

Response ID ANON-XVYX-N2H5-V

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

Submitted on **2016-01-29 17:50:13**

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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:

Adverse impacts are already being manifest in a host of areas - in the Hopelands area in Queensland in respect of coal seam gas, in most coal mining areas where aquifers are dewatered to name some - and the potential for adverse outcomes ,whilst initially seen as alarmist, are now readily conceded by the proponents of the activities.

State governments are poorly motivated (due to financial pressures) and/or ill-equipped to undertake and/or co-ordinate the necessary enquiries and/or assessments because of the sheer magnitude of the task required to do so properly. Further, cumulative impacts are invariably ignored or addressed in an inadequate fashion for fear of losing developments. Impacts are likely to be experienced in terms of decades, and invariably occur underground and/or in ways very difficult to detect , so the absence of obvious impacts from short-term activity are pushed as evidencing that there are none.

See for instance the implications of the Queensland Auditor Generals report at :

<https://www.qao.qld.gov.au/files/file/Reports%20and%20publications/Reports%20to%20Parliament%202013-14/RtP15Environmentalregulationoftheresourcesandwasteind> which makes apparent the implications of inadequate regulation for all the public

Further the likely impacts are so long-term in their manifestation that short-term political mileage in encouraging jobs and developments mean that we need as many checks and balances throughout the levels of government as we can muster . Adverse implications are so extreme (if realised - such as water contamination or loss) that a precautionary approach is warranted and necessary - as any "risk matrix" will attest

Further, the adoption of actions such as buying potentially affected areas/requiring confidentiality clauses in addressing environmental damage etc all mean there is potential for environmental implications to be a long time coming to the attention of the public absent strong regulation

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

No

Please tell us why:

The current legislation only address coal seam gas .That will not address the far more potentially demanding and intrusive activities of things that are not coal seam gas as such - tight gas, deep gas, gas from sandstone etc. - which are therefore not captured by the regulations and are poorly understood. This was an unintentional oversight that has the potential to completely undermine the utility of the legislation.The gas companies now seek to obtain rights (legislative and in dealings with landholders) to source gas from other sources equally as threatening to underground water etc but as yet completely unregulated at a federal level.

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

Yes

Please tell us why:

As above.

Further, the current restriction in the EPBC Act to only address springs or areas of national significance (under the current narrow definition of that) means that impacts on the Great Artesian basin are otherwise unaddressed save for the narrow "coal seam gas" application of the trigger /Windsor amendments . It is imperative that all water impacts (which obviously go beyond state borders) be addressed on a national level

There also needs to be a clear and forceful adoption of a truly adaptive management regime as hereafter discussed

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::

As per the foregoing - the restriction to Coal seam gas as opposed to the broader gas sources which are beginning to appear leave a gaping hole in the protection of our environment

Certainly the introduction of the trigger has served to raise issues but as yet it has been too "scientific certainty" focussed in it's approach and needs to be permitted to adopt a more precautionary approach

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:

A significant limitation in the process to date is the adoption of a "scientific" approach - requiring a degree of scientific certainty - rather than a precautionary approach. There needs to be a clear emphasis in the regulation that the approach is to be one of a precautionary nature adopting reasonable scientific concern. Rather than starting from a proposition that the activities do not pose a threat, the approach should be one of assuming they do where concern is reasonably based and then requiring scientific certainty to allow the activity - or at least a comfortable level of certainty warranting taking the risk.

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:

Extension of the coal seam gas provisions to all forms of gas and resource extraction generally

Guidance as to the need to adopt a precautionary approach

The adoption of a proper Adaptive Management approach

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:

As above - the trigger must be extended to cover the more serious concerns arising from other gas activity

The IESC should be able to demand whatever evidence it requires to satisfy a precautionary approach

A true adaptive management regime should be implemented whereby if unforeseen impacts arise or appear to arise further work can be suspended and/or further conditions imposed. Any activity where impacts are not clearly understood and/or the outcome of even a remote risk is devastating , warrants such an approach

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

Uncertain

Please tell us why:

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?

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?

Yes

Please tell us why:

The state processes have been so manifestly inadequate and influenced by political expediency that some hope has been restored by the water trigger however it was too late for existing projects where governments in all areas are regulating from behind

The inadequacies of the trigger are only now becoming manifest and the public needs the reassurance amendments will give

The appointment of people genuinely seen as independent and appropriately qualified (such as are reflected in the original IESC) was reassuring and must be continued but their approach needs to be directed to be precautionary where appropriate - and especially where high value farming land and/or water resources are concerned

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

Yes

Tell us why:

The report in 2015 of the Queensland Auditor General at

<https://www.qao.qld.gov.au/files/file/Reports%20and%20publications/Reports%20to%20Parliament%202013-14/RtP15Environmentalregulationoftheresourcesandwasteind>

makes obvious the importance of proper regulation of the resource industries. It seems apparent that the public/future governments will be left with the inevitable remediation costs expected to result from the inadequate regulation to date. This government departments report cannot be ignored. The current implications of the restricted area applied to the Hopelands area in Queensland whereby 320 square kilometres of Queensland farming country is affected and the current problems with gas leaking throughout that region make proper addressing of these issues imperative - but our politicians need the courage and foresight to do so

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:

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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?

Uncertain

Please tell us more:

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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:

The trigger needs to be urgently expanded and addressed as above - before the companies commence widespread deep gas , tight gas etc etc production

Personal information

20 What is your name?

First name:

██████

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 interested because of my involvement (eg employment, financial interest) in the coal seam gas or large coal mining industries.

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:

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:

Useful

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

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