

## Response ID ANON-XVYX-N2BT-N

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

Submitted on **2016-01-30 01:17:08**

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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:**

There should be a national water trigger maintained for the purposes of ensuring the health and integrity of all Australian water resources. This is why the Bill was introduced in the first place as The Government had observed at the time that there \*was\* negative impacts happening in terms of mining practices compromising the health of our water systems in Australia. So yes, this should be maintained and it should be made tighter and more stringent in terms of stricter limits to continue to protect these water resources across the country from destructive coal and gas mining.

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

No

**Please tell us why:**

The legislation needs to be further expanded to include looking at ALL forms of unconventional gas and not just Coal seam gas activities, there are many other forms of gas extraction that are detrimental to water resources and these should all be included. Any practices that could compromise water integrity so far as mining is concerned should be included in being assessed under the water trigger.

overall, all unconventional gas mining, shale and tight gas, as well as CSG, be covered by the water trigger, along with any other related fossil fuel developments, such as shale oil and underground coal gasification.

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

Yes

**Please tell us why:**

the application of the water trigger has not resulted in adequate protection for water resources, and this is an important area for improvement. There should be clear boundaries and thresholds, such as exclusion zones for important water resources like the GAB and drinking water catchments, as well as mandatory standards for matters like set-backs, monitoring, water quality and access to cultural water.

For example, presently we experience the approval and "fast-tracking" by the Federal Government of a massive coal seam gas field in the Pilliga Forest which has already been fined numerous times for contaminating bore water. Yet 850 wells are presently being put through the approval process to have this gasfield go ahead amidst the very real threat of further contamination of the Great Artesian Basin recharge zone with such a large scale project. This project should not be approved, and the current activities should be immediately cancelled due to these threats they face in many facets but in particular to water. This also includes the approval of the Leewood water processing facility, this is inappropriate to process large amounts of toxic wastewater in an area of international significance, a State Forest which comprises of rare & endangered flora and fauna and the very sensitive Great Artesian Basin. The gas operations in the pilliga have already contaminated many sites at small scale development, there should be no risk then taken with any further expansion of development there.

If the "Water trigger" was working and filling the gaps, this would not be going ahead. The water trigger needs to remain in tact but also needs to be adjusted so things like this do not continue to happen, otherwise the legislation is superfluous.

#### 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::**

i wouldn't say it hasn't been effective in terms of the intention of the policy, hypothetically it could be effective both if implemented properly and with the recommendations previously made.

I am of the opinion that the water trigger has not been looked at seriously in terms of mine approvals across the board. For example the mega-mines in the Gallilee Basin in Qld really should not have been approved if the water trigger was being implemented and also the coal ports in the Barrier Reef. These are prime examples of how the water trigger legislation has simply been ignored and not taken seriously.

I would also say the same as to the threats posed by many approved Coal Seam Gas and unconventional gas projects accross the country, including Santos's operation in the Pilliga Forest as i previously stated.

In its reviewed form and if implemented properly i believe the water trigger \*will\* protect water resources.

**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:**

As in many cases the application of the water trigger has not resulted in adequate protection for water resources, this is therefore an important area for improvement. There should be clear boundaries and thresholds, such as exclusion zones for important water resources like the GAB and drinking water catchments, as well as mandatory standards for matters like set-backs, monitoring, water quality and access to cultural water.

- I recommend that the IESC be tasked with reviewing state and territory legislation and statutory arrangements for the management of water volumes and quality and assessment and prevention of mining impacts and whether those measures are fit for purpose.

**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:**

I recommend that the water trigger be applied to related water developments for coal mining and unconventional gas are not triggering the law. If a borefield, dam or water pipeline are proposed in order to feed a coal mine with water, or a water treatment facility proposed for a CSG operation, they are water resources impacts of those activities and it should be triggered. In these instances it is quite clear there is a noticeable impact that is going to occur in any given area due to the operations of the development so it naturally should consider the impact to water.

**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:**

From what i have observed the IESC advice is often ignored. It should be given more weight and the IESC should have power to create binding guidelines, and require standards – such as enforcing ANZECC water quality guidelines for creek discharges.

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

No

**Please tell us why:**

I do not believe so and this therefore needs to be rectified and proper consultative process brought about at all stages of any given project and with all stakeholders.

I do believe that there is over 90% of the Narrabri region and local community opposed to the development of Coal Seam Gas activities by Santos in the Pilliga Forest and these opinions have quite obviously not been taken into consideration whatsoever. The farming community are particularly concerned as to the contamination of the water as they rely wholly on this both for farm production and for everyday life. This region is an arid part of Australia and a precious national

water resource such as the Great Artesian Basin should not be compromised in this way by any measure.

**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?**

No

**Please tell us why:**

It could be if the water trigger is implemented as it should and also that the scope be expanded to include all the additional elements i have presented previously in this survey.

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

Uncertain

**Tell us why:**

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

Uncertain

**Tell us why:**

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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 do not recommend that reducing or simplifying any process will necessarily be advantageous when we are dealing with something as important as the health of our water resources. All efforts should be made no matter how timely or costly to ensure projects are not compromising the integrity of our

I would also recommend that going direct to community both indigenous and non-indigenous stakeholders and surveying their opinion, people who have local knowledge and specifics about the importance of water in those areas and of negative impacts that can occur, it could be very effective in terms of evaluating projects and giving direct ecological knowledge about those natural systems in a qualitative way. The social elements is what is being excluded quite often in these decision making processes which later hold up the projects when the community then applies for legal injunctions to halt the process of the development. So in this way, if the govt were to honor their opinions from the beginning, this would save time, as they would likely hear their opinions and in taking them into account with the process, the outcome would reflect that community without them having to go to great lengths to be heard.

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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 recommend it be reviewed annually and an annual report of the outcomes of projects be given and for this to be made public to all citizens. Our water resources

are the communities and so it is important that all information be transparent and accessible.

This reporting should be done regardless of usual time lengths in both EIS's for example and how long they take etc. All of this can be detailed in an annual reporting and hence review. Things are always changing and need to be reviewed, tightened and improved. This legislation is also still relatively new and I believe needs to undergo regular evaluation to continue to improve it (and definitely not abandon it).

## 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.

Please describe:

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

Other (please describe)

If other, how?:

Social networking

### 26 Rate the following sources of information regarding the water trigger review.

rank - Department of the Environment website:

Neutral

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:

Neutral

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):

Useful

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

Useful