Speech By

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MEMBER FOR GLADSTONE

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WATER LEGISLATION AMENDMENT BILL; ENVIRONMENTAL PROTECTION (UNDERGROUND WATER MANAGEMENT) AND OTHER LEGISLATION AMENDMENT BILL

Mr BUTCHER (Gladstone—ALP) (9.54 pm): I rise to speak to support the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill tonight. The committee has reported on the findings of the Agriculture and Environment Committee's inquiry into the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016. I would like to take this opportunity to thank the committee for the work they did on this report, particularly the secretariat who have had many reports to deal with all at the same time. They have done an exceptional job over the past six to 12 months. I would like to take this opportunity to thank Rob Hansen, Paul Douglas and Colette Carey for the work that they have done.

I would also like to acknowledge the assistance provided by the office of the Department of Environment and Heritage Protection and the Department of Natural Resources and Mines who provided high-quality advice in extremely tight time frames. The committee heard from resource companies, community associations and stakeholder groups during our inquiry. We sincerely thank everyone who contributed their views.

I will begin by providing a brief overview of the bill in the context of relevant water reform legislation that has either not yet commenced or is currently before the House. The bill aims to complement the framework for underground water management that was first amended by the Water Reform and Other Legislation Amendment Act 2014, known as WROLA, then subsequently was sought to be amended by the Water Legislation Amendment Bill 2015. Fortunately, in my previous role on the Infrastructure, Planning and Natural Resources Committee, I was involved in the hearings on the WROLA bill as well as the EPOLA bill. During the committee inquiries on the WROLA bill and the WLA Bill stakeholders raised concerns in relation to the impacts of underground water rights on both the environment and other water users but primarily agricultural users. Stakeholders also raised concerns in relation to deficiencies in the make-good arrangements under the Water Act. This bill addresses both of those concerns with tailored amendments to existing obligations and processes. In terms of timing, it is desirable that the committee consider the bill before the automatic commencement of WROLA provisions on 6 December, later this year, as the bill makes important amendments to this act.

The bill has been drafted to allow the government to deliver its policy which reflects a 2015 Palaszczuk Labor government commitment. There are essentially three key features of this bill. The bill proposes to better manage environmental impacts of groundwater take by the mining industry; strengthen protection for farmers and other rural landholders in negotiating make-good agreements with the resource industry; and provide for a separate water licence process for advanced mining projects in Queensland.

In terms of managing the environmental impacts of groundwater take, the bill proposes to achieve this in two ways. Firstly, the bill amends the Environmental Protection Act to strengthen the assessment undertaken as part of an environmental authority application. The bill inserts a new section 126A to require particular resource activities to provide information about predicted impacts on groundwater environmental values along with strategies for avoiding, mitigating or managing their particular impacts as part of the environmental authority application.

Secondly, the bill provides for improved environmental oversight during the operational phase of mining operations by drawing a clear link between the underground water impact reports performed under the Water Act and the requirements of the environmental authority. Essentially, the bill modifies the existing underground water impact report process in the Water Act to require the reports to include an assessment of actual against predicted environmental impacts of taking groundwater and, if relevant, to update predictions about future impacts. These modelling exercises are rarely perfect, so the bill allows for adjustments to be made as more accurate information concerning the types of impacts on volume of water required to be taken becomes available.

The amendments also include a power in the Environmental Protection Act to amend the conditions of an environmental authority in response to the contents of an underground water impact report. This power is equivalent to the existing Environmental Protection Act power for petroleum activities and will ensure that there is sufficient information to allow the ongoing adaptive management of groundwater impacts from particular mining activities. With regards to impacts on landholders, the bill amends the make-good framework in chapter 3 to strengthen the protection for farmers and other rural landholders and redress an imbalance in negotiating make-good agreements with the resource industry.

This was something that was raised in submissions during the parliamentary committee's inquiry into both WROLA bill and the WLA Bill. The bill addresses stakeholder concerns by extending make-good obligations to bores that are impaired by free gas during coal seam production; clarifying that make-good obligations arise where the exercise of underground water rights is the likely cause of the impairment, even if there is some scientific uncertainty; providing a cooling-off period for make-good arrangements under the Water Act; and finally, requiring resource companies to bear the cost of any alternative dispute resolution process and to pay the landholder's reasonable costs in engaging a hydrogeologist for expert advice in negotiating the make-good agreement. As I mentioned earlier, the bill provides for a separate water licensing process for advanced mining projects by including transitional arrangements in the Mineral Resources Act and the Water Act.

I would now like to talk about the benefits to future resource industries and the transitional provisions. Unlike the WROLA Act, this bill includes appropriate transitional provisions for the reforms that are being introduced. The bill requires that advanced mining projects which are part way through their approval process and have already applied for or obtained an environmental authority will be required to apply for an associated water licence prior to dewatering. These projects would have been required to apply for a water licence under the law as it currently stands but, had the WROLA Act commenced, would have received an unscrutinised statutory right to take groundwater. The environmental impacts of this take would not in most cases have been rigorously assessed, as the other approval processes have proceeded on the basis that a water licence would consider those impacts.

Importantly, however, the amendments moved by the minister tonight will ensure that any groundwater assessments undertaken under other processes can be simply rolled into the associated water licence assessment so that there is no duplication in effort. The associated water licence process focuses, as it should, on the gaps left by previous processes and the more detailed information available following detailed design. Sensibly, the bill also provides that, in a small number of cases where a rigorous assessment has been undertaken through an EIS process and the underground water impacts have been satisfactorily considered in a Land Court hearing, further public consultation will not be required provided the Land Court outcomes did not specify any impediments to the granting of the application. This will ensure that all those with an interest in the underground water impacts will have their rightful opportunity to be heard while providing a streamlined process for proponents. I commend this report to the House.