

Tuesday, 13 August 2013

234. Hon Robin Chappie to the Parliamentary Secretary representing the Minister for Water.

In relation to the taking of ground water from Old Mowanjum quarry, I ask:

- (a) when did the Department of Water first become aware of the exposure and taking of ground water from the Old Mowanjum quarry;
- (b) was permission granted or a licence issued to the quarry owners or their contractor by the Department of Water for the exposure, excavation or the taking of ground water from this site;
- (c) if yes to (b), on what date;
- (d) was the quarry owner or their contractor in breach of section 5c of the *Rights In Water And Irrigation Act 1914* in the period between the answer to (a) and the answer to (c);
- (e) if yes to (d), was the quarry owner or their contractor asked to desist by the department;
- (f) if yes to (e), on what date;
- (g) what legal action was taken by the department against the quarry owners or their contractor in the period established between the answer to (a) and the answer to (f);
- (h) is the department in breach of section 5c (1)(b) of the *Rights In Water And Irrigation Act 1914* in that it did cause or permit this activity to be done;
- (i) if yes to (h), what action has the department taken in respect of its own obligations to comply with section 5c (1)(b) of the *Rights In Water And Irrigation Act 1914*;
- (j) has any action or prosecution been undertaken in respect of any answers or matters contained within this question;
- (k) if yes to (j), what action was undertaken and on what date;
- (l) if no to (j), why not; and
- (m) if no to (j), will the Minister undertake to initiate an inquiry into the failure of his department to act on this matter?

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Answer

- (a) The Department of Water (DoW) was notified by a member of the public of the alleged taking of groundwater at the quarry on 31 August 2011.
- (b) Yes, a licence was granted to take underground water under section 5C of the *Rights In Water And Irrigation Act 1914*.
- (c) 10 May 2013.
- (d) Not that the DoW is aware of. On the dates of inspection by DoW, underground water was not being taken, rather the collection of overland flow from this seasonally inundated site was being used by the quarry which does not require a licence (refer to section 5B of the *Rights In Water And Irrigation Act 1914*).

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- (e) – (f) Not applicable.
- (g) None.
- (h) No.
- (i) Not applicable.
- (j) Yes, a licence was issued – see answer (b).
- (k) There has been ongoing communication with the Mowanjum Aboriginal Corporation since 6 September 2011 to advise of the requirements of the *Rights in Water and Irrigation Act 1914*; a site visit by DoW officers occurred on 9 April 2013; and the DoW granted a groundwater licence on 10 May 2013 when the quarrying activities started to intercept underground water.
- (l) – (m) Not applicable.