

## Response ID ANON-XVYX-N2HQ-R

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

Submitted on **2016-01-29 14:47:42**

### Upload submission

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

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

No file 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:**

I am a citizen and not a scientist. Whilst scientific research is vital to good environmental policy there are some matters for which common sense is the only thing required.

It makes no sense to me to be undertaking any project that stands to threaten The Great Artesian Basin. If we are going to be ignorant and arrogant enough to proceed thinking that "it's all gonna be right mate" then at the very least we need the water trigger legislation to be improved and broadened to include ALL mining activity so that we can make some attempt at the increased protection of our water resources.

Having said that I believe ANY THREAT to our water systems is UNACCEPTABLE.

The EDO has also noted that we MUST have stringent legislation to protect our water resources in the face of ALL extractive industries. Their findings come after extensive studies to show the potential risks caused by mining to water.

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

No

**Please tell us why:**

From a paper from the EDO based on their extensive research the current legislation needs to be amended to include

1. 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 unconventional gas exploration and production activities

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

- controlled actions that have been approved under the EPBC Act prior to the Bill's commencement and for which work has already commenced; and
- 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.

3. 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

4. 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."

5. 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:

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

Finally, ANEDO strongly supports 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.

The EDO report goes on to add that the EPBC Bill should also include all forms of mining that are likely to have a significant impact on water resources.

From the report ~

Specifically, we submit that the Bill should also apply to large mines that excavate below the water table<sup>7</sup> and to all unconventional gas exploration and production activities.

First, 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.<sup>8</sup>

Furthermore, abandoned open-cut mines (many of which are excavated below the water table) often form 'pit lakes' which have the potential to contaminate surface and groundwater resources with metals, metalloids or overly saline water. While there is currently no national inventory of the number of 'pit lake' mines in Australia, a recent study in Western Australia estimated that there are approximately '1800 mine pits in the State potentially forming pit-lakes.'<sup>9</sup> In other words, the impacts of mining activities on water resources may extend well beyond the life of the mine itself, and may remain entirely unquantified.

There is also a growing body of evidence regarding the impacts of unconventional gas exploration and production activities on water resources. By way of background, unconventional gas includes CSG and shale gas. According to the CSIRO, Australia has 'substantial shale reserves.'<sup>10</sup> Shale gas exploration activities are already underway in the following basins: Copper (QLD, SA); Georgina (QLD, NT); Galilee (QLD); Bowen (QLD); Sydney Basin (NSW); Canning (WA); Onshore Perth Basin (WA); Beetaloo Sub-Basin (NT); McArthur Basin (NT).<sup>11</sup> According to the Western Australian Department of Mines and Petroleum, shale gas is generally located at a significantly greater depth than CSG and is removed with a technique known as fracking.

According to the EC report

Overall, there was a high risk of groundwater contamination for individual sites;

■ Overall, there was a high risk of groundwater contamination when assessing cumulative impacts;

■ Overall, there was a high risk of surface water contamination for individual sites;

■ Overall, there was a high risk of surface water contamination when assessing cumulative impacts

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

Yes

**Please tell us why:**

See above and also see the EDO report submitted to you already.

## 6 Please upload additional information relating to TOR 1 if you wish

**File upload:**

No file was uploaded

## 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::**

I cannot answer this question with a scientifically informed response however I can answer once again from common sense. The fact that it is openly recognised that extractive mining near, above, below, inside of natural water resources is potentially risky enough to warrant legislation warning against it is enough to imply to me that there has been damage already done to water systems. The Condamine River in QLD being an excellent example. Prior to CSG activity there was no sign of gas activity now one can access footage of the surface of the Condamine bubbling because of changes in the way in which gas is travelling through the bedrock and water ways.

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

**File upload:**

No file was uploaded

## 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 EDO report "Submission to the Senate Standing Committee on Environment and Communications regarding the EPBA Bill"

### 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:**

As Above

**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:**

We could begin to look at alternate, clean, SAFE (Nuclear Power is not Safe) ways to create energy.

We must move away NOW from high risk activity.

Polluted waterways provide Corporations an opportunity to own our water. Once it is polluted it then needs filtering and cleaning. Once it has passed through a filtration and cleaning plant it is owned by a corporation. These corporations are multinationals with no concern for My Country of Australia.

Any risk is too great a risk.

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

No

**Please tell us why:**

I don't know what attempts were made to involve "stakeholders" however in my view ALL Australians are stakeholders. This ought to be a referendum issue. We are talking about protecting water. The citizens of Australia have the right to be FULLY and HONESTLY informed as to what multinational corporations intend to do with our natural resources.

**13 Please upload additional information relating to TOR 3 here if you wish**

**File upload:**

No file was uploaded

**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:**

**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:**

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

Yes

**Tell us why:**

Costs that mean the protection of the water for our future generations are worthwhile.

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

Uncertain

**Tell us why:**

**Upload file:**

No file was uploaded

**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?**

Yes

**Please tell us more:**

Don't allow any mining that poses any risk to our Water Resources. Easy.

**Upload file:**

No file was uploaded

**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:**

Whenever there are any reports of changes in water pressure and quality etc from residents or concerned citizens where mining is seen to be a causal factor in that change.

**Personal information**

**20 What is your name?**

**First name:**

Arlanda

**Last name:**

Rayne

**21 I wish to make this submission anonymously**

Not Answered

**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 resident of a community not affected but I am interested in giving my views on the matter., I am interested because of my environmental concerns/I am responding on behalf of an environmental group., Other (please describe)

**Please describe:**

I am a citizen of Australia who wants a clean and sustainable future for all of life.

**25 How did you hear about the water trigger review?**

Community organisation or peak body, Word of mouth

**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:**

Not useful

**Rate sources of information - Government:**

Not 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):**

Useful

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

Useful