

## Submission: Qld Water Legislation Amendment Bill 2015

Please accept this as a submission to the Infrastructure, Planning and Natural Resources Committee of the Qld Parliament from Lock the Gate Alliance, in relation to the Water Legislation Amendment Bill 2015, made by email to [ipnrc@parliament.qld.gov.au](mailto:ipnrc@parliament.qld.gov.au).

Lock the Gate Alliance is a national alliance of farmers, Traditional Owners and conservationists with over 245 member and supporter groups and over 60,000 individual supporters across the country.

We are deeply concerned about the impacts of coal mining on our water resources and the consequences for other water users, agricultural industries and the environment.

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

We have numerous members and supporters who are extremely concerned about Part 4 of WROLA and what it will mean for them, their water supplies and their democratic rights to object.

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.

The Qld Government has indicated that instead of requiring miners to get water licences they are merely going to require that mining companies must 'make good' on impacts on landholder bores AFTER they have damaged them, under Chapter 3 of the Water Act.

That is a deeply flawed approach. The reasons why requiring 'make good' agreements is no replacement for powers to limit and licence water extraction, is because:

- 1) Make good agreements leave farmers in a position where they have to negotiate with a gun to their head, as their bores dry up and their farm businesses risk collapse, and the entire make good framework is heavily biased towards resource companies

- 2) Make good agreements are about *mitigating* impacts that have occurred, whilst licensing provisions are designed as a tool to *prevent* negative impacts and unsustainable extraction
- 3) It's impossible to ever 'make good' on an aquifer that has been depleted or destroyed – instead, replacement water is simply found elsewhere, putting extra pressure on other water supplies that are already scarce
- 4) Decision-makers already can and do impose make good requirements on mining projects, such as the recent Coordinator Generals report for Acland Stage 3
- 5) Make good agreements, as currently regulated, only require miners to make good on some water, not on the same quantity or quality of water that has been lost
- 6) Make good agreements are unlikely to survive bankruptcy or liquidation of mining companies, and then farmers will be left in a potentially unliveable situation.

Any strong, modern regulatory framework should retain powers to prevent unsustainable water impacts (via licensing and sustainable allocation processes) AND measures to mitigate impacts (via make good arrangements).

We understand that DNRM have suggested they are merely trying to 'streamline' the system and avoid duplication between the environmental assessment and authority process and water licensing, by removing licensing requirements for mining. However, there are simple measures that can be implemented to better integrate the environmental assessment and water licensing frameworks, without losing all of the very important protections that water licenses provide.

Lastly, we understand that DNRM argues that there are weaknesses in the water licensing system, because it rarely imposes volumetric limits and generally does not require robust monitoring. However, the fact that the water licensing and allocation system for miners in Qld is not as strong as it should be, is in fact a good reason to strengthen it, not to EXEMPT the mining industry from it.

All of the best water regulation regimes in Australia undoubtedly include strong, upfront licensing and allocation frameworks, and associated mitigation measures. It would be extraordinary to remove and reduce the transparency and efficacy of Qld requirements for relating to the water impacts of mining at this point in history – a time when we should know better, and when the impacts of a changing climate already place water resources and agricultural areas at risk.

### **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.**

We would greatly appreciate an opportunity to present to the Committee to discuss the issues raised in this submission. We have recently obtained an expert report from Tom Crothers, former General Manager of Water Allocation with the Qld Government, in relation to the impacts of granting miners with a statutory right to take water. We would welcome an opportunity to discuss it with the Committee.

Carmel Flint, Campaign Coordinator, Lock the Gate Alliance