



Agriculture, Resource and Environment Committee

Parliament House
Brisbane QLD 4000

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Date: 4th April 2013

Re: Submission to the Land, Water and Other Legislation Amendment Bill 2013

Dear Committee Secretary,

As the States peak community environmental organistaion, Queensland Conservation (QCC) welcomes the opportunity to provide the following comments and recommendations regarding the Land, Water and Other Legislation Amendment Bill 2013 on behalf of our member groups.

1. Comments and recommendations regarding *Water Act 2000* amendments

1.1 Regulating levees

While levees can provide a range of benefits, they can also cause significant adverse social, economic and environmental impacts from altering floodplain dynamics when poorly constructed, not properly maintained or inappropriately positioned in the landscape.

Adverse impacts potentially caused by inappropriately positioned and poorly maintained levees include:

- Concentrating and increasing floodwater velocity causing increased property impacts
- Causing economic hardship by reducing adjacent landholders access to overland flows
- Causing environmental degradation by disturbing overland flows to floodplain wetlands, groundwater recharge areas and other overland flow dependent ecosystems.

Given the high potential for adverse impacts to occur, it is essential that applications to construct levees must be assessed against a broad range of criteria, which should include:

- Assessing adverse environmental impacts to overland flow dependent ecosystems

- Assessing adverse economics impacts to nearby properties
- Assessing adverse social impacts to nearby communities

Recommendation:

Applications to construct levees must be assessed against a broad range of social, economic and environmental criteria

1.2 Extending the term of water licences

Whilst water licences may no longer be required in the parts of the state where Water Resource Plans and Resource Operation Plans have been established, they are still the principle mechanism to implement any changes to water resource management policy in the parts of the state where Water Resource Plans and Resource Operation Plans have not yet been developed.

Because of this, the proposal to extend all current water licences to 30 June 2111 will severely restrict the Departments ability to implement any changes to water resource management policy in the parts of the State where Water Resource Plans and Resource Operation Plans have not been developed.

In addition, the proposal to extend water licences by 99 years is out of step with other Queensland Government long term planning initiatives such as the 30 Year Water Sector Strategy, 30 Year Agricultural Strategy, 30 Year Electricity Strategy and the recently announced 30 year Queensland Plan.

Recommendations:

The current 10 yearly water licence renewal process should be retained in parts of the state where Water Resource Plans and Resource Operation Plans have not been established.

The proposed 99-year extension of water licences should be reduced to 30 years in order to be aligned and consistent with other Queensland Government long term planning initiatives.

1.3 Postponing the expiry of Water Resource Plans

While giving the Minister discretionary powers to postpone the expiry of Water Resource Plans will provide greater flexibility in prioritising the Departments work program, there is a wide range of perverse and unintended outcomes that could occur as a result of the Minister's decision to postpone the expiry of a Water Resource Plan.

To avoid perverse and unintended outcomes from occurring, specific accountabilities and criteria need to be established that guide the Minister's decisions to postpone the expiry of a Water Resource Plan.

Recommendation:

Specific accountabilities and criteria should be established to guide the Ministers when deciding to postpone expiry of a Water Resource Plan.

1.4 Removing the requirement for a Riverine Protection Permit to destroy vegetation

Healthy riparian vegetation provides a crucial role in maintaining the biophysical integrity of waterways. Benefits provided by healthy riparian vegetation include bank stabilization, maintaining water quality, flood mitigation, essential habitat and other critical ecosystem services and functions. Waterways without healthy riparian vegetation quickly become degraded, which cause a range of adverse impacts to environmental values and water resources that are utilized for consumptive purposes.

For the biophysical integrity of waterways to be maintained requires the above and belowground parts of riparian vegetation to be intact. Given that the below ground (roots) parts of vegetation general dies once above ground parts have been destroyed, the notion that only the below ground parts of riparian vegetation is necessary to protect the biophysical integrity of waterways is simply incorrect and most certainly does not accord with scientific understanding.

Destroying the above ground part of riparian vegetation will cause a wide range of adverse impacts, which include changes to water quality, bank slumping, habitat loss, increased risk of severe flooding and increased evaporation. These and other adverse impacts that are likely to occur will severely affect Queensland's prosperity from the environmental and economic damage that will be caused as a result of degraded waterways.

Due to the critical role it provides in underpinning Queensland's prosperity, it is essential that riparian vegetation is protected under robust legislation in order to ensure the biophysical integrity of waterways are maintained. Riverine Protection Permits are an essential 'check and balance' mechanism under the *Water Act 2000* to ensure that environmental degradation does not occur from development activities in waterways.

Removing the requirement to obtain a Riverine Protection Permit to destroy above ground parts of riparian vegetation essentially disregards the purpose of the *Water Act 2000*, which is to advance the sustainable management and efficient use of water of the States.

