

# WATER AND OTHER LEGISLATION AMENDMENT BILL 2011

## Public briefing by Department of Environment and Resource Management (DERM)

*(This document provides a summary of the main points from the briefing)*

### Briefing commenced at 9.00am

#### Officers present:

Mr Rex Meadowcroft, Director, Water Legislation and Policy, Strategic Water Initiatives  
Mr Greg Claydon, Executive Director, Strategic Water Initiatives  
Mr Lyall Hinrichsen, General Manager, Water Allocation and Planning  
Ms Judith Jensen, General Manager, Urban Water Policy and Management  
Ms Leslie Shirreffs, General Manager, Ecosystems Outcomes  
Mr Randall Cox, Queensland Water Commission

#### Carryn Sullivan MP (Chair)

- introduced committee members and briefing officers
- acknowledged the Queensland Parliamentary Library's research brief on the Bill Available at <http://www.parliament.qld.gov.au/documents/explore/ResearchPublications/ResearchBriefs/2011/RBR201113.pdf>

#### Overview of the Bill - Greg Claydon

- The WOLA Bill is an omnibus bill that amends several pieces of existing legislation – introduced into the Legislative Assembly on 16 June 2011
- The legislation is a culmination of 11 years of policy development in water resource planning
- A confidential draft of the Bill was provided to the Water Consultation Group (WCG) for feedback
- One submission was received from the WCG
- Further specific consultation has occurred on other parts of the Bill including consultation with the Lockyer Water Users Forum regarding improvement of the “notice of works” process, and Mr Murandoo Yanner of the Carpentaria Land Council regarding the elements in the Bill which impact on Indigenous communities

Mr Clayton tabled information about stakeholders consulted and outcomes

#### Water Resource Planning - Lyall Hinrichsen

- Outlined the water resource planning elements in the Bill
- Water Resource Plans (WRPs) were introduced under the *Water Act 2000* in order to meet national water management requirements
- There are two phases to water resource planning:

- the first phase, the WRP, provides strategic direction at ministerial level with high level objectives regarding water management. They apply to groundwater, floodwaters and overland flow.
- The second phase of water resource planning is the Resource Operations Plan (ROP). The ROP sets up tradable water entitlements, identifies opportunities and provides operating rules for existing infrastructure such as dams
- The *Water Act 2000* specifies that the two phases of planning should happen sequentially
- WRPs apply for 10 years before they need to be reviewed
- There are 23 resource plans in place that cover 91% of Queensland's land mass
- Following feedback regarding the length of the planning process, it was timely that a review of the process be undertaken
- Price Waterhouse Cooper produced a report in 2008 that recommended that the two planning phases be run simultaneously rather than sequentially
- The process will involve releasing a draft WRP as well as a draft ROP for review, consultation and submission.
- More complex plans will require a "statement of proposals" to be released before the draft plans themselves can be released
- Under both the standard and longer processes, feedback would be provided as one, on both the WRP and the ROP, making for a more complete process of consultation.

Question from Carryn Sullivan MP – can you define what a Water Resource Plan is? How many do we have in Queensland?

Answer – A Water Resource Plan (WRP) is a plan made under the Water Act to allocate water in a catchment area to meet the needs of water users and the environment. There are 23 WRPs in Queensland; 22 are approved and another is in the process of being approved.

The Chair requested that the committee be provided with maps showing the location of the 23 water planning areas and a link to the ROP area of DERM's website.

Question from Andrew Cripps MP – why not combine the WRP and the ROP processes into a single process to avoid the duplicating steps?

Answer – Based on advice, it was determined that the WRP and ROP were two separate processes concerning the intent of the policy and it is not appropriate to include them together as one instrument, mixing policy.

Question from Andrew Cripps MP – Are there some areas that won't be under the new process?

Answer – A few localised, smaller catchments. The process in the Wet Tropics will continue.

Question from Andrew Cripps MP – The original process was about baseline data etc. about water planning, so we should know more now about water planning in this second generation process shouldn't we?

Answer – Yes

Question from Andrew Cripps MP – Will the concurrent processes assist in foreseeing issues which may impact upon development?

