

AGRICULTURE AND ENVIRONMENT COMMITTEE
REPORT NO 25 ON THE
ENVIRONMENTAL PROTECTION (UNDERGROUND WATER MANAGEMENT) AND OTHER
LEGISLATION AMENDMENT BILL 2016
QUEENSLAND GOVERNMENT RESPONSE

Introduction

On 13 September 2016, the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016 (EPOLA Bill) was introduced into Parliament.

The Bill was subsequently referred to the Agriculture and Environment Committee (the Committee) with a report back date of 25 October 2016.

On 25 October 2016, the Committee tabled its report No. 25 in relation to the EPOLA Bill.

The Queensland Government response to the recommendations made by the Committee are provided below.

Response to recommendations

Recommendation 1: The Committee recommends that the Bill be passed.

Government response

The Government thanks the Committee for its consideration of the Bill. The Government also thanks the individuals and groups for their time in preparing submissions on the Bill and participation in the Committee's public hearing on 12 October 2016.

The Government thanks the Committee for its support in its recommendation that the Bill be passed.

Recommendation 2: The committee recommends that the Minister examine the impact on relevant mining licence holders' short-term prospects, and the resulting impacts on affected communities, and present his findings in the Bill's second reading speech.

Government response

The Government advises that second reading speech will address this recommendation as requested by the Committee. However a summary of the Government's response to the recommendation is as follows.

The Government notes the concerns raised by submitters and reflected in this report regarding those projects that are nearing commencement of operations either of a new mine or an expansion of an existing mine.

Proponents who anticipate the need to commence taking associated water in the near future should be in contact with officers from the Department of Natural Resources and Mines (DNRM) as soon as possible as there may be pathways companies can avail themselves of that would support them in transitioning into the new framework in the smoothest and most efficient way. This in turn could provide the certainty being sought by communities that are dependent on mining projects for economic and employment opportunities.

For example:

- Companies could commence pre-lodgement discussions with the DNRM about their applications to ensure they are preparing and collating all the relevant and necessary information to support an application. Having this information ready for lodgement of an application may avoid any requests from the chief executive to the company to submit further information thereby saving time in the application process.
- There could also be opportunities for some companies to submit applications today under the current water licensing framework. The EPOLA Bill deliberately included provisions to transition an application made under the current framework into an associated water licence application under the new framework to ensure there were no administrative delays.

An applicant for a water licence, or future applicant for an associated water licence, will be able to draw on the information already prepared to support their application for an environmental authority and mineral development licence or mining lease.

It is generally expected that projects that require an associated water licence, including those nearing completion of their other approvals, have been preparing to meet their regulatory requirements based on the current regulatory framework. Any such projects are expected to be aware of the need to obtain a water licence before they commence dewatering.

Alternatively, if a proponent anticipated that the *Water Reform and Other Legislation Amendment Act 2014* (unamended by the EPOLA Bill) would remove the need for a water licence, the proponent would be aware that in this case they are obliged to submit a draft underground water impact report (UWIR) before they commence dewatering.

The information contained in the application for a water licence or associated water licence and in the UWIR are similar. Studies undertaken to support either of a water licence process or an underground water impact report should be readily applied to an application for an associated water licence.

In recognition of some of the processes that some mining projects have already completed, the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef will propose amendments during consideration in detail of the EPOLA Bill. These amendments will reduce any perceived duplication between the associated water licence application process and other processes.