



North Queensland
Conservation Council



Environmental Defenders Office
Using the law to protect
our environment.



9 November 2016

Hon Dr Anthony Lynham
Minister for State Development and
Minister for Natural Resources and Mines
Sent via email only: statedevelopment@ministerial.qld.gov.au

Dear Minister Lynham

Please protect our groundwater – remove or limit Coordinator-General powers to interfere in proper impact assessments for Adani Combined Project; ensure associated water licences with public appeal rights stay in EPOLA Bill

The Queensland ALP passed a resolution at their recent state conference that referred to Adani's coal and rail project and the importance of regional jobs, and further stated:

'Conference further congratulates the Palaszczuk Government for ensuring this project is subject to rigorous environmental assessments and public objection processes, including the requirement to have a water license for unavoidable groundwater take, reversing the Newman Government's guaranteed unlimited 'right to take' amendments.' (our emphasis)

We also refer to the following excerpt from an article in the Townsville Bulletin on 27 October 2016:

'Dr Lynham reiterated the Government's resolves to open development of the Galilee Basin coalfields but signalled it would not deny the public a say on the issue of Adani's water licence.

'It is correct that under this proposed legislation [the EPOLA Bill] Adani will need an "associated water licence" from (Department of Natural Resources and Mines,' Dr Lynham says in the letter.

'However, it's important to note that this is not new. Adani and all coal mines have been required to obtain a water licence for 20 years.

'The associated water licence decision-making process will be based in science and allow the public to have a say, through a public notification and submission period.

'This will ensure that Adani can complete the process they have started as mine proponents, as well as and ensuring proper environmental scrutiny and community input.'"

Your government also has an election commitment to uphold community objection rights.

Impacts from mining on our groundwater resources are permanent.

Every Queenslander deserves a job.

Also our farmers deserve to keep their jobs and their livelihoods. Our traditional owners deserve functioning springs and groundwater systems on their land. Our many ecosystems that depend on groundwater deserve to maintain their existence as well.

By giving the Adani Combined Project prescribed project and critical infrastructure status at the same time as proposing the associated water licence to ensure that projects like Carmichael do not fall through the gap and are subject to proper groundwater impact assessment, you are sending mixed messages to Queenslanders.

We urge you to please stand by the ALP conference resolution above, and the commendable public comments you have made which demonstrate that Labor cares about the public having a say, as well as the sustainable management of our groundwater resources, and our farmers and environment who depend on it.

We do not support the Adani Combined Project and neither should your government – our climate and our Great Barrier Reef cannot afford for the massive Carmichael coal mine, nor any new coal mine, to go ahead. The Australian Government has committed to emission targets which do not allow for new coal.

However, please confirm that you agree these mines must go through proper assessment, to scrutinise the potentially massive impacts they will have on our precious groundwater resources.

Water impacts have not yet been properly assessed for advanced mines – water licence assessment is needed

The mining industry has recently been claiming that the associated water licence is ‘retrospective’ and would duplicate earlier efforts. As you know, this is untrue.

The mines that will require an associated water licence currently require a water licence under today’s law. The assessments that these mines have gone through to date have not properly assessed groundwater or other impacts to water from take or interference – hence why a water licence is currently still required, and hence why your government has moved to strengthen the assessment of groundwater impacts under the *Environmental Protection Act 1994* for future mines.

Mines that have undertaken their EIS can use some of the work from this assessment that may have related to groundwater in their associated water licence assessment, but the water licence assessment is much more specific in assessing impacts on and offsite to other water users and the environment.

The Land Court held for the Alpha coal mine that the mine should not go ahead due to the significant uncertainties in the groundwater impact assessment, unless a water licence was obtained that was assessed against the precautionary principle. For the New Acland Stage 3 mine, unreliable groundwater modelling has once again been demonstrated through the recent Land Court hearing. The assessment of groundwater impacts under the environmental authority for mines to date has not been adequate, hence why a transitional associated water licence assessment, with normal checks and balances of public submission and appeal rights, is required. Without an associated water licence subject to proper assessment – these mines will be allowed to go ahead when groundwater impacts will not have been properly assessed.

Please:

- 1. revoke the prescribed project and critical infrastructure declarations for the Adani Combined Project;**
- 2. commit publicly to not granting your consent to the Coordinator-General using his powers to interfere or step in on an associated water licencing process or decision or any other decisions for this project or others. You are required to approve the decision to step in on a prescribed project, so this is within your power under s 76K of the State Development Act;**
- 3. commit publicly to ensuring that Adani’s projects, along with all mining proposals and related infrastructure, are subject to full and proper environmental assessment, and normal public submission and appeal rights including with respect to water licensing for these assessment processes; and**
- 4. commit publicly and in Parliament to support EPOLA retaining associated water licences for advanced mines including public submission and uncompromised appeal rights.**

Our farmers, our future farmers, other landholders and our environment including our precious Great Barrier Reef depend on this. Please don’t let Queensland down.

This letter is provided on behalf of the groups noted above.

Yours faithfully

A handwritten signature in black ink that reads "Jo-Anne Bragg".

Jo-Anne Bragg
CEO, Solicitor
Environmental Defenders Office (Qld) Inc

Copied also to:

Hon Ms Annastacia Palaszczuk
Premier and Minister for the Arts
thepremier@premiers.qld.gov.au

Hon Dr Steven Miles
Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef
environment@ministerial.qld.gov.au