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The Research Director
 Agriculture, Resources and Environment
 Committee
 Parliament House
 George Street
 BRISBANE QLD 4000

8 October 2014

Dear Sir

Re: Submission on the Water Reform and Other Legislation Amendment Bill 2014

Ipswich City Council welcomes the opportunity to provide input to the Water Reform and Other Legislation Bill 2014, with particular focus on the proposed amendments to the *River Improvement Trust Act 1940*. As one of only two Local Governments in South East Queensland actively involved in an existing River Improvement Trust, Ipswich City Council has a strong understanding of the role an effective Trust can play in river management. With this, Council supports the proposal to update and modernise the *River Improvement Trust Act* to bring it more in line with a catchment based approach and to streamline the allocation and distribution of multi-stakeholder funding to on ground works.

To support the achievement of this, Council also encourages the Queensland Government to consider streamlining and consolidating the plethora of organisations / agencies involved in catchment management in South East Queensland to remove unnecessary governance and administration replication.

Three key amendments proposed are of interest to Council, being (i) membership makeup and appointment, (ii) precept negotiations and funding, and (iii) local vs catchment-based trusts.

Membership

1. The new approach [Clause 24 Section 5(1A – 1E)] allows for the Minister to propose the establishment of a broader trust based on a catchment area and containing multiple local governments. This is to be done in two phases.
 - a. Phase 1 - The Minister submits a proposal to Cabinet to create a trust – this must include 3 parts:
 - i. Nomination of the geographic extent (catchment basin and local government areas)

- ii. Provide a 'name' for the trust – the word trust no longer has to be included in the name
 - iii. Identify the makeup and number of trust / board members to be appointed. The Governor in Council will appoint members either by nominations made by the Minister or through nominations made from the entities.
- b. The second part is to appoint the board – under a constitution, and approved by the Governor in Council. The positions would be advised with selection criteria through an open, public process.
- 2. A regulation establishing a trust under subsection 1A (the new approach) is not required to provide for any entity to be a local government, or for any person to be a councillor of a local government.
- 3. Subsection 1E states that it is not necessary for a person appointed under subsection 1A to be a councillor of, or a resident of the local government area of, a constituent local government for the Trust.

Under the new membership arrangements in Clause 24 Section 5(1A – 1E), it is possible that a constituent local government or local government area may not have representation on the trust. Council does not support this amendment and considers it is essential for a constituent local government to have representation on the trust and for the local government to nominate their representative.

Clause 24 Section 5(1B) notes a regulation for establishing a trust under subsection 1A will provide details of the trust area and membership structure. This regulation has not been provided at this moment. Council welcomes an opportunity to review and provide comment on this regulation.

Precept negotiations and funding

1. Clause 41 Section 14(1) stipulates that every local government included in a river improvement trust area shall be liable to contribute to the trust each year. The trust has full power and authority to issue a precept requiring the local government to pay the prescribed amount within a specified timeframe [Clause 41 Section 14(2)].
2. The amendments include a change to Section 14(1B) for the annual precept amount to be negotiated and agreed each financial year by the trust and each local government.
3. Section 14(1C) has been rewritten to state if there is a failure under Section 14(1B), within a time the Minister considers reasonable, to negotiate and agree an amount to be contributed by a local government, the amount the local government must contribute is the amount decided by the Minister.
4. Section 14(1C) has been rewritten to remove the capacity of the trust, in arrangement with a port authority, any corporation, instrumentality or authority created under any Act to seek payment from the aforementioned first before seeking contribution from local government.
5. Section 14B subsections (2) and (3) provide the Governor in Council with powers to resolve disputes and determine payment between a trust and the parties listed in point 4 above. These powers have been omitted.

Whilst it is intended that the annual precept will be negotiated between Council and the trust, the Minister can decide the amount Council must pay to the trust. Council is bound to pay the precept under the Act [Section 14(3)]. Council does not support the Minister having this power. It is Council's view that there should be a formalised mediation process with a final fall-back position where an individual Council pay the amount agreed in the previous year.

Council does not support the omission of the ability of trust to enter an arrangement with a port authority, any corporation, instrumentality or authority created by or under any Act and to seek payment for the arrangement from these parties before seeking contribution from local government.

Local vs catchment-based trust

1. Ipswich City Council is a member of the Ipswich River Improvement Trust currently established under Section 5(1 – 7), with two Councillors appointed to the trust board.
2. The Department of Natural Resources and Mines has indicated that their preferred future approach is to establish a Brisbane River Catchment Trust, including the Brisbane, Ipswich, Lockyer, Somerset and Scenic Rim local government areas.
3. The WROLA Bill and supporting explanatory notes do not provide clarity on the role / life of existing trusts established under Section 5(1 – 7) in the event another trust is established under Section 5(1A – 1E) covering the same local government area(s) in whole or in part.

Council supports the establishment of a broader Brisbane River Improvements Trust. IN addition Council seeks assurances from the State Government that the Ipswich River Improvement Trust (IRIT) will be retained and that transitional provisions be included in the legislation retaining IRIT until such time as Council is satisfied with the operational arrangements for the Brisbane River Improvement trust..

Specifically Council recommends the following amendments be included in the *River Improvement Trust Act*:

- i. Continuation of existing trusts with the establishment of a broader trust under Section 5(1A – 1E) covering the same local government area(s) in whole or in part
- ii. Consultation with existing trust board members in the establishment of a broader trust
- iii. Existing trusts be retained until such time as member Councils are satisfied with the operational arrangements of the broader trust
- iv. Should it be agreed to dissolve an existing trust the following to occur:
 - a. rollover and transference of existing trust assets and works programs
 - b. Redistribution or reallocation of existing trust funds back to the constituent local government


In addition, it is noted that the Bill proposes a number of significant reforms to the planning and management framework of water in Queensland, of which Ipswich City Council has reviewed and provides the following general comments.

Establish a watercourse identification map to identify what is and is not a watercourse.

1. It is recommended that the State will prepare and make publicly available a Watercourse identification map. This map will be imperative to provide clear guidance and identification of all watercourses, drainage features, springs and lakes, and make visible all stream orders within a catchment. It is requested that local government and regional bodies be given an opportunity to review and provide input into the finalisation of this map before being published on the Department of Natural Resources and Mines website.
2. The Watercourse identification map appears to be referenced in proposed consequential changes to the Vegetation Management Act as well as Schedule 2, Clause 243 of the Environmental Offsets Regulation 2014 and Clause 248 of the Sustainable Planning Regulation. The effect of this appears to be that the 'watercourse and drainage features map' becomes the basis for the operations of that Act and Regulations. This seems to operate in conjunctions with Part 4 Riverine Protection, Section 218 which relates to applying for a permit to excavate or place fill in a watercourse, lake or spring. It is not possible to understand the implications for the Ipswich LGA without the mapping. Council welcomes an opportunity to investigate further in consultation with the Department of Natural Resources and Mines, particularly with respect to potential implications for carrying out works in such watercourses/areas.
3. The term watercourse and waterway appears to be used interchangeably and Council recommends consistency in the use of these terms in this and all other referenced Acts.

Should you require any further information regarding our submission please do not hesitate to contact me on [REDACTED]. Your positive consideration of the matters raised in our submission is greatly appreciated.

Yours faithfully



Craig Maudsley

CHIEF OPERATING OFFICER (WORKS PARKS AND RECREATION)