

Response ID ANON-XVYX-N2HR-S

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

Submitted on **2016-01-29 20:33:27**

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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:

The States have a vested interest in approving such projects because of royalties and job creation at the local level etc and do not have an incentive to consider issues of national significance in granting such approvals. Also the States lack the resources available to the Commonwealth to adequately assess such projects or oversee conditioning of the same.

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

Uncertain

Please tell us why:

I am concerned that there is an apparent "hole" in the legislation as it does not apply in respect of shale gas or tight gas projects (or helium projects now in the exploration stage in the Amadeus field for example) which are very distinct from CSG and have the potential to be far more industrially intensive and water intensive in areas where demands on our scarce water resources for agriculture and communities is already under considerable pressure.

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

Yes

Please tell us why:

See answer at 4.

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?

Yes

Please tell us why::

Without the water triggers, I believe that the QGC Wandoan development in QLD (for example) would have gone ahead without adequate assessment or conditioning and would have caused significant impacts on the water resources in a prime beef growing area.

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:

See answer to 4 above.

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:

Among others, there are uncertainties in terms of the stages involved in the public submission process. After the first round of public submissions in respect of a referred project, which can be made by members of the public directly to government and can be made in such a way that does not identify the submitter to the proponent, there is a submission round whereby the public are invited to comment directly to the proponent who then has the opportunity to summarise the submission before submitting it to government. This process should be amended so as to cut out the role of the proponent as it is currently constituted. Following that round of submissions, it is not clear of the stages that follow in the decision process. This should be clarified.

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?

No

Please tell us why:

I think that too often "efficiency" is given undue precedence over warranted due diligence, adequate investigation and consideration of important matters, procedural fairness and adequate conditioning. The role and opportunity for the IESC to review and advise on relevant projects needs to be strengthened and not watered down for the sake of efficiency of process. Sustainability should be the guiding principle above efficiency of process.

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

Uncertain

Please tell us why:

I believe that the most important stakeholders here are the Australian farming families who battle to produce food on a dry continent and do it so well and more and more have to contend with overseas-owned resource companies looking for short term benefits at the expense of long term sustain water resources. I am sure that landholders have not been made sufficiently aware of the importance to them of the water triggers (if they had been, the water triggers would be broader and more precautionary than at present) and in that respect were not appropriately involved.

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:

In my view, the level of administrative compliance is currently minimal and any costs to overseas-owned resource companies of complying with such requirements is ultimately miniscule compared to the costs which those companies would see externalised and borne by the Australian farming families who stand to lose their water.

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:

I think it has gone some way to reassuring the public that somewhere there just might be a conscientious public servant with the courage to do their job who will look at the evidence presented and act when the law is not complied with.

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

Yes

Tell us why:

It has saved Wandoan graziers in QLD from losing their ground water for the next 70 years for the sake of QGC developing a few hundred gas wells with a service life of 10 years or so which project was fully approved by the QLD government.

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

No

Tell us why:

In the long term I think that the water triggers will save the government money by minimising sovereign risk etc.

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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:

I think the regulation should be strengthened and broadened with the emphasis on sustainability rather than commercial convenience for overseas-owned resource companies.

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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:

I think if a new industry develops which has the potential to impact water resources then that should be a trigger to review how the Act might be expanded to apply to the new industry (eg shale or tight gas development or helium gas field development).

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 resident of a community where coal seam gas/large coal projects are imminent or current., I am interested because of my environmental concerns/I am responding on behalf of an environmental group., 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?

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:

Useful

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):

Neutral

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

Useful