

## Response ID ANON-XVYX-N2DW-T

Submitted to **Independent review of the 'water trigger' legislation**

Submitted on **2016-01-26 15:44:39**

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No, I would like to continue to complete the questionnaire

### TOR 1: Examine the appropriateness of the regulation including whether it is necessary and well targeted

#### 3 Is there a significant likelihood of a substantial negative environmental impact from coal seam gas and large coal mining development on water resources in the absence of the water trigger legislation?

Yes

Please tell us why:

- \* Usage of volume depleting reserves, many having limited recharge, especially concerns with climate change making rainfall forecasts unpredictable,
- \* Reduces water storage required to maintain habitats, agricultural, horticultural, demographic populations (conservation areas and forests, farms, towns, and industry reliant on sustainable water supplies)
- \* Contaminates unconfined and artesian/confined water reserves thus compromising future sustainable activities for potable, irrigation water and water-dependent natural environment health.
- \* Most importantly, there has been an onslaught against environmental protections in most state's Acts and reduction of protection standards in the EPBC Act. [See VAGO'S Report, on gas extraction, August 2015]
- \* THE USE OF THE WORD 'APPROPRIATENESS' IS NOT AN ACCEPTABLE PRESENTATION OF THE ISSUE. THE ISSUE IS ONE OF RESPONSIBILITY and RESPONSIBLE ACTIONS!!
- \* Short-term gas extraction profits do not benefit communities, towns or future food capacity security for our nation, all extraction developments have negative impacts on our water resources. They are too precious to allow short-term profits by corporations with no future benefits for this nation.
- \* Fertile land for agriculture, land supporting significant biodiversity, is made redundant possibly for eons for human use, plus, loss of biodiversity undermines the capacity for evolution and regeneration to take place. PURE, CLEAN WATER IS ESSENTIAL FOR ALL LIFE.
- \* Extracting water for gas extraction industries is NOT in this nation's long-term interests.
- \*The corporations willing to desecrate, contaminate and plunder our essential water resources are committing a crime against humanity and nature. There is no other rationality that can avoid that fact.

#### 4 Is the scope and focus of the legislation appropriate to the problem being addressed?

No

Please tell us why:

That a 'Minister will decide whether the action (i.e water trigger) is likely to have a SIGNIFICANT IMPACT on a matter of national environmental significance' under the EPBC Act is not satisfactory (despite the given 'controlled action' constraints).  
No one person should have the right to assume, given the energy industry's capacity to politically lobby and persuade, that an extraction action may be deemed to not likely to have a significant impact. To assume that our present knowledge allows anyone to consider they have all available facts to give a decision without weighing up future problems, is irresponsible and short-sighted. Water must be a fact: that it must stay unpolluted for present and future generations of people and all life forms. Gas extraction is the antithesis to protecting, conserving life-forms and ensuring human geographical demographic needs.  
The full scoping should include all contamination issues, regardless of ASSUMING what might have a significant impact. Why? Because no in-depth research is sufficient AT THIS STAGE to properly assess what future problems will (and they always have) have adverse impacts.  
The APPLICATION of the PRECAUTIONARY PRINCIPLE MUST BE THE GUIDING TENET for preventing future impacts on water availability and usages.

#### 5 Are there significant gaps in the scope or intent of the legislation?

Yes

Please tell us why:

Present Acts do not give consideration to the ecology of functioning systems upon which our civilisation in its depend. Economics over-ride environmentally-aligned Acts.

Scoping effectively must mean putting environmental risks, management aspects regarding water resources into a perspective of essential biological priorities first and foremost - not merely whether they may be deemed significant or not.

There requires an examination of problems that have arisen overseas that must be factored in as to decisions regarding any Water Trigger amendment. The adverse impacts recorded on a daily basis must surely drive home that ignoring gaps of already available adverse impacts on aquifer basins impacting farming and communities is undeniable.

'Prior approvals' cannot be regarded as a means to continue a prior action. Such a loophole is a serious gap in determining an action to proceed.

Frames of Reference must take into account changes in demographics, population increases and pressures for food production capacity. This is a gap ignored in many Acts, in which future projections are insufficient to take into account future increasing population pressures (note Miguel Wackernagel's human ecological footprint) impacting on finite resources.

