Hon Dr Steven Miles MP
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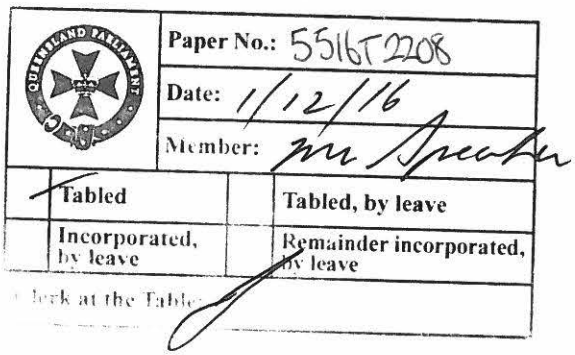

The Honourable Peter Wellington MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Wellington

Thank you for your letter of 8 November 2016 concerning a letter sent to you on 7 November 2016, by the Member for Hinchinbrook, Mr Andrew Cripps MP, which raised an allegation that, during debate upon a Private Members' Motion on 1 November 2016, I might have misled the House.

You will recall that, during this debate, I canvassed issues concerning Queensland's water legislation and made mention of the former Government's *Water Reform and Other Legislation Act* 2015 (WROLA).

The Member for Hinchinbrook asserts that it was inaccurate for me to have said:-

> *They brought in legislation that guaranteed an unlimited right to take groundwater for large-scale mining projects with no approval.*

I do not agree with the Member for Hinchinbrook's suggestion that this is an inaccurate statement.

Under the longstanding provisions of the *Water Act* 2000, and prior to amendments that were intended by the former Government to be made by the uncommenced provisions of WROLA, a water licence is required to take or interfere with water (ss 206, 808). Water licences are generally granted with a condition specifying a maximum annual volume and/or maximum rate of extraction.

That is, the right to take or interfere with water is an entitlement that accrues only upon the grant of a licence and, when granted, those licences are subject to limits.

Had it commenced, WROLA would have provided mining companies with a *statutory* right to take or interfere with water. I note that the Member for Hinchinbrook has, indeed, acknowledged, in his letter of 7 November, that WROLA *"provides the right for mining tenure holders to take water for associated purposes without a water licence."*

In comparison to the current water licence, the statutory right created under WROLA is not limited by volume. Mining tenure holders would be able to extract unlimited amounts of associated water.

While WROLA will require the mining tenure holder to submit an Underground Water Impact Report and Baseline Assessment, these are *assessment tools* and do not constitute an *approval* of the act of taking or interfering with water. These reports and assessments are prepared to describe, make predictions about, and manage the impacts of extraction of underground water.

The Underground Water Impact Report and Baseline Assessment do not provide any approval for the right to take or interfere with water. The right to take water proposed by WROLA is a statutory right not subject to any approval process and, furthermore, the provisions of WROLA would allow a mining tenure holder to exercise that statutory right prior to lodgement, let alone consideration, of this report and assessment (ss 370 and 397 refer).

I also note that under the relevant provisions, when submitted for consideration, there is no power for the relevant decision maker to 'refuse' an Underground Water Impact Report and Baseline Assessment. When lodged, these documents must be approved, with or without conditions, or returned for further work and resubmission within 60 business days.

Finally, I also note that the maximum penalties for breach of any requirement relating to Underground Water Impact Report and Baseline Assessment involve financial fines, but there is no penalty that would involve suspension of the right to take water.

In your letter of 8 November, you were kind enough to explain that there are three elements which must be established where it is alleged that a member has deliberately mislead the House. That is, a statement: (1) must have been false; (2) must have been known to be false; and (3) must have been made with an intention to mislead.

Against those elements, I'm pleased to submit to you that: (1) my statement was, in fact, true and correct; (2) it was and remains my belief that my statement was true and correct; and (3) my statement was made as a fair-minded contribution to a debate upon the policy issues arising around water legislation.

I hope this information has been of assistance to you. Should your staff have further enquiries, please ask them to contact Mr Philip Halton, Chief of Staff in my office on (07) 3719 7330.

Yours sincerely

DR STEVEN MILES MP
Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef