



9 October 2014

Ms Heather Crighton
Acting Research Director
Agriculture, Resources and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000

Attention: Ms Crighton

As the peak body representing Queensland councils, the Local Government Association of Queensland (LGAQ) appreciates the opportunity to provide comment on the proposed amendments to the *Water Act 2000*, and other legislation identified in the *Water Reform and Other Legislation Amendment Bill 2014*.

Local governments recognise that water is a resource that should be shared equitably across each region through institutional arrangements that best facilitate efficient service delivery and resource use. The LGAQ supports the ideas described in the newly included purpose (clause 59 of the Bill) in the *Water Act 2000* that affirms the importance of establishing a water resource framework that ensures that no community is substantially disadvantaged in terms of basic access to water, and provides fair and transparent processes in distributing water entitlements.

The Association broadly accepts that the proposed amendments to the *Water Act 2000* would benefit councils by reducing the bureaucratic processes required of local government as a constructing authority and key provider of water services to Queensland's communities. The LGAQ also acknowledges that much of this reduction is through the removal of provisions that required community consultation, which have too often resulted in unnecessary costs and delays for simple changes to licenses or permits. However, it is appreciated that where substantial changes are proposed to water entitlements, there are provisions to require notification of affected parties or to invite public comment retained in the legislation.

Appropriate consultation and opportunities to comment are strongly encouraged by the LGAQ, especially on matters where local government has a clear interest. Indeed, the LGAQ would like to acknowledge the efforts of the Department of Natural Resources and Mines (DNRM) in engaging stakeholders in the process of drafting this bill through initiatives like the Water Engagement Forum and the preparation of materials to educate the public about these changes.

While the Bill is not prescriptive in regards to the decision of the chief executive in determining each entitlement, the LGAQ would like to emphasise that fundamentally essential services such as the provision of drinking water to communities should take precedence over other water allocations. Where competition for scant water resources exists, the State should ensure that business or industry does not benefit at the expense of communities who may be left with inadequate potable water supplies. As local governments overwhelmingly provide most of Queensland's potable water services, their allotment of water should be assured in the State's planning and management of its water resources. Queensland's historic millennial



drought and the current drought affecting 47 of the 77 local governments (as of 12 September 2014) are reminders that this resource is not unlimited and must be managed well.

The LGAQ understands that the basic principles that will guide the allocation of entitlements will be described in the water plans developed for each water catchment, or possibly in water regulations developed by DNRM. We look forward to continued engagement with the Department as these plans are reviewed or developed, and water regulations are revised in response to the changes proposed by this Bill.

In regards to changes to the *River Improvement Trust Act 1940* proposed in the Bill, the LGAQ echoes the concern of local governments, such as that expressed by the Council of Mayors (SEQ), that the development of River Improvement Areas and associated Trusts should always involve the participation of local governments in Queensland. Local governments have a strong and vested interest in the protection and appropriate management of Queensland's waterways. A healthy waterway in a community encourages economic and social development, in addition to providing essential services such as drinking water provision and sustaining agricultural operations that support the community. As a consequence, local governments have worked cooperatively with relevant State Government agencies to achieve improvements for our waterways over the last 70 years.

The LGAQ is unable to support legislative provisions that will introduce the possibility of excluding local governments from the work encouraged by the *River Improvement Trust Act 1940*. Specifically, the provisions proposed in this legislation (clause 23, 24, and 41) would provide ministerial powers that can exclude local governments from the decision to form a river improvement area, exclude local government representation on river improvement trusts, and still maintain the financial liability for local governments to support the trusts on which they have no representation. The LGAQ feels strongly that local government involvement has been and remains an essential part of the successful implementation of the *River Improvement Trust Act 1940*. Thus, the LGAQ encourages the Committee to recommend changes to the legislation that will ensure local governments are represented on all river improvement trusts, regardless of whether they are created by the Governor in Council or the Minister.

The LGAQ is also seeking certainty about the liability of local governments when determining the funding for River Improvement Trusts. Under clause 41 of the Bill, the Minister will be given new powers to make a final decision on matters where local governments are unable to come to an agreement. Previously the liabilities of local governments were determined using a formula that reflected the responsibility of each local government, which provided a clear and sure way of informing local government budgets. While the LGAQ appreciates the need to find resolution in disputes, the uncertainty about how the liability for local government will be determined creates a potential for unfairly burdening local governments with a disproportionate financial obligation. The LGAQ will continue to engage the Department about this issue, but asks the Committee to make recommendations regarding the inclusion of a clear process in the Regulation or guidelines that the Minister will follow when making this decision.

In addition, section 14 of the *River Improvement Trust Act 1940* currently requires that where a River Improvement Area comprises only part of a local government area, the local government must fund its contribution via 'a separate rate under the Local Government Act 2009, upon all rateable lands in ... so much of its area as is comprised in the river improvement area sufficient in amount to repay the precept paid by it ...'. The LGAQ notes



that a rate charged under the *Local Government Act 2009* in this manner would be a special rate - not a separate rate. Also, the LGAQ believes funding these trusts should be at the discretion of the local government to determine how to fund its contribution whether from its general revenue or via a separate/special rate. We would further encourage the Committee to recommend changes to the legislation that will address these issues.

The LGAQ commends the Government on the reforms referenced in this Bill. Should further information on any aspect of the Association's response be required, please don't hesitate to contact [REDACTED], Manager Advocacy, Infrastructure, Economics and Regional Development [REDACTED].

Yours sincerely

A handwritten signature in black ink, appearing to be 'G. Hoffman', is written over a large black rectangular redaction box.

Greg Hoffman PSM
GENERAL MANAGER ADVOCACY