

Response ID ANON-XVYX-N2D6-S

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

Submitted on **2016-01-27 15:44:19**

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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:

Australia's water resources are poorly understood, especially our groundwater systems and particularly connectivity between ground and surface water resources.

We are the driest inhabited continent and cannot afford to make uninformed and risky decisions. Our knowledge base is not sufficient to take these risks. It must be noted that pressure is a very valuable attribute of groundwater systems such as the great artesian basin. Hundreds of millions of dollars have been spent restoring pressure squandered through free flowing bores. It would be an appalling waste of time and money to willingly allow pressure to be depleted.

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

No

Please tell us why:

State Governments' assessment and approval regimes are not fit for the purpose of assessing the risks and damage to water resources posed by coal and unconventional gas mining.

The water trigger is a crucial piece of legislation that fills gaps in State and Territory assessments and determination processes for coal mining and CSG.

Large areas of Australia are being explored for other forms of unconventional gas: ie tight gas and shale gas. Much of this area lies within our arid and semi-arid areas where groundwater is the only reliable source of water.

Assessments **MUST BE MADE** of the likely impacts of shale and tight gas development on groundwater in these areas.

The trigger must therefore be extended to cover both shale and tight gas.

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

Yes

Please tell us why:

The States cannot assess, prevent and mitigate impacts that occur outside their jurisdiction, nor are their assessment processes consistent and comprehensive when it comes to water, for example in dealing with the social, cultural and economic uses of water.

Significantly, cumulative impacts are not addressed by most states' processes, and there are water assets like the GAB, Sydney's drinking water catchment and the Hunter River that are already experiencing or are at risk of cumulative impacts from CSG and coal.

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?

No

Please tell us why::

Sadly, the expert advice provided by the IESC has been ignored more often than it has been heeded.

"Conditions" rarely, if ever, prevent or mitigate the impact of large coal and unconventional gas developments.

This is an important area for improvement. There should be clear boundaries and thresholds, such as exclusion zones for important water resources like the GAB, drinking water catchments and catchments with outstanding scientific and cultural values. There should also be mandatory and consistent standards for matters like set-backs, monitoring, water quality and access to cultural water.

The trigger should also be applied to shale oil and underground coal gasification.

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

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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 water trigger should be applied to related water developments for coal mining and unconventional gas that are currently not triggering the law. If a borefield, dam or water pipeline is proposed to support a coal mine, or a water treatment facility proposed for a CSG operation, these activities will have impacts and the trigger applied.

IESC advice is often ignored. Science should inform policy and guidelines such as the ANZECC water quality guidelines.

The IESC should be given more weight and the power to create binding guidelines, and require standards. The states would need resources to ensure compliance

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:

The IESC should be tasked with reviewing state and territory legislation and statutory arrangements for the management of water quantity and quality and assessment and prevention of mining impacts and whether those measures are fit for purpose.

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:

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

No

Please tell us why:

I've been closely involved in many aspects of water management and planning for 20+ years. I barely heard a whisper about it.

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?

Uncertain

Please tell us why:

unsure

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?

Uncertain

Please tell us why:

There is confidence in the advice provided by the IESC.

That advice seems to be ignored or tampered with for political purposes. The level of environmental risk remains too high as the conditions are often inadequate. Carmichael mine is a case in point.

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

Uncertain

Tell us why:

unsure

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

Uncertain

Tell us why:

unsure

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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:

not my area of expertise

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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?

Not Answered

Please tell us why:

Personal information

20 What is your name?

First name:

Sarah

Last name:

Moles

21 I wish to make this submission anonymously

Not Answered

22 Contact details

Email address:

[REDACTED]

Mailing address:

[REDACTED]

[REDACTED]

Postcode:

23 What is your organisation (if applicable)?

Organisation:

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., Other (please describe)

Please describe:

I have represented the national environment movement on numerous water related committees and advisory groups.

25 How did you hear about the water trigger review?

Community organisation or peak body

If other, how?:

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

rank - Department of the Environment website:

Useful

rank - Issues Paper:

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:

Useful

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):

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

Neutral