The prevailing free market, competitive principles dominate our western economic models, where 'growth' is regarded as an essential absolute. And this is what the gas extraction industry is all about. Economic gain for a corporation at the loss of national food security and higher domestic gas prices. Water and fertile soils are essential for sustaining this nation's prosperity into the future.

Governments gaining royalties should be examined on the financial gains against environmental losses.

Climate change impacts on existing water storages is another gap, so are the values of biological losses not accounted for (regardless of rare, threatened, endangered local species of flora or fauna), because HABITAT RETENTION AND HEALTH is what maintains biodiversity and evolutionary capacity.

Use of so-called Offsets need to be reassessed in context that every habitat, however closely aligned, is unique. Offsets are deemed financially valuable to developers, thus reducing even further habitat remnants.

Healthy habitats, forests, generate water catchments which replenish ground water and confined aquifers over time. This is a gap not sufficiently researched, yet enough is known to realise that scrub clearance has an equal and opposite effect - less rainfall, less recharge capacity. Coupled with mining gas extractions, water may become a very scarce resource - contaminated or otherwise.

Ecosystems are crashing globally. There is a gap being ignored wherein our food security is being put at risk by the mining industry. There are corporations and their personnel who do not have any conscience other than pillaging resources for their own profits.

Importantly, gas and coal extraction is killing this planet - literally through the greenhouse gases accumulating and altering climate cycles and causing extreme weather intensities. Damage to the environment, human habitations, social dislocation, industries, infrastructure costing billions - that is a gap that needs factoring in when 'allowing' any dismantling of the Water Trigger'. Who pays the Piper then? Certainly not the mining extraction industries! In the majority of cases, remedialisation of an abandoned mining site falls far short of the levies imposed to restore the original landscape and its previous values, and the taxpayer invariably is made to pay for any clean-up. Clearly, present environmental conservation regulations are inadequate to assist in ensuring the responsible action made by having the present Water Trigger in place, is able to be not only retained, but reinforced and consolidated.

## **6 Please upload additional information relating to TOR 1 if you wish**

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## **TOR 2: Effectiveness of the regulation in protecting water resources from the impacts of coal seam gas and large coal mining projects, including the role and scope of work given to the IESC**

### **7 In your opinion has the water trigger legislation been effective in protecting water resources potentially and actually affected by relevant developments?**

Yes

#### **Please tell us why::**

Barely, but better than none in place. However, when Ministers making decisions for developments to proceed but who ignore or conceal regulatory requirements, indicate the weakness in any given legislation that has the potential to be side-stepped in favour for development projects. That's why no one political policy-determining Minister should be allowed to sanction a development that will almost certainly, because of the very nature of its extraction processes, cause enormous future clean-up and remedial costs to be borne by the nation, and consequent permanent or seriously reduced losses of finite resources (which were once sustainably renewable!)

Developmental projects come and go - short term in duration. The damage they do persists long after they have left. I repeat: strengthen the Water Trigger and broaden its scope! Undermine it and the future is effectively, and possibly permanently, undermined.

## **8 Please upload additional information relating to TOR 2 if you wish**

### **File upload:**

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## **TOR 3: Identify any opportunities to improve the effectiveness of the regulation**

### **9 Are there gaps in the scope of the legislation that reduce its effectiveness in protecting water resource from relevant developments?**

Yes

#### **Please tell us why:**

The main consideration is the need to cap existing gas extraction industries, considering their damage to water resources via contamination and volume.

Next, Prime agricultural land and biologically important areas, be they reserves of whatever status, must be totally excluded from extraction processes (which includes preventing horizontal drilling). The ecological status and functioning of a given ecosystem must be prioritised above that from rural industrialisation.

Thirdly, the gap in the scope of existing legislation does not necessarily take into account the impact of extraction particulates and gases on rural populations. Health issues are not dealt with on a cohesive, local, regional or national scale. It's time this became a priority in context of intra- and inter-generational adverse health impacts. Like tobacco and asbestos, the real problems confronting the national health audit will be derived from the neglect of facing issues that should be properly and factually attended to now.

