

Response ID ANON-XVYX-N2HB-9

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

Submitted on **2016-01-29 20:55:48**

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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?

No

Please tell us why:

Water Trigger is so weak that I am finding it hard to find a circumstance where it would apply. Also the conditions for the Water Trigger are self assessed. Also there is already substantial negative effects on the Great Artesian Basin and waterways such as the Condamine River and nothing is currently being done about this

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

No

Please tell us why:

Too many exemptions including Shale Gas extraction. There has been much more scientific research since the legislation was introduced. Current negative impacts are visible to the naked eye yet nothing is being done. Timeframe of 20 days for review of critical water resources is far too short to adequately assess impacts.

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

Yes

Please tell us why:

The fact that companies "self assess" as to whether the Water Trigger applies is a major gap. Assessment needs to be independent as countless studies have shown that self assessment does not work. Far too many exemptions related to dates rather than hydrology, geology and actual science. Latest science needs to be used and modelling should be updated accordingly. Actual effects where known should be used in place of modelling. There needs to be a minimum annual review of projects or review as new information comes to light. There needs to be a greater ability to shut those projects down that are assessed as being of extreme risk rather than just tightening regulation. There needs to be more regulation enforcement.

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?

No

Please tell us why::

Bubbling Condamine River, Unauthorised dumping into waterways and on roadsides caught on film yet not prosecuted. Contaminated Aquifers in both NSW and Queensland. Gassy bores and loss of bore pressure reported by farmers around Roma Chinchilla Kogan Hopeland Queensland. Periods of up to 18 months for remediation and capping of gassy bores. Permanent loss of water on farms. Chinchilla Town Water supply undrinkable. All filmed and documented yet still nothing done. Coal Seam Gas has had a catastrophic effect on farms in the Bowen and Surat Basins affecting the greater Artesian Basin. Yet the situation is deteriorating and the "water trigger" legislation has yet to provide any protection or compensation for effects on the ground.

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:

Exemptions for projects approved prior to 22 June 2013. Given that it can take up to five years for roads, power infrastructure, pipelines to be put in place and other infrastructure to be built - it can be seven or eight years before impacts on water can become apparent. I believe that the trigger needs to be based on observable impacts or risk of impacts rather than an arbitrary date. Also shale gas is exempted which given the experience in the USA and the fact that higher volumes of water per well are used, it can pose as much if not more of a risk to water resources as coal seam gas. Again a legislation which seems more arbitrary than based on science.

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:

Base the water trigger on current scientific modelling and actual observed impacts

For large coal and coal seam gas projects make the review for compliance with the water trigger legislation annual and conducted by an independent auditor

Remove exemptions for shale gas

Remove exemptions for projects approved prior to the 22 June 2013

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:

Take mining money out of the IESC and refer to the Auditor General Instead Make sure the members of the IESC are truly independent. As it is a "water trigger" legislation have a couple of nationally/internationally recognised hydrologists and geologists on the panel. There is a deep mistrust in the Australian Public perception of the independence of these panels at the moment. The latest fiasco being Dr Allan Hawke's "independent" review of unconventional gas in the Northern Territory where it was very quickly uncovered that he personally stands to make millions should unconventional gas go ahead in the Northern Territory. Public faith needs to be restored - get rid of the mining lobbyists from these committees and put in a couple of people that directly live in the zone potentially impacted.

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

No

Please tell us why:

The only stakeholders consulted seemed to be those wanting to develop the coal and coal seam gas projects and their lobbyists. People actually living in the area found it difficult to have any kind of consultation at all with their federal member. There also seemed to be zero consultation with ecologists and extremely limited consultation with aboriginal people living in affected areas. Complaints have been that meetings that have taken place have been poorly advertised and "stacked" and that they have been unable to get a meeting with their federal member at all. Given the number of exemptions and the rampant polluting of water in Southern Queensland with little or no prosecution. It seems to me that the "Water Trigger" legislation has been "watered down" by corporate lobbyists so much as to be ineffective.

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?**

Yes

Please tell us why:

Hours in lost productive time for individuals whose farms and businesses have been affected to try and get some action from coal and coal seam gas companies

to curb their polluting practices and waste of water resources. Problems because the legislation contains so many references to other pages as to be opaque. Frustration at finding that when all this legislation is waded through there are so many exemptions and so little recourse for action that the hours spend are generally a huge waste of time. Werris Creek Mine has an uncontrollable leak spraying and depleting fresh water for the last year affecting farms and businesses around - and what has been done - nothing - just a few photos and videos taken which only add to the frustration.

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?

No

Please tell us why:

Given that it seems to have been largely written by/ modified by mining companies - no. Given that the miners are getting away with waste of water and pollution on an unprecedented scale and that the only possible recourse for some members of the community has been suicide - then no, there is no confidence. Environmental risk is not being managed - it is being systematically covered up

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

No

Tell us why:

It would deliver a benefit if it actually worked and held polluters to account for the pollution they create. If they remediated damaged land. If operations that posed too much risk to Australia's water were shut down. Regulatory costs may be being paid but any kind of environmental benefits are yet to be seen.

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

Yes

Tell us why:

I'm sure its created a new bullshit job within the department of the Environment - yet another person ticking boxes justifying their pay - yet ultimately being seen to be doing the right thing by the public rather than actually doing anything effective

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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?

Yes

Please tell us more:

Ditch most of the exemptions and you will improve its effectiveness

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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:

As this is a critical issue both overseas and in Australia - new peer reviewed research is coming out every year. Also we are in the process of mapping the hydrology of large parts of the Great Artesian Basin - results which may have a significant impact on the water trigger. Also as water is such a critical resource it would be best to catch any problems or potential problems early rather than wait 10 years for the damage to be done where it is irreparable and irreversible and uncontrollable. I therefore believe that that as water is of such critical importance, that review regarding the water trigger should be undertaken every year

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:

[REDACTED]

Mailing address:

[REDACTED]

Postcode:

[REDACTED]

23 What is your organisation (if applicable)?

Organisation:

24 What has been your involvement with the Water Trigger legislation?

I am interested because of my environmental concerns/I am responding on behalf of an environmental group.

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:

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:

Neutral