

~~places. This acknowledges the needs of the elderly residents and recognises that residential aged care facilities are their homes.~~

~~The bill also provides for smoking to be prohibited at national parks or a part of a national park where prescribed in regulation. National parks are significant places for Queensland, both as areas to protect and conserve nature and to encourage active and healthy lifestyles. Smoking bans at national parks would increase community enjoyment and safety by preventing exposure to second hand smoke, particularly in areas of the parks where there are a high number of visitors.~~

~~The bill provides that a person must not smoke at a prescribed government precinct. Areas which may be considered a government precinct and prescribed in a regulation can include land around a state government building, buildings occupied by the state, the Legislative Assembly, a court or tribunal, an entity that represents the state or another entity established under an act. In addition to creating more smoke free places, the bill will prohibit the sale of smoking products from temporary retail outlets. Smoking products are marketed to young people through temporary stalls at major arts, music and sporting events. The bill also includes a number of other minor and technical amendments to strengthen and clarify the Tobacco Act.~~

~~This bill is an important step in Queensland's tobacco legislation, targeting outdoor public places that protect and promote healthy lifestyles, particularly for children, young people and their families. I acknowledge the Health and Ambulance Services Committee's recent report into the private member's bill introduced by the member for Caloundra, the Tobacco and Other Smoking Products (Extension of Smoking Bans) Amendment bill. I note that this bill has some elements in common with the private member's bill. However, the government's bill goes much further than the private member's bill. It also addresses a number of drafting issues identified by the Health and Ambulance Services Committee. I will welcome bipartisan support.~~

~~I also note that the government has taken the time to consult with the community since I announced our intention for this bill on 17 October. Feedback from stakeholders on the proposals in the Smoke Free Places Bill has been supportive, acknowledging the importance of strong and consistent tobacco laws. Our government will continue to work with stakeholders in relation to enforcement and education, which are important components for the successful implementation of these legislative changes. I would like to thank our stakeholders for their support on this important issue and their well considered feedback which helps make these reforms successful. These reforms reflect the government's commitment to continue the momentum of Queensland's tobacco control efforts. I commend the bill to the House.~~

First Reading

~~**Hon. CR DICK** (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (12.44 pm): I move~~

~~That the bill be now read a first time.~~

~~Question put—That the bill be now read a first time.~~

~~Motion agreed to.~~


~~Bill read a first time.~~

Referral to the Health and Ambulance Services Committee

~~**Madam DEPUTY SPEAKER** (Ms Farmer): In accordance with standing order 131, the bill is now referred to the Health and Ambulance Services Committee.~~

WATER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. AJ LYNHAM** (Stafford—ALP) (Minister for State Development and Minister for Natural Resources and Mines) (12.44 pm): I present a bill for an act to amend the River Improvement Trust Act 1940, the Water Act 2000 and the Water Reform and Other Legislation Amendment Act 2014 for particular purposes. I table the bill and explanatory notes. I nominate the Infrastructure, Planning and Natural Resources Committee to consider the bill.

Tabled paper: Water Legislation Amendment Bill 2015.

Tabled paper: Water Legislation Amendment Bill 2015, explanatory notes.

I am pleased to present the Water Legislation Amendment Bill 2015. This bill is a necessary step in implementing the government's strategy to align the Water Reform and Other Legislation Amendment Act 2014, known as the WROLA Act, with Palaszczuk government policy and election commitments. Honourable members will recall that the WROLA Act was passed by the previous Queensland parliament on 26 November 2014. That act included a number of changes to the Water Act 2000 that the current government, when in opposition, did not support. In particular, we strongly opposed the removal of the principles of ecologically sustainable development from the new purpose of the Water Act. We also did not support the introduction of a water development option for major water infrastructure projects under the WROLA Act because of, firstly, our concern about risks to the Great Barrier Reef, secondly, our concern about the risk of over-allocating water resources and, lastly, our concern about the total lack of consultation prior before a water development option is issued.

The majority of the provisions relating to water allocation and management in the WROLA Act were originally scheduled to commence on 18 February 2015. However, the Governor in Council approved an amending proclamation on 17 February 2015 to defer the commencement for a number of uncommenced provisions. This was an important step to deliver on our election commitment to act immediately to prevent the commencement of the Newman government's water laws which will have a detrimental effect on the Great Barrier Reef catchment systems and allow for overallocation of Queensland's precious water resources. This has given us time to consider whether they are consistent with our policy.

We have reviewed those uncommenced provisions and determined what elements aligned with our policy. As a result, the Governor in Council approved the commencement of a number of provisions of the WROLA Act and amending subordinate legislation on 10 September 2015. These provisions included simplifying the process for the release of unallocated water and establishing a watercourse identification map, among others.

The new bill does two things: it amends the uncommenced provisions of the WROLA Act to make them consistent with our government's policy; it also removes those provisions that are inconsistent. Actions in the bill to address inconsistencies include: reinstating the principles of ecologically sustainable development into the new purpose of the Water Act contained in the WROLA Act; replacing the term 'responsible and productive management' with the term 'sustainable management'; omitting the water development option provisions in their entirety; and, importantly, omitting the provisions for the declaration of designated watercourses.

