

To: Infrastructure, Planning and Natural Resources Committee

Queensland Parliament

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18 December 2015

From: David Arthur

Qld Water Legislation Amendment Bill: David Arthur submission

Please accept this letter as a submission to the Water Legislation Amendment Bill 2015 (WLA).

I note the changes that the WLA makes to the Water Reform and Other Legislation Amendment Act (WROLA), and am pleased about several of the proposed changes. However, I am disappointed that WROLA neglects to revoke Part 4 of WLA, and request that this neglect be ameliorated by full revocation of that Part 4.

I strongly support the repeal of the “water development” option, which would have privileged certain large extractive so-called “development” proposals with the right to avoid scrutiny through Environmental Impact Assessment processes, and support the repeal of the power to selectively deregulate water use in certain selected water catchments. These were clearly discriminatory proposals that would have favoured the proponents of certain “projects” over all other water users at general cost to Queensland’s waterways.

I am, however, concerned about one very important amendment to the WROLA Bill – inclusion of Part 4 - which is absent from the WLA.

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. Quite simply, the WLA should include measures to completely revoke Part 4 of WROLA.

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'*.

The presence of Part 4 in WROLA is a legacy of a period in history when coal-mining was privileged over all other land uses because coal was the critical element for providing energy for Queensland's development.

The time for privileging coal-mining over other economic activities in Queensland is past.

The period when coal was critical for energy provision is over. Queensland and Australia generally can produce all the energy it needs by harvesting sunlight, wave and tidal power, and through other 'renewable' energy technologies. Organisations such as Beyond Zero Emissions (<http://bze.org.au>) have prepared reports (<http://bze.org.au/zero-carbon-australia/stationary-energy-plan>, for example) on how this can be achieved.

Furthermore, because humanity has already burnt enough fossil fuel, including coal, to drive destructive climate change, all further use of coal is doing more harm than good.

Even if neither Queensland Coordinator-General nor Queensland Government believe this, outcomes of the just-concluded 21st Conference of the Parties to the United Framework Convention on Climate Change in Paris demonstrates that the rest of the world knows and understands this to be true, and will be abandoning coal use sooner rather than later.¹

Not only is continuing to privilege coal-mining over sustainable land use imprudently destructive in itself, it also risks being left with numerous abandoned mining projects that will have to be rehabilitated at great expense to the Queensland taxpayer and government – who will already be struggling with trying to maintain economic activity from degraded land in a worsening climate.

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. I 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. I generally support other provisions of the WLA, although I believe that the principles of Ecologically Sustainable Development should be extended to apply to the resources sector under Chapter 3 of the Water Act.**

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.

Yours faithfully,

David Arthur

¹ “There is much debate about “stranded assets” in the context of fossil fuels and the shift to a carbon constrained world. Fundamentally, we suspect thermal coal is under more threat than oil, gas or coking coal at this stage. “

Citi Research: Report on Paris Climate Change Agreement, 14 December 2015,

<https://ir.citi.com/h58LihM3JzS8G%2B7MX%2BnZwvPYCP2x8DayggEEbGjO8YNu36lhrJFpg%3D%3D>