




Speech By
Hon. Dr Steven Miles
MEMBER FOR MOUNT COOT-THA

Record of Proceedings, 9 November 2016

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

 **Hon. SJ MILES** (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (11.44 pm), in reply: First of all, I thank all honourable members for their participation in this debate. I would also like to thank again the Agriculture and Environment Committee for their thorough consideration of the bill which included taking a broad range of community views into account.

Today members of the House have stood in support of this bill that will provide for improved management of the environmental impacts of underground water extraction by the resources industry. The member for Keppel spoke about the important improvements that the bill proposes in order to provide landholders with a fair go in their dealings with resource companies in seeking compensation for the loss of their vitally important water supplies. I am proud to say that the bill assists rural landholders by levelling the playing field in the negotiation of make-good agreements, ensuring that they have access to the advice they need and providing them with a right to compensation for the full range of potential impacts on their water supply bores.

We also heard from the member for Gladstone, who was impressed by the stronger, cleaner powers that the environment department will have to assess the impact of a groundwater take by mining projects in a streamlined process. As part of their environmental authority application, resource companies will be required to provide detailed information about any proposed exercise of underground water rights, provide information on each aquifer affected by the activity and submit an analysis of the predicted quantities of water to be taken and any impact on the quality of groundwater. This will ensure that decisions can be made on high-quality information.

The member for Ipswich West reminded us of the critical importance of good-quality groundwater to agricultural businesses and went on to note that the resource companies complaining about the proposed associated water licence process were big players who have long been aware of the need for a water licence.

I would like to start by thanking the members opposite for their support for the bill's amendments to the Environmental Protection Act 1994, the make-good provisions of chapter 3 of the Water Act 2000 and the Queensland Heritage Act. In contrast, though, the LNP has stood up and again attempted to justify their deregulation of groundwater take by resource companies in Queensland. The members opposite have indicated that they will move amendments to the bill which will, without sufficient justification, provide a complete exemption from the associated water licence process for a narrowly targeted selection of mines. The members have offered no coherent explanation for why the specific applications they have described in the specific date range they have nominated should have the benefit of an exemption which is not extended to any other projects.

The amendments that I intend to move tonight to the associated water licence process create fair rules for all mining projects which provide a fair exemption from public notification based on recognition of prior scrutiny of groundwater impacts. In marked contrast, the amendments that the opposition intend to move provide a complete exemption from further scrutiny for an arbitrary list of mines based not on whether their groundwater impacts have been appropriately assessed but instead based on the date the application was made. These amendments would create a complex and ad hoc exemption framework with a foundation in politics, not in science.

The member for Hinchinbrook was of the opinion that it is unfair for resource companies that have already commenced their approvals process to be required to obtain an associated water licence. He complained of delays to projects and uncertainty. We make no apology for safeguarding the groundwater resources which are so vital to the continued viability of our agricultural sector and the health of our natural environment. The failure to include appropriate transitional provisions in the Water Reform and Other Legislation Amendment Act 2014 to ensure the proper evaluation of groundwater take would occur demonstrates a level of carelessness that is the signature of the LNP. The members opposite can dress their complaints up however they want, but that does not change the fact that the requirement for an associated water licence is a standard, boring transitional provision of precisely the kind that would quietly and uncontroversially be included at the back of any bill which amends any kind of permitting regime.

The member for Hinchinbrook claimed that the ability to amend an EA in response to an underground water impact report would lead to sovereign risk. This is a pretty surprising complaint for him to make given that the existing provisions of the Environmental Protection Regulation, which were in effect under the former LNP government, allowed environmental authorities for petroleum to be amended in response to a UWIR. The only change made in this bill is to allow EAs for mining as well as petroleum to be amended in response to UWIRs.

I do not believe that the member, who was very pleased with a consistent framework for mining and petroleum, can seriously be suggesting that this power should apply to petroleum but not to mining. If the way in which environmental impacts relating to groundwater are managed cannot be changed in response to new information contained in the UWIR, then is the purpose of the UWIR to simply monitor environmental decline? This change is entirely consistent with other powers in the EP Act to require management changes in response to new information.

The member for Nanango acknowledged concerns with current make-good arrangements and urged a review, despite the fact that the bill includes amendments to strengthen the bargaining position of, and protections for, landholders which are strongly supported by the agricultural sector. She also made misleading suggestions that make-good conditions for mining activities did not exist prior to WROLA, and this is simply not true. It has been DNRM's practice for many years to impose make-good conditions on water licences for mining in appropriate circumstances. This bill strengthens those make-good provisions.

The member for Burdekin complained that the associated water licence process would create a new avenue for 'lawfare' apparently choosing not to understand that, under the bill with my proposed amendments, only those mines which have not been subject to a thorough Land Court process will be subject to public notification and third-party appeal rights. The water licensing framework has been in place for 20 years. The companies, the proponents of these projects, will simply be required to finish the process that they started by getting a water licence. It should not come as a surprise to them that the requirement for a water licence is not new. Many of these mining companies could have submitted their water licence applications years ago.

This is not a threat to investment. For the past 20 years mining companies have shown that they are prepared to make significant pre-investments in order to progress their projects. Mining projects that are already in the pipeline have not been through the strengthened up-front assessment for the environmental authority and therefore have not had their groundwater take adequately assessed. The associated water licence provisions bridge this gap by ensuring an assessment of this take. Associated water licences generally continue the current regulatory requirements that exist in the Water Act as it stands today. There are no new regulatory requirements being imposed on proponents or industry compared to the present day.

This legislation does not give so-called activists a new avenue for court appeal. It is a pre-existing right of the community to be heard on the impacts that a mining project will have on their invaluable access to water. However, the amendments I have now moved will mean that, in cases where the community has already had adequate opportunity to be heard and to test the proponent's groundwater modelling in a concluded objections hearing, another round of public notification will not be required unless the independent Land Court has expressed reservations about the groundwater evidence or about whether the take of water should be allowed.

The bill responds to widespread concerns surrounding the WROLA Act. As the opposition continues to facilitate the tide going out on our precious water resources, the Queensland public is tired of the free passes that they grant to resource companies. It comes at the cost of our environment, the cost of our farmers and the cost of our small towns and communities. The water licensing framework provides the appropriate checks to ensure a proper scientific and hydrological assessment of proposed activities. Future resource projects will not be required to obtain a water licence, but they will be subject to a comparable level of scrutiny through the environmental authority process.

The Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill proposes a new process that will ensure that groundwater matters are considered in detail at the environmental authority application stage. The public will continue to have a right to have its say about the issue of groundwater, with community objections being allowed as part of the environmental approval stage instead of the current objection process for water licences. The bill delivers a streamlined approach to the future management of the environmental impacts of groundwater extraction; one department providing one assessment and one approval and one opportunity for objections.

Let me conclude by thanking the staff of my office, the team at EHP who have worked on this and all of the stakeholders and other organisations who have assisted us throughout the process. I commend this bill to the House.