




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 9 November 2016

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

 **Mr WEIR** (Condamine—LNP) (11.19 pm): I rise to make a contribution to the cognate debate on the Water Legislation Amendment Bill 2015 and the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016. I will commence by addressing the Water Legislation Amendment Bill 2015. This report has been laying on the table since 1 March 2016, so this debate has been a long time coming. Some of the issues addressed in the first part of this bill overlap with the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016.

One of the first concerns that I noted in the committee report was that expressed by some submitters regarding the Water Legislation Amendment Bill about the lack of consultation. This is a common complaint about any legislation brought before the House by this government. Queensland Conservation described the consultation process as excellent. The Queensland Resources Council, in contrast, stated that there had not been sufficient consultation on timing, application and transitional arrangements of the reforms. Cotton Australia expressed disappointment they were not included in the Water Engagement Forum that met on three occasions to discuss the proposed changes. Considering that cotton growing is a large contributor to the economy and is heavily reliant upon water availability, it would seem to be a glaring omission, particularly given the proposed changes to the water development option provisions.

AgForce expressed a number of concerns with the water development provisions including the following: opportunities to access water should be in the context of the available existing strategic reserves of water yet to be allocated and that can be sustainably taken; and the process of accessing such reserves should be done transparently and require direct consultation of potentially affected water users. QFF stated that the water development option had been taken off the table completely which they considered to not be a good decision. QFF went on to state—

Major water infrastructure projects will require some certainty regarding availability of water before they commit to detailed development investigations. Consideration should be given to providing a revised water development option in the Bill.

The committee notes these concerns in recommendation 1, and I would be interested in the minister's response.

Clause 16 of the bill proposes to amend the cumulative management area of underground water impact where there are one or more petroleum leases. The current act states that, if a tenure is partially within and partially outside a cumulative management area, the cumulative management area is to include the whole of the tenure. The amendment would mean that the chief executive would decide whether the tenure or part of the tenure is a cumulative management area on the advice from any relevant entities including the tenure holder and the Office of Groundwater Impact Assessment.

The Office of Groundwater Impact Assessment was established by the LNP when in government and is widely respected across both the agricultural and mining industries. It was established in response to concerns around the accuracy of data relating to impacts on underground aquifers from the activities of the resource sector. Concerns about overlapping tenures have been around for a long time and amendments have never met universal support, and neither do the proposed changes in this area of the bill.

The Wilderness Society fully supports the amendments. The Environmental Defenders Office, in comparison, believes the amendments will create more administration and uncertainty for all stakeholders with minor benefits. AgForce supports the use of the scientific expertise of the Office of Groundwater Impact Assessment. A considerable section of the committee's report into this section of the bill covers issues such as the take of associated water and make-good provisions. These issues were outside the scope of this bill and are addressed in the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill.

Any legislation regarding water, either above ground, surface water or underground aquifers, is always going to be a controversial subject. There are opposing views and differing interpretations of the science and the legislation surrounding the various acts. Water legislation is a complex, crucial and emotive issue, particularly in relation to mining and agriculture. I do not expect this debate and the aftermath that will follow to be any different. I have spent my life involved in agricultural pursuits and have witnessed the passionate opinions of all concerned many times. I am fully aware that some proponents hold resolute views on the subject. The agriculture and resource sectors are two of the largest industries in this state, and one of the main causes of conflict between these two industries is the contentious issue of water entitlements.

The previous LNP government introduced the Water Reform and Other Legislation Amendment Act. The water reform bill was not without its critics—just like the bill which the government has brought into the House and we are debating today has its critics. The bill proposes amendments that would require a mining licence holder to apply for an associated water licence. This would include holders of an environmental authority who, but for the commencement of section 334ZP of the Mineral Resources Act, would have been required to apply for a water licence; applicants for environmental authorities whose application has not been decided by the chief executive; and projects notified as coordinated projects under the State Development and Public Works Organisation Act 1971.

The Queensland Resources Council expressed concern about the impact this amendment would have on any advanced projects. QRC argued that any advanced project has already been through a public submission phase as a result of the EIS process; nonduplication of public submission phases where an EIS has been completed is an accepted principle in the EP Act; and the proponent has been proactive into entering make-good agreements with potentially impacted landholders on the basis of detailed groundwater modelling.

The concerns voiced by QRC would obviously include the New Hope Acland stage 3 project. I think that all members in the House would be aware of the lengthy approval process that Acland stage 3 has been subject to. The Acland mine was first approved by the Beattie Labor government and applied to extend to stage 3 in 2007. The LNP when in government told New Hope to amend their proposal to include moving the coal-loading facility beside the town of Jondaryan on to the mine site, not interfere with Doctor Creek and reduce the footprint so that the mine did not move any closer to the town of Oakey. The revised application met all of these requests.

The process is currently awaiting a Land Court decision where two weeks of hearings were importantly dedicated to underground water issues. Water security is an issue near to all landowners' hearts. Water security ensures landholders remain sustainable and profitable, and it is only right that this was given a high level of scrutiny. Any further approvals should be subject to make-good provisions and any other concerns raised during the process. The problem with this legislation is that under the retrospective aspects of this bill New Hope will need to go through the same evidence once again. The shadow minister, Andrew Cripps, has addressed this aspect of the bill. The amendments to the make-good provisions regarding costs incurred by the landholder being paid by the resource company and the impacts on bores by free gas have been well received by landholders and industry.

We had 700 protesters outside this building on Tuesday last. I went out and spoke to them. Many of them had sent me emails detailing their concerns about their future and concerns about their job security. I told them that I would bring their concerns into this House. The timing of this impact on their livelihood could not be worse. As members would know, Oakey is going through a terrible situation at the moment with underground water contamination. Many of these people own residences in Oakey. There are contractors who have businesses at the Acland mine who have mortgaged their homes

waiting to see what the outcome of this legislation is going to be. If members have followed the story in Oakey at all, they would know the value of housing in Oakey at this moment. This could not have come at a worse possible time.

There are 275 direct jobs at the New Hope mine. There are 507 contractors. Every one of these people are concerned about their future. I told these people I would bring their concerns into the House. It is their livelihood and their future that concerns me, because for them this is the perfect storm and there is no way out. I would urge the entire House to look at the amendments that shadow minister Cripps will introduce later tonight.