

Dominic Nicholls - Submission to the WATER AMENDMENT BILL 2019 SERIAL NO. 80

Dear Committee;

Water is of real importance to us all, as such people are rightly protective of it and the government has a broad responsibility to protect all interests protected and where there is an imbalance of power in those interests, there should be mechanisms to ensure that weaker parties are sufficiently represented.

My comments, related to the specific clauses below, highlight such an imbalance in the bill.

It is reasonable to assert, that a person applying for a licence has the capacity to engage with the extraction licencing process and associated agencies. It is not reasonable to assume that a landholder can; particularly if there are multiple landholders who may or may not have control or authority over the bore that services them. This would be particularly salient in the case of many indigenous landholders, where councils, shires, and corporations are the agents for water supply.

Equally, it would be presumptuous to expect landowners or agencies would be looking out for this particular application when there are so many other activities in their lives/roles as well as consulting with all affected landowners.

The imbalance here is that a proponent can sidestep having to engage in any way the landholder by submitting a hydraulic investigation which may have had no engagement with the landowner.

A simple way to resolve this is to ensure the proponent must at least notify the landholder in writing of their intent, with enough time for the landholder to investigate and respond.

Notes to specific clauses:

**Clause 9.** Section 60A inserted Licence to take groundwater for hydraulic fracturing Section 60A gives effect to the element of Recommendation 7.8 regarding a 1km buffer from existing water bores. It requires that the Controller can only grant a groundwater extraction licence for hydraulic fracturing related take within 1km of a landholder's bore where the landholder has agreed **or** the hydrogeological investigation and groundwater monitoring has been undertaken demonstrating that there will not be an adverse impact. It applies in addition to the existing considerations as to whether to grant a groundwater extraction licence provided under section 90

**Clause 11. Part 16** inserted Provides transitional matters for the commencement of section 60A. Any applications that are made but not decided before the commencement of the Water Amendment Act 2019 will be subject to section 60A, and therefore refused if they do not include landowner signoff **or** a hydrogeological investigation for hydraulic fracturing related take within 1km of an existing designated bore.

Thank you for your consideration.



Dominic Nicholls



**Commented [DN1]:** Should be and, otherwise a proponent could bypass consulting with the landholder entirely.  
At least a specific consultation/notification with landholder should occur

**Commented [DN2]:** As above  
Should be "and", otherwise a proponent could bypass attempting to consult with the landholder entirely.  
At least a specific consultation/notification with landholder should occur