

## Response ID ANON-XVYX-N2H2-S

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

Submitted on **2016-01-29 13:57:06**

### Upload submission

#### 1 Upload your pre-prepared submission here

**Upload your pre-prepared submission here:**

Mr John Jenkyn Chinchilla photographs.doc was uploaded

#### 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:**

Coal seam gas technology involves complete de-watering of the coal seams. These coal seams are significant aquifers relied on by landholders of the Great Artesian Basin (and elsewhere). (see uploaded photographs from John Jenkyn property)

The federal Water Act only applies on one Basin - the Murray- and does not apply at all to any other water resources.

Without the Water trigger legislation there is nothing to protect water supply and quality in any other region.

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

No

**Please tell us why:**

No, it is completely inadequate and must be strengthened to ensure the public of Australia and our agricultural industry have the water needed for food production and for drinking.

It must be broadened to cover all forms of onshore gas extraction, whether conventional or unconventional, and all forms of unconventional gas extraction e.g. CSG, shale, tight sands etc.

The role of the IESC must be strengthened to that of an Advisory Board whose recommendations must bind the Minister. Currently the Minister can ignore all advice of the IESC.

Further the IESC must be tasked through legislation for providing risk assessment advice, using newly developed objective risk assessment criteria. These criteria must be developed with community input - because risk tolerance is a community function, not an expert function. The IESC advice must be based on risk criteria developed that reflect community tolerance for water damage (which is extremely low).

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

Yes

**Please tell us why:**

There is a regulatory gap within the legislation as it does not cover all aspects of mining that can destroy water quality, accessibility or quantity. It must be broadened to cover all forms of extraction and cover all forms of unconventional gas extraction (e.g. shale, tight sands). It must be capable of covering horizontal drilling in the gas industry. It must also be broadened to cover all large mines that excavate beneath the water table and to all unconventional and conventional gas exploration and production activities, including pipeline developments.

Mining activities should not be exempted. And the Minister should be required to seek IESC advice for projects previously approved that are now showing damage to water resources.

The water trigger assessment criteria should be expanded to include matters not inconsistent with the Convention on Biological Diversity (and be capable of application to underground stygofauna) and the Ramsar and Bonn Conventions.

The legislation needs to provide for bilateral assessment agreements relating to controlled activities that are likely to have or have had a significant impact on water resources to be varied in light of the water trigger.

The significant impact guidelines must be varied to include matters listed in the Water Act 2007 regarding environmental sustainability ie. and mining or gas development that individually or cumulatively would compromise:

.key environmental assets of water resources

.key ecosystem functions of water resources  
.productive base of water resource  
.key environmental outcomes of water resources.

The IESC function must be expanded to providing advice on the impact of mining and gas extraction on agricultural production and any detriment to food production or drinking water quality.

Controlled actions should no longer be subject to bilateral approval agreements under the EPBC Act - protecting our nation's water resources is a crucial Commonwealth function and should not be delegatable to the States or Territories. it could be subject to Constitutional challenge.

## **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, major destruction of QLD Great Artesian Basin resources has already occurred as a result of coal seam gas extraction. Bores have dried up, ground water is polluted with gases, bacteria, heavy metals and radon gas, and also salt. De-watering of the coal seams has resulted in subsidence and surface water damage, as well as methane and other toxic gases bleeding up from the coal seam and through the soil ( see John Jenkyn photographs uploaded with this submission). The state government do NOT have the ability to monitor and enforce conditions placed by the Minister on controlled actions.

## **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:**

See answers to Question 7 and duplicate

### **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:**

Yes see answers to Q7 and duplicate

### **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 minister must be bound by IESC advice.

The role of the IESC should be strengthened to a statutory independent advisor board.

The IESC must have risk assessment function with community-developed risk criteria.

The IESC must have role expanded to ALL mining extractive methods and all significant water resources.

The IESC must also advise on gas and methane bleeding from coal seams, as a result of water extraction.

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

No

**Please tell us why:**

No, risk tolerance and assessment criteria must be developed with community input, the IESC must be tasked with advising on the risks of developments and the Minister must be bound by that advice. Where the IESC (turned into a statutory board) is satisfied the risks are unacceptable to the community, the Minister must not approve a project.

**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

**Please tell us why:**

The costs are totally trivial compared to the enormous cost of damage to our groundwater resources for food production, drinking water and the survival of above and below ground species.

**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?**

Yes

**Please tell us why:**

But not enough, the public is very unsatisfied that the Minister is not bound by IESC advice and that not all forms of extractive industries are covered. They are also extremely dissatisfied with the inability of the bilateral states to monitor and enforce compliance with conditions established by the minister.

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

Yes

**Tell us why:**

Yes but not enough. The importance of water resources have been elevated but not enough. Our groundwater is crucial to agricultural production and public health, as well as environmental health.

If the EPBC Act cannot cover impact on agricultural production, then a new piece of legislation must be developed.

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

No

**Tell us why:**

The community expects government to expend significant resources on water resource protection.

If industry produces reams of pages of rubbish - this does not mean that this legislation costs too much.

Environmental consultants should be licenced under the EPBC Act so that lies and rubbish are not put forward in Environmental impact assessments. They must also be independent of the proponent.

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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, rather than simplifying it needs to be expanded - see answers to Q7

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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:**

Yes all projects currently subject to bilateral approval should be reviewed periodically by the Minister and subject to further advice from the IESC if water resource damage is identified by the community. The Minister should be empowered to cancel approvals where damage is identified.

## **Personal information**

**20 What is your name?**

**First name:**

Jenny

**Last name:**

Gilbert BENG

**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 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:**

I am a qualified gas and oil engineer (retired)

**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:**

Not useful

**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:**

Not useful

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

Neutral

**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