Answer – May well do.

Question from Andrew Cripps MP - Where did the recommendation to remove the community reference panel from the legislation for the development of WRPs and ROPs come from?

Answer – The reference panel does not fit in the new process. The community reference panel is more relevant to the current process. It was an essential step in development of a plan from scratch. It was essential to the first generation plans in checking the efficacy of data.

Mr Hinrichsen agreed to take this question on notice and check where this recommendation came from for the committee.

### **Indigenous water reserves - Lyall Hinrichsen**

- Under the Gulf Water Resource Plan there are four declared Wild Rivers:
  - Staaten River Catchment area
  - Gregory River sub-catchment area
  - Settlement Creek catchment area
  - Morning Inlet catchment area
  
- After consultation with the Carpentaria Land Council, a requirement to identify a reserve of unallocated water for indigenous communities was identified
- Until now, indigenous communities would sometimes be in competition with mining companies etc. when accessing unallocated water
- Additional reserves of unallocated water provide significant opportunities for eco-tourism consistent with Wild river values
- The amounts of water to be allocated to indigenous communities are relatively small amounts
- They are anticipated to be used in small economic development projects such as ecotourism ventures etc.

Question from Jack Dempsey MP – What other consultation has been undertaken?

Answer –The Water Consultation Group, statewide major peak bodies such as Qld Conservation Council and Qld Farmers Federation were consulted on an exposure draft of the Bill.

Question from Jack Dempsey MP – In the Gulf area, what local consultation was undertaken?

Answer – Representatives from the Carpentaria Land Council over a number of months.

Question from Jack Dempsey MP – What is the cost of the water to the indigenous communities?

Answer – There will be no cost to indigenous communities.

Question from Jack Dempsey MP – What is the value of the water?

Answer – This will depend on what the water is used for.

Question from Question from Jack Dempsey MP – What is the % breakdown of water allocation for different users?

Answer – The breakdown can be located in the existing Gulf Water Resource Plan.

Question from Jack Dempsey MP – What can the water be used for?

Answer – Some examples of uses that communities have identified include ecotourism, market gardens and direct consumption. It is also possible that they could sell the water on.

Question from Di Farmer MP – Are they solely available to indigenous communities?

Answer – Yes, but they could sub-lease it to another stakeholder.

Question from Andrew Cripps MP - What is the nature of the allocation?

Answer – It will be a licence.

Question from Andrew Cripps MP – So there are two different types of tradable water allocations?

Answer – Existing WRPs provide for 3 types of water allocations.

Mr Greg Claydon tabled a list of the Water Consultation Group Members

#### **Wild Rivers Rangers - Leslie Shirreffs**

- The amendments that pertain to the Wild Rivers Rangers are intended to give certainty and financial security to the Indigenous rangers program by giving them statutory recognition
- It will provide security for 40 indigenous jobs
- The Indigenous Wild Rivers Rangers have a variety of responsibilities, for example in the Pompuraaw community they manage a camping business.

Question from Jack Dempsey MP – What is the average time that an individual would spend in the job, and what sort of training do they receive?

Answer – The rangers undertake a variety of training including Cert IV and fisheries training.

Ms Shirreffs agreed to take part of the question on notice and obtain information about the pay scales and average years spent in the job for the committee.

Question from Di Farmer MP – Could you explain a little more about why it is that statutory recognition is needed to ensure certainty and financial security etc.?

Answer – The communities themselves are very keen for the rangers to gain statutory recognition, as it has a high status in the community. It is also the case that National Park Rangers receive statutory recognition, so that this would be bringing the Wild Rivers Rangers into line with National Park Rangers.

#### **Indigenous Reference Groups - Leslie Shirreffs**

- The indigenous reference groups will be made up of traditional owners, nominated by the community directly
- They contribute cultural experience

- The minister must take advice from the reference groups. If the minister decides not to act on the advice, he/she must inform the reference group in writing of the reasons why.

Question from Jack Dempsey MP – How much money is being allocated to the indigenous reference groups?

