



Agriculture, Resources and Environment Committee
Inquiry into the

Land, Water and Other Legislation Amendment
Bill 2013

April 2013

Thank-you for the opportunity to make a submission on the Land, Water and Other Legislation Amendment Bill 2013

Queensland Farmers' Federation (QFF) is the peak rural body representing intensive agriculture, which contributes around half of the State's \$13 billion in agricultural product. Our members include CANEGROWERS, Growcom (Queensland Fruit and Vegetable Growers), Queensland Dairyfarmers' Organisation, Cotton Australia, Nursery and Garden Industries Queensland, Queensland Chicken Growers Association and Australian Prawn Farmers Association.

This submission deals mainly with proposed amendments to the Water Act 2000 and the associated changes to the Water Supply (Safety and Reliability) Act 2008. Comment is also provided on changes to the Petroleum Act 1923 and the Lands Act 1994.

Water Act 2000 and Associated Water Supply (Safety and Reliability) Act 2008 - proposed amendments

1) Regulation of levees

In response to consultation conducted in regard to the regulation of levees QFF submitted that it was important to focus on regulating only those artificial embankments which would be built specifically to exclude, control or regulate the flow of floodwater. QFF requested that irrigation infrastructure required to store and distribute water should not be captured in the definition of a levee. In particular, some irrigation infrastructure (such as ring tanks) is already regulated under other legislation or regulation. It was also noted that irrigation farming activities should also be specifically excluded.

QFF supports the proposed definition of levees as the most effective means of implementing the findings of the Queensland Floods Commission of Inquiry. The proposed risk based approach should define level of assessments appropriate to the scale and nature of development proposals.

2) Extending the term of water licences

QFF supports the proposal to extend all current water licences to 30th June 2011. Current and new water licences must be consistent with water resource plans and resource operations plans now and in the future so there is no need to renew licences every ten years.

3) Removing the requirement for a water licence for associated water

Removal of the requirement for a petroleum tenure holder to obtain a water licence for the supply of associated water to other users will reduce regulatory burden for CSG development. However, it

is important that the 'evolution of the adaptive management framework' for CSG activities deals with issues that may arise for the management of CSG water as a resource and not just as a 'by product' of petroleum activities.

QFF's submission to the Department of Environment and Heritage Protection on the draft Coal Seam Gas Water Management Policy late last year drew attention to the need for planning and management of the transfer of CSG water for reinjection and substitution schemes. QFF was concerned that these issues needed to be carefully investigated by Government agencies with adequate engagement of CSG companies, agriculture industries and other stakeholders. QFF is particularly concerned about how possible impacts CSG operations may have on the Condamine aquifers can be managed without State Government intervention. For example, options to inject treated coal seam gas water and or substitute it for existing water entitlements to the aquifer may have to be considered. A water licencing process would at least provide a means of addressing how an injection/substitution process could be managed to address potential impacts on the aquifer. Special regulatory measures may now be required if investigations show that an injection/substitution scheme is the best way to proceed.

4) Postponing the expiry of water resource plans

QFF recognises that there are a significant number of water resource plans that will have to be reviewed over the coming few years if this proposed amendment does not proceed. It is also recognised that there have already been delays in reviews of basin plans due to workload priorities and resourcing constraints.

The proposal to allow the Minister to postpone the expiry of a water resource plan for up to ten years is supported. This should allow plan reviews to be adequately resourced and conducted in accordance with defined priorities which should include completion of initial plans for groundwater areas for example. It is noted that public submissions will be called for any proposal to extend a water resource plan.

5) Removing the requirement for a riverine protection permit to destroy vegetation

QFF supports this amendment which will remove an overlap between the Water Act 2000, the Vegetation Management Act 1999 and the Sustainable Planning Act 2009.

6) Removing the requirement for licences to interfere for watercourse diversions associated with resource activities

QFF supports the proposal to exempt diversion-type interference works, associated with a resource activity from requiring a water licence provided the works have been authorised by an Environmental Authority under the Environmental Protection Act 1994.

7) Removing land and water management plans

QFF, its member industries and the previous Department of Environment and Resource Management had been investigating ways to simplify regulatory requirements for the conduct of land and water management plans where additional water had been purchased for irrigation. Options under investigation included a statutory risk based approach to the conduct of these farm plans which included a duty of care approach for low risk areas. This proposal involved a significant escalation in regulation for areas assessed to be at higher levels of risk. The option of applying a statutory guideline to set a minimum standard for farm planning across the state was not supported as it failed to allow land and water management plans to be defined to address risk in irrigation areas.