Under the Act, sustainable management is defined as:

- Allowing for the allocation and use of water for the physical, economic and social well being of the people of Queensland and Australia within limits that can be sustained indefinitely
- Protects the biological diversity and health of natural ecosystems
- Improves planning confidence of water users now and in the future regarding the availability and security of water entitlements
- Achieves economic development of Queensland in accordance with the principles of ecologically sustainable development by:
 - Maintaining or improving the quality of naturally occurring water and other resources that benefit the natural resources of the State
 - Protecting water, watercourses, lakes, springs, aquifers, natural ecosystems and other resources from degradation and, if practicable, reversing environmental degradation that has occurred

- Recognising the interests of Aboriginal people and Torres Strait Islanders and their connection with the landscape in water planning
- Providing for the fair, orderly and efficient allocation of water to meet community needs
- Increasing community understanding of the need to use and manage water in a sustainable and cost efficient way
- Encouraging the community to take an active part in planning the allocation and management of water

Furthermore, the rationale for removing the requirement to obtain a Riparian Protection Permit to destroy above ground parts of riparian vegetation from the *Water Act 2000* due to perceived duplication with the *Vegetation Management Act 1999* is flawed due to the following reasons:

- The *Vegetation Management Act 1999* does not contain provisions that specifically protects the biophysical integrity of waterways
- While Section 19 (2) of the *Vegetation Management Act 1999* enables the Minister to declare an area that is vulnerable to land degradation, enacting this provision is at the Ministers discretion – which can be swayed due to political and other imperatives.
- The purpose of Riparian Protection Permits under the *Water Act 2000* is to ensure that degradation to water resources does not occur from undertaking activities in watercourses. In comparison, applicable provisions (s19) in the *Vegetation Management Act 1999* only apply once degradation has occurred

Due to the above deficiencies, there is a very high risk that significant adverse social, economic and environmental impacts will occur as a result of removing the requirement to obtain a Riparian Protection Permit to destroy above ground parts of riparian and relying on the *Vegetation Management Act 1999* to protect the biophysical integrity of waterways.

Recommendation:

Clauses 293 and 294 should be deleted from the Bill

1.5 Removing requirement for licences to interfere with watercourses

Requiring a licence to interfere with a watercourse under the *Water Act 2000* is a critically important mechanism the department responsible for administering the Act can utilize to ensure that degradation does not occur to water resources from mining and other development project.

The rationale for removing the requirement to obtain a licence under the *Water Act 2000* to interfere with a watercourse due to perceived duplication with the *Environmental Protection Act 1994* is flawed for the following reasons:

- The *Environmental Protection Act 1994* does not contain any provisions that specifically protect the biophysical integrity of water resources

- Conditions attached to Environmental Authorities generally apply to development sites. In comparison, licences to interfere with a watercourse under the *Water Act 2000* generally assess potential impacts to regional Environmental Flow Objectives (EFO) and Water Allocation Security Objectives (WASO) contained in Water Resource Plans (WRP)

Due to the above deficiencies, there is a very high risk that significant adverse social, economic and environmental impacts will occur as a result of removing the requirement for mining proponents to obtain a licence to interfere with watercourses and relying on the *Environmental Protection Act 1994* to protect the biophysical integrity of waterways.

Recommendation:

Clause 228 of the Bill should be deleted

1.6 Removing requirement for land and water management plans

Under current arrangements, property owners are required to develop and implement Land and Water Management Plans (LWMPs) in certain circumstances if there is a high risk that degradation may occur to land and water resources as a consequence of using water resources for irrigation purposes.

Essentially, LWMP's ensure that property owners adopt improved irrigation practices thereby reducing the risk of degradation occurring to land and water resources. Along with providing direct benefits to the property owner, reducing risks to land and water resources through adoption of irrigation best practices can also provide a broad range of benefits to downstream property owners, ecosystems and receiving waters such as the Great Barrier Reef.

Removing the requirement for property owners to develop and implement a LWMP from the *Water Act 2000* will significantly reduce the range of options the Department can utilise to address causes of land and water degradation.

In addition, the proposal to utilise the Water Use Plan provisions in the *Water Act 2000* to manage land and water degradation that occurs as result of using water for irrigation purposes is flawed as these provisions are designed to address degradation that occurs at landscape levels and not property levels. Furthermore, the effectiveness of Water Use Plans to address land and water degradation is unproven, as no Water Use Plans have been established in any part of the State to date.

Removing the LWMP requirement from the *Water Act 2000* coupled with the unproven effectiveness of Water Use Plans essentially means the Department will not have the ability to effectively address property scale causes of land and water degradation in the future.

Instead of being removed from the Act, the LWMP framework should be reviewed and updated to ensure they are more primary producer friendly and better achieve beneficial outcomes.

Recommendation:

Rather than being removed from the Act, the LWMP framework should be reviewed and updated.

1.7 Exempting certain low risk activities from requiring an authorisation

The purpose of the *Water Act 2000* is to ensure the states water resources are managed sustainably, which is achieved through identifying the water required to maintain environmental values and regulating the volume of water that can be taken for consumptive purposes to provide security that water users are able to access their entitlements.

The *Water Act 2000* (s20) permits the unregulated taking of water under certain circumstances. As the circumstances by which unregulated water can be taken is currently limited, there is a very low risk that adverse impacts will occur to environmental values or water users from current unregulated water take.

Depending on the volume, location and longevity, there is a significantly high risk that adverse impacts will occur from increasing the take of unregulated water for additional purposes. Potential adverse impacts included:

- Reducing the reliability of authorized water users entitlements
- Causing adverse environmental impacts
- Reducing the reliability and accuracy of water resource planning assumptions

As there is a high risk the above and other adverse impacts may occur, allowing unregulated water take to increase for additional purposes is clearly contrary to the objectives of the *Water Act 2000*.

Recommendation:

Clause 290 of the Bill should be deleted.

2. Conclusion

The proposed amendments to the *Water Act 2000* are presented as low risk and administrative but will in fact will significantly weaken the ability of the Act to sustainably manage Queensland's water resources. Consequently, there is a very high risk that a wide range of adverse social, economic and environmental impacts along with other unintended outcomes will occur if the proposed amendments are implemented.

QCC would welcome the opportunity to appear before the committee to further discuss these and other matters associated with the Land, Water and Other Legislation Amendment Bill 2013.

Regards,



Toby Hutcheon

Executive Director

Queensland Conservation (QCC)