### **10 Are there opportunities to improve the clarity of the legislation? This could include responses concerning the definitions of actions which are covered by the legislation, and whether the approval conditions on those developments provide benefit in protecting water resources.**

Uncertain

**Please tell us what type/s of opportunities may improve the clarity of the legislation:**

Best left to those with the environmental legal expertise. I would pass this on to organisations such as the National Environmental Legal Association and/or Environment Australia (former Environmental Defender Offices which were defunded by the previous anti-environment, anti-science Prime Minister) for their expert comment.

**11 Are there improvements that could be made to the way in which advice is sought by the Australian Government from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) that could increase the efficiency of processes required as part of the water trigger?**

Uncertain

**Please tell us why:**

What do you mean by 'the efficiency of processes as part of the water trigger?'

Undoubtedly any independent assessment should surely be expected to increase efficiency expectations - but how, where and why?

Are the above mentioned Environmental legal experts part of that Expert Scientific Committee? I am not familiar with the existing Committee. Who are they and what are their backgrounds?

I would expect legal experts in environmental laws, particularly involving EPBC and interacting State laws, to be part of the Independent Committee members. If not, why not?

**12 Were stakeholders appropriately involved in the implementation of the water trigger legislation?**

Yes

**Please tell us why:**

Here I am presuming so as a given as part of our democratic processes?

**13 Please upload additional information relating to TOR 3 here if you wish**

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**TOR 4: Examine the efficiency of the regulation in protecting water resources from the impacts of coal seam gas and large coal mining projects**

**14 Have there been additional administrative compliance and delay costs arising from the water trigger that have affected business, community organisations and individuals?**

Yes

**Please tell us why:**

Undoubtedly, but without knowing case studies, the implications as to whether the existing compliance requirements were overly and/or unnecessarily burdensome cannot be adequately assessed.

Overall, the Water Trigger has been a necessary brake on some developmental projects, but appears not to have prevented any large scale projects being given the green light, regardless of the Water Trigger. It is an unfortunate circumstance that political processes are governed by corporate influence. "Political sovereignty has been replaced by economic sovereignty as corporate power takes over the reins of governance." (Henry Giroux, 2016). It is also unfortunate that our political processes are not ecologically informed in thinking. Indeed, much of recent political rhetoric is directed at demonising environmentalists, even scientists. This raises the issue that redefining what constitutes criminal behaviour is an essential to the rationality of defining legislation that allows continued pillaging of essential resources. Watering down or eliminating the Water Trigger expunges any focus on the criminality of an action that may further erode what we have left of a productive and biologically diverse environment.

Affected businesses, community organisations or individuals who have complaints against the present Water Trigger may need to look at reassessing their criticisms in context of understanding the ecological ramifications their business or personal requirement may have on the environment.

A population without understanding how their impacts on the environment may lead to degradation needs to be educated in ecological literacy, to become aware how ecosystems function and how the biosphere supports their continued livelihoods and inter-generational survival.

With renewable energy from solar, wind geo-thermal becoming universally available and cheaply, strengthening the existing Water Trigger legislation surely must be the ONLY ethical and ecologically sustainable way to move forward into the future

**15 Has the water trigger been beneficial in providing environmental outcomes, community confidence in the regulatory system of applying science to decision-making and management of environmental risk?**

Yes

**Please tell us why:**

To the degree that the prevailing political policies have allowed it to proceed unencumbered. But community confidence cannot be gained by political mavericks granting permits trammelling or side-stepping the existing legal environmental protections. A regulatory system must be operated by personnel not connected with existing mining-related 'expertise', nor for that matter, by renewable energy businesses, but must have independent regulators who have sciences in energy and ecological knowledge.

I cannot say for certainty whether, how or when management of environmental risk has been improved through the Water Trigger legislation. but it would be a common-sense deduction to at least expect that decision-making and management of environmental risk would become more of a certainty when applying

science to decision and management where the (strengthened) Water Trigger applies.

**16 Has the water trigger delivered an overall benefit when regulatory costs are compared to the environmental and other benefits?**

Yes

**Tell us why:**

I'm saying yes in context of considering the savings accrued from not devastating an area from gas extraction processes. These savings would have to be projected accumulatively into the future in the sense of having a sustainable resource still capable of delivering services to community and nature.