QFF supports the proposed amendment that will allow irrigators to self-manage the risks associated with irrigation water use on-farm. QFF member industries will continue to promote the adoption of industry best management practices.

It is noted that the provisions in the Water Act 2000 for the preparation of water use plan will be retained to address identified area wide degradation issues which extend beyond on-farm water use, e.g. leakage from irrigation distribution channels and associated infrastructure.

8) Amendment of section 20 – exempting certain low risk activities from requiring authorisation

These amendments are to allow activities to be undertaken without a water entitlement. These activities would have a minimal risk to the sustainable management of water resources. Comment is provided on the following proposals:

- a) *Authorisation for Aboriginal and Torres Strait Islander parties to take water for traditional activities or cultural purposes* – QFF understood that water resource plans provided for cultural needs as part of environmental requirements but accepts this proposed amendment to specifically provide for these needs.
- b) *Prescription of low risk activities* – QFF and member industries have drawn attention to the need for this proposed amendment because water entitlements provided through the water resource planning process across the State have not made adequate provision for the existing water requirements for some farming activities. For example, dairy farms must wash down dairies and entry areas; this is a necessary activity for all dairies but has not been specifically recognised. QFF supports the proposed amendment.
- c) *Authorisation for the take of stock and domestic water in a dam and for non-riparian access* – QFF and member industries have also drawn attention to the need for this proposed amendment as the allowance for the take of water for stock and domestic purposes has failed to recognise that dairy herds for example require more water for drinking and hygiene requirements than allowed for under the definition of stock and domestic requirements in the Water Act 2000. QFF supports these amendments.

9) Removing Declared Catchment Areas

This amendment is supported as it understood that wider regulatory powers may be required to control land use activities that may have an adverse impact on water quality in a water storage, lake or groundwater area.

10) Providing flexibility when publishing public notices

This amendment of the definition of ‘publish’ is supported as it will enable the use of appropriate measures to notify affected parties and the wider community about water planning and management activities.

11) Dealing with surrendered or forfeited interim water allocations

As water planning and pricing reforms have been implemented, small numbers of water entitlement holders have sought to surrender their licences (interim water allocations that still attach to land) before they are converted to tradable water allocations which can only be sold on the market. Entitlements are forfeited as result of breaches to the Act. QFF supports the proposed amendment as it allows the chief executive the options of cancelling surrendered or forfeited interim water allocations of transferring these entitlements to water scheme operators (ie interim resource operations licence holders) in addition to selling the entitlements. It is not expected that surrendered or forfeited interim water allocations will involve significant quantities of water.

12) Facilitating the conversion of water authorities to two tier co-operative structures

QFF has worked with the Pioneer Valley Water Board to seek the proposed amendments which will allow the establishment of two separate entities – the owner of the infrastructure and the entity that operates and provides services to customers. This amendment will allow the operational entity to hold the distribution operations licence provided the entity that owns the infrastructure so nominates. Amendments are also proposed to the Water Supply (Safety and Reliability) Act 2008 to allow the entity that does not own the infrastructure to be a registered as a service provider. The proposed amendments will ensure that the substantial investments in the Boards water supply scheme assets are protected against any failure of the operational entity. The proposed amendments will allow for other two tier co-operative structures to be developed. QFF supports the amendments.

13) Other minor amendments

QFF supports the following:

- a) Chief Executive correcting any inconsistencies between a water resource plan and a resource operations plan without formal notification
- b) The transfer, change in location or amalgamation of a water licence by regulation or resource operations plan

- c) Allowing water authorities to convert directly to private contracts if converting to an alternative institutional structure
- d) Remove the need for any formal notification process about the grants of water licences and interim water allocations within the Department of Natural Resources and Mines

Petroleum Act 1923 and Petroleum and Gas (Production and Safety) Act 2004 – proposed amendments

1) Conversion of petroleum wells

QFF supports this proposed amendment on the understanding that conversions of petroleum wells to water supply bores or water observation bores is competently handled. It is also understood that any conversions to water supply bores take into account any relevant water management arrangements that may be in place.

2) Pipelines carrying produced water

QFF supports this proposed amendment to address an unintentional omission from previous legislation changes.

Lands Act 1994 – proposed amendments

1) Public utility easements

QFF supports expanding the definition of a public utility provider to allow entities such as Category 2 water boards which are converting to private entities to register easements for their services.

2) Creation of non-tidal boundary (watercourse) by registration of plan

QFF supports the proposed amendment to allow for watercourses to be registered on title for the purposes of local governments maintaining environmental care.