

Australia: Water Activists Win Against Adani

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In a victory for people power, the Federal Court found, on May 25, that the federal government had failed to apply the “water trigger” test when assessing — and approving — Adani’s North Galilee Water Scheme (NGWS) in April 2019.

The NGWS refers to a pipeline that would [extract 12.5 billion litres of water](#) a year from the Suttor River to service Adani’s Carmichael Coal Mine in central Queensland.

The “water trigger” refers to *The Environment Protection and Biodiversity Conservation Act 2013 (EPBC Act)* that stipulates that coal seam gas and coal mining developments need federal assessment and approval if they are likely to have a significant impact on water resources.

The “water trigger” is designed to subject large coal mines and coal seam gas (CSG) projects to a more rigorous assessment of their impact on surface and ground water.

Relying on the spurious argument that the “water trigger” only applies to the physical extraction of coal, and not to pipelines that supply water for coal mines, the federal government decided, in December 2019, not to include the “water trigger” in its assessment of Adani’s proposed pipeline.

This decision was challenged by the [Australian Conservation Foundation](#) (ACF). It lodged the claim against Adani in the Federal Court in March last year, claiming the government did not properly assess the mining giant’s plans.

ACF argued that the government’s one-sided reading of the “water trigger” allowed mining companies to avoid rigorous assessment by obscuring the way in which water is used in CSG and coal-mining projects.

Environmental Defenders Office (EDO) Managing Lawyer Sean Ryan, who represented the ACF, said the “decision confirms that coal mining developments cannot avoid facing [the] water trigger assessment even if their critical water infrastructure is a separate project”.

He added that this was also a win for the community which raised concerns about then federal environment minister Melissa Price's decision to not apply the water trigger.

ACF spokesperson Kelly O'Shanassy described the win as important given the continent's relative scarcity of water and the huge amounts used by coal and CSG mining corporations.

It also sets an important precedent, O'Shanassy said, because "essential infrastructure for coal seam gas and large coal mining projects must [now] be assessed under our national environment law". Mining companies like Adani "cannot be trusted to put our environment ahead of their profits".

O'Shanassy stressed the win was a victory for workers and farmers in regional Queensland, who depend on a reliable flow of water in the Suttor River for their livelihood. It was also a win "for people power", O'Shanassy said, as "thousands of people across Australia" had helped to fund the case.

Although Adani [claims](#) the ruling will not affect the construction and operation of the Carmichael mine, O'Shanassy disagrees. "Without the North Galilee Water Scheme, it's hard to see how Adani has enough water to operate its mine", she commented, especially as "the decision also applies to other possible water sources for the mine".

Other controversies over Adani's coal mine continue. The Australian Electoral Commission's 2018-19 donations return shows [Adani gifted \\$247,000](#) to the Liberal and National Parties, as well as \$12,000 in the week prior to the minister's decision and \$200,000 in the month following the May 18, 2019 Queensland election.

For more than 10 years, Traditional Owners, farmers and environment activists around the country have mounted a mass campaign to [Stop Adani](#).

The campaign — including mass rallies, film screenings, public meetings and non-violent direct action has kept the pressure up on Adani contractors, shareholders, politicians and port and rail link construction agencies.

The campaign has also been intensified with Traditional [Wangan and Jagalingou](#) owners establishing a permanent base on site.

Green Left has always supported the campaign to stop Adani, including giving voice to the activists and analysing the destructive effects of coal on First Nations communities' culture, the environment, water resources and climate change.

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