

## Response ID ANON-XVYX-N2DJ-D

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

Submitted on **2016-01-27 15:40:08**

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#### 2 Would you like to submit your uploaded file now or continue to the questionnaire?

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:**

Most development activity is taking place in coal seams adjacent to water bearing sediments and little understanding exists of the potential connectivity between such sediments following well development and possible breakdown of well tubing due to corrosion or physical damage during installation. State governments cannot be trusted with the oversight of coal mining and coal seam gas exploration and development activity because of their dependence on royalty income from fossil fuel exports.

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

Yes

**Please tell us why:**

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

Uncertain

**Please tell us why:**

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

**File upload:**

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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?

No

**Please tell us why::**

Because responsibility for EPBC EIS assessment is being delegated to state governments that are driven by desire for export royalty income rather than environmental protection of water resources.

#### 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:**

Make prime responsibility for EIS assessment rest with the Federal Department of Environment for mine and coal seam gas development projects involving exports.

Ensure that oversight of conditions of approval set by this legislation rests with the Federal Government.

**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.**

Yes

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

**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?**

Yes

**Please tell us why:**

Selection of independent appointees to IESC having no relationship to the fossil fuel production industry.

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

No

**Please tell us why:**

State governments and fossil fuel industry lobby group vested interests dominate the implementation process to the detriment of land holders and environmental sustainability activists.

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

**File upload:**

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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?**

Uncertain

**Please tell us why:**

**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?**

No

**Please tell us why:**

The legislation has been ineffective in overcoming governments' short term dependence on foreign investment for mineral export projects.

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

No

**Tell us why:**

For the reasons outlined above.

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

Uncertain

**Tell us why:**

**Upload file:**

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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?**

Yes

**Please tell us more:**

Assign prime responsibility to the Federal Department of Environment rather than delegating responsibilities to state governments as some 80% of fossil fuel production is currently exported.

**Upload file:**

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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:**

Administration of the EPBC Act is presently ineffective for both groundwater protection and global GHG emission assessment and 10 year reviews are inadequate.

## **Personal information**

**20 What is your name?**

**First name:**

Richard

**Last name:**

Koerner

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

Not Answered

**22 Contact details**

**Email address:**

[REDACTED]

**Mailing address:**

[REDACTED]

[REDACTED]

[REDACTED]

**Postcode:**

[REDACTED]

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

**Organisation:**

Asia Pacific Strategy (Qld)

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

I am primarily providing a response as a scientific expert or research organisation such as a university or government research body.

**Please describe:**

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

If other, how?:

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

**rank - Department of the Environment website:**

Not useful

**rank - Issues Paper:**

Not 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:**

Not useful

**Rate sources of information - Government:**

Not 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):**

Neutral

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

Neutral