ipnrc@parliament.qld.gov.au

Dear Sir/Madam,

Qld Water Legislation Amendment Bill 2015

The Environmental Defenders Office Northern Queensland (EDO NQ) welcomes the opportunity to provide a submission to the Infrastructure, Planning and Natural Resources Committee on the *Water Legislation Amendment Bill 2015* (WLA).

For 18 years community groups and members of the public have made use of the EDO NQ's free or low-cost environmental law legal service. As well as making submissions on over 300 law reform and policy changes and presenting 200 legal education projects, EDO NQ has assisted over 1,300 clients with 9,000 information advices; 4,170 legal advices and nearly 600 cases.

EDO NQ assists conservation groups, members of the public and landholders to protect the places they love, their health, and the wider natural environment and has been assisting CSG Free NQ Inc in responding to this Bill. We are seriously concerned that the proposed Bill has not removed parts 4 and 5 of WROLA, which threaten the security of agricultural water supplies by granting miners and CSG companies the unregulated use of any water they intercept during the course of excavation work or drilling. We believe that failure to remove these parts threatens agricultural stakeholder's water rights.

We note the changes that the WLA makes changes to the Water Reform and Other Legislation Amendment Act (WROLA) and applaud most of them. The WROLA legislation was described as "shameful" and "an utter disgrace", by the now Deputy Premier Jackie Trad in Parliament in November 2014, she also stated that the WROLA Act "recklessly and irresponsibly deregulates water management and allocations in Queensland and walks away from decades of assessment and approvals of development according to the principles of ecologically sustainable development and could easily repeat the mistakes made in the management of the Murray-Darling Basin system right across Queensland". Before the 2015 State election the ALP were explicit in saying they would repeal the legislation and restore the fundamental legal right to object and say no to a nearby mining development.

However, we are deeply concerned that the WLA does not further amend WROLA Act by revoking Parts 4 and 5 of WROLA. These Parts of WROLA gives the mining and petroleum and gas industries a statutory right to take underground water as "associated water" and removes current requirements for them to get a water licence.

Parts 4 and 5 of WROLA, if allowed to come into effect, will harm agricultural water users and the environment because they will:

1. Remove the requirement for companies to obtain a water licence for the vast quantities of groundwater that they generally extract during mining and/or drilling operations;
2. Reduce the ability of the Qld Government to act transparently to prevent unsustainable levels of water extraction by companies during operations;
3. Remove the right for adjoining landholders whose water resources will be affected or lost due to the mining/drilling operations to challenge the grant of a licence; and
4. Remove the role of the Land Court as final independent arbiter who can rule on appeals against water licences granted to mining/gas companies;

Failure to revoke Parts 4 and 5 of WROLA represents a very substantial breach of the promises which the Qld Government made in the lead up to the election, when it promised to '*repeal the Newman Government water laws which will....allow for over allocation of Queensland's precious water resources*'.

Recommendations

- 1. We request that the WLA is not passed unless it is suitably amended to revoke Parts 4 and 5 of WROLA, and thus prevent the granting of statutory unregulated water rights to the mining/gas industries.**
- 2. We generally support other provisions of the WLA, although we believe that the principles of ecologically sustainable development should be extended to apply to the resources sector under Chapter 3 of the Water Act.**

Yours Sincerely



Brynn Mathews – Treasurer, EDO NQ Management Committee