Department of Environment

Independent review of the 'water trigger' legislation

SUBMISSION

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Its necessary to first understand the Queensland situation – in a nutshell, the water trigger remains necessary because successive Queensland Governments have sacrificed, and continue to sacrifice groundwater resources in order to facilitate energy and mineral resource projects, because of the vast scale of groundwater impact from resource developments, and because the science of groundwater modelling for these purposes is evolving, is very open to contrived assessments and needs the leadership which the IESC has shown it can provide.

In Queensland -

- We have vast energy and mineral resources, the majority of which are located in the better, more productive, more closely settled and higher value country – so there is a high incidence of conflict over land access and resource utilisation.
- Successive state governments over recent decades have favoured royalties and jobs over water resources – Mines & Energy and even Environment & Heritage Protection and the Coordinator General shamelessly and repeatedly act in both overt and covert support of resource development. Impartiality and independence by these regulators are rarely, if ever, seen.
- In recent years coal seam gas projects and a series of major coal projects have put groundwater impacts of resource development to the fore and made resource proponents and government agencies more accountable.
- In some cases the exposure and accountability is via Land Court hearings of contested mining applications, with very detailed assessment of groundwater impacts in EIS reports on both CSG projects and coal mines. A typical recent pattern is:
  (i) the groundwater experts engaged by the proponent play down adverse groundwater impacts;
  (ii) the regulator (Coordinator General for coordinated projects, otherwise DEHP) tacitly accepts the findings of those experts;
  (iii) expert witnesses for objectors who are (usually) landholders or environmental groups then produce alternative findings – often parallel with reports by the IESC;
  (iv) the Land Court then hears the application and objections and makes recommendations.

With the state government and its agencies being heavily biased in favour of the resource proponents, and landholders and other objectors often finding it is prohibitively expensive to engage experts, the IESC reports are invaluable – factual, well informed and totally unbiased.

While so far it would be hard to find a case where the IESC assessment produced or contributed to specific outcomes which protected groundwater and ruled out the taking of groundwater, we have to keep working towards more enlightened government which accepts IESC findings.

Recently in *Adani* where virtually the sole issue was the impact of mining on the nationally listed springs, the objectors and the Land Court referred extensively to the IESC report – even though the Court ultimately recommended grant of the environmental authority.

<u>CSG and Groundwater</u>

In my view, the impacts of CSG dewatering have not been properly or accurately assessed, the damage to water bores and their aquifers is far greater than the government believes. In particular, anecdotal evidence is that fugitive gas is already invading many water bores, with drastic effects on bore performance from the gas itself.

The huge task of gaining recognition and acceptance of reality as to CSG dewatering is significantly more achievable if IESC continues to provide quality advice.

As is vividly demonstrated by the make good debacle (see the attached submission to the Parliamentary review) the government's groundwater officers continue to manage the administrative and regulatory tasks with primary emphasis on limiting the gasfield operators' regulatory costs, rather than on protecting and managing the resource. So we get a dumbed down make good scheme which is both technically and legally defective.

Mining and Groundwater

Proof of the enduring bias in favour of resource developers is seen in current events relating to legislation governing mine dewatering.

I trust the **attached** copy of my submission to the Parliamentary review of the Water Legislation Amendment Bill is self-explanatory in that respect. I am able to give that submission to you as it has been published (along with about 101 submissions containing very similar views). Those submissions are available on www.parliament.qld.gov.au/work-of-committees/IPN.

I would add that successive state governments are guilty of massive negligence on groundwater because they have failed, and continue to fail, to properly regulate exploration drilling for minerals and coal. That is, although the environmental authority for exploration permits under the Mineral Resources Act is conditioned to require all drillholes which intersect groundwater to be plugged ASAP and at least within two months of drilling, this obligation has been almost universally ignored by exploration permit holders. Some permit holders do now routinely 'grout' each hole - others still do not.

As a result, especially in the major exploration areas such as Bowen Basin, Surat Basin and Galilee Basin there are tens of thousands of open, uncased drillholes via which good water is being contaminated by bad water, or else is escaping its aquifer to end up in some other formation. I am only aware of one instance where DEHP acted upon this breach - only then after repeated landowner complaints and after the landowner had met the Minister.

The long-term damage to our groundwater resources and all the private bores from this negligent administration is impossible to measure. I raise this issue frequently and publicly to no avail.

General

My firm's website at www.landholderservices.com.au contains further material relevant to the groundwater issues.

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George Houen