

18<sup>th</sup> December 2015

Infrastructure, Planning and Natural Resources Committee of the Qld Parliament

Dear Sir/Madam

Please accept this as a submission to the Water Legislation Amendment Bill 2015 (WLA). We note the changes that the WLA makes to the Water Reform and Other Legislation Amendment Act (WROLA). However, we are deeply concerned about one very important amendment to the WROLA Bill which is MISSING from the WLA.

The WLA should include an additional section which revokes Part 4 of WROLA. Part 4 of WROLA gives the mining industry a statutory right to take underground water and removes current requirements for them to get a water licence.

Part 4 of WROLA will harm agricultural water users and the environment because it will:

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

Failure to revoke Part 4 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'.

Failure to revoke Part 4 of WROLA also breaches promises that were made by the Qld ALP to restore community objection rights against mining, because it removes the right of adjoining landholders to object to the provision of water licences to miners.

Recommendations

1. We request that the WLA is not passed unless it is suitably amended to revoke Part 4 of WROLA, and thus to prevent the granting of statutory water rights to the mining industry.
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.

The following is a summary of our experiences in trying to protect our vital groundwater supplies:-

Our property "Speculation" joins the western side of the property "Wendouree" which is the location for the proposed Kevin's Corner coal mine. It is also located 16klms to the north west of the proposed Alpha coal mine but despite the distance Hancock GVKs own research indicates our property is within the cumulative groundwater impact zone of these mines and the Kevin's Corner only impact zone. Despite the recommendations handed down in the Alpha land court case and commitments in their EIS, SEIS, Coordinator-Generals report, and assurances from the company

Hancock GVK they have not been prepared to provide us with a Make Good Agreement (MGA) that protects our business from their impacts on our groundwater supplies.

As Land Court objectors in the Alpha and Kevin's Corner coal mine case, we are relying on these mines undertaking a water licence process, with the objection and appeal rights that this provides, to ensure that the uncertainties found in the Land Court process are adequately dealt with under the water licence assessment. The removal of the requirement to obtain a water licence for impacts to associated water by these mines would mean that our ability to ensure that our concerns are adequately met prior to dewatering commencing is greatly reduced. This is contrary to the decision of the Land Court in the Alpha mine objection decision which found in our favour that the mine should go through the water licence process, including being assessed in accordance with the precautionary principle, prior to the mine obtaining full approval.

Even the current situation is untenable;

1. In not being able to get a Make Good Agreement from Hancock GVK we self-represented in the land court. With potentially two mines impacting on our property we have had to do it twice! Even self-representing is extremely expensive as the time taken away from your business, the loss of time spent managing your stock, neglect to property infrastructure, impacts on the family all come at great expense. Despite landowners getting no financial benefit from the predicament, they are forced to take the action as government policy fails to protect their business from devastating impacts and potential destruction.

2. Even self-representing in the land court is extremely expensive as in our case to obtain court transcripts was \$2000 per day by 10 days equals \$20,000 by 6 parties involved equates to \$120,000 just for those parties to obtain the required legal documentation. We have had to do it twice. **JUST CRIMINAL!**

3. Even without the mine being approved we are already impacted paragraph (7) If the mine proceeds and impacts occur we will lose our property, business, passion, superannuation, home and succession opportunity.

4. Allowing an unsustainable, environmentally destructive, nonessential industry to have unregulated impact on already established, vital, sustainable industries like agriculture is irresponsible and gross stupidity. The emotional cost to surrounding landowners and the flow on impact on regional communities and towns is real. The recent suicide at Chinchilla high lights when citizens have no protection against such blatant impacts on their livelihoods and quality of life, the crushing effect it has on their life passion and self-esteem is overwhelming. Suicides are preventable if citizens' function productively in inclusive sustainable communities and government policy doesn't destroy people's self-esteem.

5. Current Make Good Agreements that we have been offered by the company do not protect landowners. MGAs contain, no ONUS of proof, confusion for identifying liability, confusing and nonbinding paragraphs, various escape clauses, clauses that are not required. Our concerns were confirmed by legal advice from solicitors, Queens Council and hydrogeologists. Mining companies claim that they have entered into MGA with landowners, if those agreements are effective why haven't we been offered one or if the agreements that we have been given are an example of the documents that other landowners have signed then there are landowners with documentation that

do not protect their family or business. I dread to contemplate what is going to happen if a landowner finds that their MGA is an ineffective and worthless document.

6. Our business is an extensive beef cattle operation and the welfare of our cattle is paramount and one in which we take great pride. We do our utmost to provide our stock with good quality water, air and pasture. If we are proven to have neglected their welfare our business faces possible prosecution. Unless mining companies can conclusively prove their operations did not impact on the quantity and quality of those elements (water, air and pasture) essential to the operation of surrounding landowners this liability has to be their responsibility. If contaminated water impacts on stock or enters the human food chain landowners are not to be the innocent victims. If contaminated food jeopardises an overseas market the liability has to be with the mining company. The agricultural sector has taken steps to validate the safety and quality of our products, the resources sector has to accept full responsibility and liability for proving they were not responsible if contamination is found.

7. When a company applies for a Mining Lease and Environmental Authority it immediately affects the value of adjoining and surrounding properties. The devaluation occurs because the lack of protection to those elements vital to their business makes the property's production uncertain, and the health and welfare of neighbouring occupants is seriously compromised so residing there is far less appealing if not outright dangerous. This regular fall in surrounding property value impacts on the business' equity; hence their viability. In some cases it would result in businesses going bankrupt and being sold up.

8. The government and its' departments provide no protection of vital groundwater supplies or quality of air for surrounding landowners. Experience from landowners like ourselves and confirmed by people that have been involved in mining highlight the current short comings of managing the mining industry. Considering the condition of a number mines that are currently not operational for example the silver mine at Texas and the potential risk it poses to the Murray Darling, environmental impacts from Mount Morgan mine, Gold mines north of Clermont, mines around Cloncurry and the list goes on, contribute to our lack of faith in government and departmental protection.

9. For the current government to go back on its' election commitment and not repeal the potentially destructive legislation that grants mining companies statutory rights to water will be devastating for surrounding landowners, associated communities and regional towns.

Prior to being elected the ALP opposed mining companies being granted a statutory right to take associated underground water, committing to: 'Repeal the Newman Government's water laws which will have a detrimental effect on the Great Barrier Reef catchment systems and allow for over allocation of Queensland's precious water resources.'

And further stating: 'The Water Reform and Other Legislation Amendment Bill 2014 takes the errors of the Murray-Darling Basin and seeks to repeat them by facilitating the over-allocation of water for large 'coordinated projects' and mines. This legislation passed while 75 per cent of Queensland was drought declared and landholders are struggling to find water.

In summary the current legislation is already failing landowners, further weakening of that legislation will increase the devastation of impacts to those landowners. If resource projects are to proceed and the associated companies make commitments and assurances as to how they will protect communities, the environment, society and benefit the economy then it is imperative the onus of proof that they have not caused any adverse impacts has to be the responsibility of the resource companies.

In an effort to improve the governance of Queensland, the ALP party was elected on the belief that they would stand by their campaign commitments. As the previous governments' policies were failing the state this was not only an indication of the poor quality and standard of governance but also the questionable character of some of its members.

As passionate advocates of agriculture we demand this essential, sustainable industry sector is protected against the impacts from an unsustainable, destructive sector.

We are living proof that even the current legislation provides no genuine protection!

Yours faithfully

Bruce Currie