Why estimate short duration returns from coal gas extraction when you are killing the planet, against the per hectare values estimated from agricultural values including land and perpetual income. Farming feeds the nation, coal does not. How can it be sensibly compared when one industry wrecks the ongoing potential for future food production and biodiversity survival?

**17 Have there been additional administrative and other costs to governments arising from the implementation of the water trigger?**

Uncertain

**Tell us why:**

Undoubtedly there have been additional costs arising from any implementation of any Act or amendment. Surely the Water Trigger would not be thought of as a costly government expenditure, as a unique example?

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**TOR 5: Identify any opportunities to reduce or simplify the regulation whilst maintaining its effectiveness**

**18 Are there any opportunities to reduce or simplify the regulation whilst maintaining its effectiveness?**

Uncertain

**Please tell us more:**

Boy, are you making this hard! I'm sure there will be found opportunities to reduce or simplify the existing regulation - and maintain its effectiveness. Beware, though of Rabbit Holes whereby arguments in differences of perceived technicalities can unravel perfectly sound legislation that embraces simplification, reduction, whilst continuing to remain effective. Too many instances of cranking up the ideological notion of 'efficiency' has led to management disasters, even corruption, because those regulations that formerly prevented inconsistencies creeping in have been removed. Cases of quad erat demonstratum are littered in society through attempts at 'one stop, one shop' impositions that have created more burdens, greater costs and frustrations than former case-by-case instances.

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**TOR 6: Identify any recommended appropriate future review points of the regulation**

**19 Are there particular points in time, outside the statutory schedule for the review of the EPBC Act (reviewed every 10 years from commencement) that should be considered as review points for the water trigger?**

Yes

**Please tell us why:**

Well, an easier question this time: with the rapidly changing climate, the review times need to be shortened so as to keep pace with both rainfall events (and where they fall), droughts, and whether Wall Street is still capable of sounding its opening gong with all the financial upheavals and corruption going ahead unabated. And whether we end up with possibly an authoritarian government more intent on maintaining fear and hysteria than considering environmental issues. I haven't a crystal ball, but I sense that renewables will eventually HAVE to emerge as energising civilisation, simply because survival is going to be the critical issue. No other ideology will have any relevance then. But rescuing what we have left of our environment will underpin that emerging era of renewables. Water Trigger? Go forward, strengthen it, look to the future. So I suggest that the 10 year reviews be brought down to 6 for the next 12 years and be reviewed again from that point on. Shorter periods of reviews, regardless of initial costs, must keep us on the 'coal-face' (no pun intended) of changes increasingly and more rapidly taking place if we are going to competently and quickly deal with them. Even PM Malcolm Turnbull agrees with becoming "more nimble"!

**Personal information**

**20 What is your name?**

**First name:**

Leila

**Last name:**

Huebner

**21 I wish to make this submission anonymously**

Not Answered

## 22 Contact details

Email address:

[REDACTED]

Mailing address:

[REDACTED]

[REDACTED]

Postcode:

[REDACTED]

## 23 What is your organisation (if applicable)?

Organisation:

Nelson Coastcare Inc.

## 24 What has been your involvement with the Water Trigger legislation?

I am a landowner not directly affected., I am a resident of a community not affected but I am interested in giving my views on the matter., I am interested because of my environmental concerns/I am responding on behalf of an environmental group., Other (please describe)

Please describe:

The impacts of unconventional shale gas extraction does immediately affect me, Nelson community and our regional environment (Long Swamp & Glenelg estuary wetlands under present Ramsar nomination by GHCMA. NCC started the process for Ramsar.

## 25 How did you hear about the water trigger review?

Department of the Environment website, Other (please describe)

If other, how?:

Email forwarded by NCC member (network)

## 26 Rate the following sources of information regarding the water trigger review.

rank - Department of the Environment website:

Useful

rank - Issues Paper:

Useful

## 27 Which of the following sources of information do you find useful for information on coal seam gas and coal mining?

Rate sources of information - Media:

Neutral

Rate sources of information - Government:

Useful

Rate sources of information - Scientific and research bodies such as CSIRO and universities:

Useful

Rate sources of information - Information from community groups and peak bodies (eg websites, newsletters):

Useful

Rate sources of information - Informal sources such as word of mouth:

Neutral