021 The bill proposes amendments to ensure the new purpose of the Water Act included in the WROLA Act includes principles of ecologically sustainable development. This upholds our government's policy and our election commitments. The bill also clarifies that concepts such as the efficient use of water are promoted only through the water planning framework and the allocation of new water, rather than simply by administrative decisions. This is an important component of this bill. The bill proposes to replace all references to 'responsible and productive management' with 'sustainable management' to ensure that sustainable management is advanced in the water allocation and management framework.

As I said earlier, the WROLA Act included provisions for the granting of a water development option, which we strongly opposed when in opposition. Our opposition was based on concerns that those options could be granted to proponents outside of the proper planning process and without appropriate community consultation, transparency or reference to independent science. It is important to have transparency, consultation and reference to independent science, especially when we are dealing with something as important and vital as our water resources. Without water resources there is no agriculture and, importantly, without water resources there is probably no mining. True to the government's election commitments, the bill proposes to remove the water development option provisions in the WROLA Act.

The WROLA Act passed by the previous parliament also included provisions to enable the chief executive to declare a designated watercourse, which would remove the requirement for a water licence or permit to take or interfere with water in a designated watercourse.

Mr Nicholls: I hope you operate faster than you read. They'd still be lying on the table by now.

Dr LYNHAM: I am very careful in both operations, as a surgeon and now. Stakeholders expressed legitimate concern about these provisions, particularly in terms of ensuring transparency and appropriate regulation of water resources. The safeguards around designating a watercourse are not as strong as for other low-risk activities that do not require a water licence or permit to take or interfere with water. That is because there are no formal requirements to consult before declaring a designated

watercourse. That is what this government is about: consulting with the community. The previous provisions had very little in the way of consultation with the community. This government is strong about consultation with the community as a whole, on this bill and on other bills. We want to take the community with us; we do not want to act against the community. That is important in this bill. As a result of community feedback, the bill I am introducing proposes to remove these provisions from the WROLA Act.

In addition to the key amendments already mentioned, a review of the WROLA Act identified a number of minor and other necessary amendments. These amendments will enable smooth implementation, improve operational efficiency and correct minor errors. For example, the bill updates transitional provisions for water planning to ensure that water planning instruments can transition effectively from the current water planning framework of the Water Act to the new water planning framework introduced by the WROLA Act. The new planning framework included in the WROLA Act is consistent with our policy. However, it will need to await consideration of the bill before it commences, because the provisions are intrinsically linked to the proposed changes relating to the purpose.

Of great importance is the framework for managing underground water impacts associated with the resources sector, which is also consistent with our policy. These matters actually fall within the responsibility of my colleague who is here with me today, the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef. Indeed, over time we have had a lot of consultation regarding this very important bill. One must not forget the impact on the environment of the resources industry, the agriculture industry and the like, which are all after our vital water resources for their various purposes. Restoring things such as ecological sustainability into the legislation sends a message about how important the environment is to both myself, the minister for environment and also the people of Queensland. As such, they are not a part of this bill other than a minor operational amendment to enable the chief executive to deal with a resource tenure that is partially within and partially outside a cumulative water management area.

The WROLA Act includes provisions for the underground water framework that provides substantially stronger protections for landholders impacted by mining and a limited statutory right for miners to take certain water. These provisions will commence on a date to be agreed upon between the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef and myself as the Minister for State Development and Minister for Natural Resources and Mines. Before then, our departments will continue to engage with key stakeholders in the lead-up to the implementation of the framework to ensure those affected by the framework are ready and understand the implications of the framework before it takes effect.

The bill also includes minor amendments to clarify the intent of a number of amendments to the River Improvement Trust Act 1940, the RIT Act, made by the WROLA Act. These amendments commenced on 19 December 2015. Clarification is needed in relation to the establishment and possible membership structures of river improvement trusts, as well as the powers and obligations of trusts in undertaking and maintaining works. The bill also proposes to amend the Water Act 2000 to provide certainty to the Lower Herbert Water Management Authority. The Lower Herbert Water Management Authority was formed in 2005 by amalgamating four category 2 water authorities. However, the amalgamation was not properly effected under the Water Act. The bill includes provisions to validate the formation of the authority and the actions it has taken since its formation. All other uncommenced provisions of the WROLA Act have been reviewed and determined to be consistent with government policy.

This bill has been informed by consulting with key stakeholder organisations, including through the Water Engagement Forum of the Department of Natural Resources and Mines. That forum includes senior representatives from organisations across environmental, agricultural, local government, fisheries, natural resource management, resource sector, water service provider and financial interests. I am pleased to advise honourable members that the organisations represented on the forum have provided general support for the bill.

First Reading

Hon. AJ LYNHAM (Stafford—ALP) (Minister for State Development and Minister for Natural Resources and Mines) (12.59 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.
Bill read a first time.

Referral to the Infrastructure, Planning and Natural Resources Committee

Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Infrastructure, Planning and Natural Resources Committee.

Sitting suspended from 1.00 pm to 2.30 pm.