

Response ID ANON-XVYX-N2DU-R

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

Submitted on **2016-01-28 15:47:54**

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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:

Coal seam gas extraction involves de-watering of the coal seam, with or without hydraulic fracturing. This not only mobilises huge volumes of highly salted water containing heavy metals and radioactive elements, but also mobilises small amounts of liquid hydrocarbons adhering to the coal matrix. These hydrocarbons include the BTEX - type chemicals.

It is a mammoth engineering task to deal with the large volumes of toxic produced water. Spills and leaks are already in evidence throughout QLD and NSW.

Dewatering also depressurises the coal seam aquifer and causes subsidence. Photographs of these are available from Joyn Jenkyn in Chinchilla.

Dewatering also destroys underground stygofauna.

Methane bleeding from dewatering occurs both up through the CSG well heads but also up and put any other fissures in the rock and soil strata above the coal seam.

Methane is already bleeding out of soil in the Chinchilla region, which is highly visible in the Condamine River. The Norwest report commissioned by APLNG was unable to rule out methane bleeding from the coal seam stimulated by dewatering.

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

No

Please tell us why:

No, the Minister MUST be required to ACT on the advice provided by IESC, not merely to have regard.

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

Yes

Please tell us why:

The Water Trigger must be strengthened so it enables the minister to fail to approve a project where the advice of the IESC is that risks to water supply, quality, quantity and availability for agriculture are likely, with objective risk criteria developed.

Also the powers of the Minister must not be delegated to the States for approval ie the one stop shop.

This is likely to be unconstitutional and is opposed by all community parties.

The scope of the Federal Act must also be broadened so that methane generation created by water extraction from a coal seam can be a factor considered by the Minister when approving or not approving a unconventional gas project.

The legislation must be broadened to cover all forms of gas extraction, conventional or unconventional.

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::

No, the legislation is too weak and does not provide communities with the assurance that there will be no significant detriment to water supply or quality, nor damage to agricultural production.

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:

All forms of gas extraction, conventional and unconventional must be covered.

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 Minister must be bound by the advice of the IESC.

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:

Yes, the advice must be binding on the Minister and the Minister's powers not delegatable to the states.

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

No

Please tell us why:

No, Australian communities are horrified at the impact now being felt on dewatering of coal seams.

In fact, they want a complete ban on unconventional gas extraction.

To have any confidence whatsoever that Government agencies are working in public best interest, not that of for profit enterprises, the Water Trigger legislation must be made more rigorous and enable the Minister to not approve projects on the advice of the IESC. The Minister must be bound by advice from the IESC. Further, the IESC advice must include risk advice and objective criteria for it.

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?

No

No, the processes should be made more rigorous and reflect what the Australian community wants. No powers or decision making should be handed to state governments. The IESC should additionally be required to consult with the community on any draft advice they prepare.

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?

Please tell us why:

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

Tell us why:

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

Tell us why:

Upload file:

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?

No

Please tell us more:

No, it must be strengthened, with the advice of the IESC made binding on the Minister.

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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?

No

Please tell us why:

No, regulatory review is merely an excuse to cut pro public regulation.

Personal information

20 What is your name?

First name:

11/11/2016

Last name:



21 I wish to make this submission anonymously

Yes

22 Contact details

Email address:

Mailing address:

Postcode:

23 What is your organisation (if applicable)?

Organisation:

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

I am a landowner potentially affected by coal seam gas/large coal exploration or extraction., I am a resident of a community where coal seam gas/large coal projects are imminent or current., 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?

Department of the Environment website

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:

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:

Useful

Rate sources of information - Government:

Not useful

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

Not 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:

Useful