Answer - \$600 000 is being allocated.

Question from Jack Dempsey MP – How often will the groups be meeting?

Answer – This is still being worked out however it is expected there will be six meetings.

Question from Jack Dempsey MP – Is there going to be some kind of process to ensure the selection of people for the reference groups is done in an appropriate way?

Answer – An evaluation process will be built in from the start.

Question from Andrew Cripps MP – Were indigenous groups consulted in the past?

Answer – Yes, but feedback from communities indicated that they wanted a more permanent and rigorous consultation process.

Question from Andrew Cripps MP – Are there any amendments to establish non-indigenous consultation?

Answer – There are no such amendments. There are many other methods by which other groups can provide feedback.

### **Cape York Peninsula Heritage Act - Leslie Shirreffs**

- The amendments to the CYPHA provide for property development plans under the CYPHA to also be recognised as property development plans in wild river high preservation areas;
- The amendments provide that only one application is required for clearing vegetation for development purposes either agricultural or aquaculture, reducing the regulatory burden for applicants.

### **CSG levy - Randall Cox**

- This Bill includes minor amendments
- Tenure holders have obligations in respect of water resources
- QWC takes responsibility for impacts, underground water, regional monitoring and springs affected by CSG extraction.
- There is a cost to QWC for carrying out the work, which is the reason for the levy and the amendments deal with that.
- There is an underground water report due in May 2012
- The amendments in the Bill provide for the recovery of seed funding contributed by the Queensland Water Commission in the form of a levy on tenure holders
- The levy is subject to a RAS process. In 2011-12, the total to be recovered is \$4.5 million. The amount from 2010-11 was \$3.3 million.

Question from Jack Dempsey MP – The RAS process – how does it work? I will take this up with Mr Cox at a later time.

Question from Jack Dempsey MP – How will this levy be structured? Is it ongoing?

Answer – The work of the QWC is ongoing. The QWC will recover the cost from 2011-12 over 12 months and the costs from 2010-11 over three years.

Question from Jack Dempsey MP – What studies are being undertaken about the Great Artesian Basin?

Answer – There has been a wide range of research undertaken about the Great Artesian Basin since the 1950s.

Question from Jack Dempsey MP – Who owns the water?

Mr Cox agreed to take this question on notice and get back to the committee.

Mr Cox agreed to provide information about the CSG business unit (staffing etc.) within the QWC to the committee.

Question from Andrew Cripps MP – What is the status of CSG wastewater after it is treated, and where does that water fit into WRP and ROPs?

Answer by Lyall Hinrichsen – None directly. The treated water is opportunistic water for a time and is in addition to landholders' entitlements.

Answer by Randall Cox – The treated water is temporary in nature.

Answer by Greg Claydon – WRPs and ROPs deal with long term supplies.

Question from Di Farmer MP – Could you clarify the QWC's role in disputes/overlaps between tenure holders?

Answer – Cumulative management.

Question from Di Farmer MP – What are the actual startup costs and activities that the QWC is undertaking?

Answer – Carrying out the standard work of the QWC using government funding until the levy is imposed. Hydrogeology, research, modeling, database development, spring assessment etc.

### **Category 2 water authorities - Judith Jensen**

- The Bill contains minor operational amendments
- It includes amendments based on recommendations from the Webbe-Weller report
- It streamlines the process already in existence that allows for the transfer of Category 2 water authorities to local government or other institutional structures
- It also amends the Act to ensure that when the term of a member of the River Improvement Trust expires, they can continue to fill the position until a replacement is identified and appointed.

Question from Steve Dickson MP – Why was the 2/3 majority needed in the first place?

Ms Jenner agreed to take this question on notice.

Question from Andrew Cripps MP – How do alternate structures take over the work of category 2 water authorities. Is status quo an option?

Answer – There has been extensive consultation with category 2 water authorities to ensure successful transition of the transfer. The amendments are not the end of the matter. More amendments may be needed to enable the alternative structures or local governments to do their work. Water service providers have a range of powers under the *Water Act 2000*.

**Briefing closed 11.25am**