

Groundwater in the News

The Palaszczuk government's mine dewatering amendments introduced to Parliament by Environment Minister Dr Miles are good news for landholders. Or they will be good news if the LNP's attempt to block them doesn't succeed. The LNP prefers its 2014 amendments - passed by Parliament but not proclaimed - which would do away with licences for dewatering and give miners open slather to take water for dewatering.

Indications are that the LNP will maintain the rage even though landholders, many responsible individuals – and even the miners who were the intended beneficiaries - opposed those 2014 amendments. Thank goodness there are some crossbenchers who've shown they will vote responsibly.

Step 1 for the new amendments is review by Parliamentary committee and presumably it will take submissions and hold hearings.

Under the changes dewatering of mines and the impacts on groundwater and private bores will at last be assessed as an integral, coordinated part of the mainstream assessment and approval process for mining applications. Submissions and objections will be able to challenge dewatering proposals and bore owners will be able to press for make good agreements as a precondition for the grant of the new associated water licence. The miners are also supporting this change.

This change is long overdue – for decades state governments have granted dewatering licenses without regard for the impact on groundwater. Good riddance to the dysfunctional system where dewatering is treated as a separate issue and water licenses are always granted using the rubber stamp system.

A very significant aspect of the new amendments is that 'free gas' is to be specifically recognised as a cause, or likely cause, of damage to water bores. Dewatering by CSG producers is allowing gas to migrate underground like it never did before, and I believe we're starting to see that it is potentially a bigger threat to private bores than falling water levels.

And, bore owners who are in dispute with resource companies over make good will be able to opt for Alternative Dispute Resolution (rather than mediation by a government officer) at the resource authority holder's cost – and they will be able to recover the reasonable cost of advice from a groundwater expert – a hydrogeologist - as well as legal, valuation and accounting costs.

This important development further emphasises the need for urgent review of the make good system now contained in Chapter 3 of the Water Act. It, too is truly dysfunctional and grossly lacking in both its technical content and its legal enforceability. The government has said there will be a review, but it needs to be done ASAP and should be done by an independent reviewer, not government people who've given us the system that is so deficient in groundwater technical and legal aspects that, in my view, it is unenforceable .

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