

Response ID ANON-XVYX-N2DR-N

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

Submitted on **2016-01-28 23:14:26**

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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:

There are now multiple examples, as well as a large body of scientific evidence, of extremely severe, negative environmental impacts from coal seam gas and large coal mining development from America and now from existing development in Australia. For example the Linc Energy contamination of a large surrounding area and the contamination of the Condamine River by methane bleeding in Queensland, lowering of the water table affecting bores on the Darling Downs and at properties around Maules Creek open cut coal mine on the edge of the Liverpool Plains in NSW.

Coal seam gas extraction mobilises huge volumes of highly salted water containing heavy metals and radioactive elements as well as hydrocarbons which include the BTEX type chemicals. The safe management of these volumes is a mammoth task. The potential risk of aquifer pollution is high, due to the connectivity between the coal seam and the aquifers through the fracturing process used to enhance the release of the gas from the coal seam. Also in Queensland for example the Coal Seam Gas industry has been given the right under State legislation to unlimited take of underground water during the gas extraction process (Petroleum and Gas [Production and Safety] Act, 2004).

There is a large body of scientific evidence documenting the impacts of large mines excavated below the water table on water resources. For example, the National Water Commission (NWC) has indicated that "these impacts include: lowering the water table by pumping groundwater to enable ore extraction; affecting connected water sources, for example interconnected aquifers (and the ecosystems that depend on these sources); incidental water take which can be passive and can take the form of groundwater seeping into voids and flow diverted from river beds. Incidental take is not directly measurable and is difficult to control; and contamination of water sources caused by disposal of incidental water that exceeds on-site operational and processing needs. This water may be very saline, and/or may contain trace metals and/or be highly acidic."

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 that 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 an 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

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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 far too weak and does not provide communities with the assurance that there will be no significant detriment to water supply or water 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:

Broadening the "water trigger" to cover other forms of mining likely to have a significant impact on Australia's water resources. Specifically, in addition to CSG developments and large coal mining developments, the Bill should also apply to all large mines that excavate beneath the water table and to conventional and unconventional gas exploration and production activities.

Limiting the categories of mining development exempted from the "water trigger" to:

- a. controlled actions that have been approved under the EPBC Act prior to the Bill's commencement and for which work has already commenced; and
- b. mining projects (that were not controlled actions prior to the Bill's commencement) that fulfil the criteria outlined in Item 22 (3) and for which work has already commenced.

Including "water trigger" specific assessment criteria in Part 9 of the EPBC Act. Specifically, the criteria should include a requirement to "not act inconsistently with" the Convention on Biological Diversity and where relevant the Ramsar Convention and Bonn Convention. Providing for existing bilateral assessment agreements relating to controlled activities that are likely to have (or have already had) a significant impact on water resources to be varied in light of the "water trigger."

That the "significant impact guidelines" for the "water trigger" take into account the notion of "environment sustainability" outlined in the Water Act 2007.

Specifically, the guidelines should define "significant impact" as any relevant mining development that individually, or in combination with other developments, would compromise:

- a. key environmental assets of the water resource; or
- b. key ecosystem functions of the water resource; or
- c. the productive base of the water resource; or
- d. key environmental outcomes for the water resource.

I strongly support recent amendments to the Bill sponsored by MP Tony Windsor. These amendments will preclude activities declared "controlled actions" for the purposes of the "water trigger" being subject to a bilateral approval agreement under the EPBC Act.5

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 delegated to the states.

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

No

Please tell us why:

No. Communities around Australia 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

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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

Please tell us why:

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 prepared.

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:

No not at all. It is too weak and the Minister is not bound by that advice.

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

No

Tell us why:

No. There are no regulatory costs involved. What are the environmental benefits? More money should be spent to ensure that community expectations are delivered.

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

No

Tell us why:

No. The costs are trivial compared to the massive risk (and now known damage) to our underground water supplies and our future productivity.

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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?

No

Please tell us more:

No. It must be broadened and 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:

Personal information

20 What is your name?

First name:

Stephanie

Last name:

Meggitt

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:

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

I am a resident of a community not affected but I am interested in giving my views on the matter.

Please describe:

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:

Neutral

rank - Issues Paper:

Neutral

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:

Neutral

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