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### **Re MRCCC submission on the Water and Other Legislation Amendment Bill 2011**

Please accept these comments and suggestions on aspects of the proposed changes to the Water Act 2000.

The Mary River Catchment Coordinating Committee has intimate experience of the workings of the Water Act in the Mary Basin Water Resource Plan area and has actively contributed to the development of the Mary Basin WRP and ROP and other State legislation, policies and plans relating to water management in the Mary River Catchment. We also work closely with local and federal government legislation, policies and plans relating to water management and can offer a perspective of how these interact with State legislation, policies and plans in our local context.

We would like to offer specific comments on the following specific aspects of the Bill:

- The proposed Single Process Framework for WRPs and ROPs
- The role of community consultation in the proposed Single Process Framework
- The special nature of water licences held by the SEQ Water Grid Manager
- The proposed reduction in the requirement for the granting of Riverine Protection Permits for work involving excavating or placing fill in a watercourse

We hope that these comments can contribute to continued improvement in the way that water resources are managed in our catchment, in keeping with our organization's charter of "working towards a sustainable and productive catchment" and in alignment with the objectives of the Water Act 2000 and the National Water Initiative.



Phillip Moran  
Chairman

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*The MRCCC gratefully acknowledges the support of  
The Sunshine Coast Regional Council, Gympie Regional Council and Fraser Coast Regional Council,  
the Burnett Mary Regional Group, the Department of Main Roads, the Department of Agriculture, Fisheries and Forestry,  
the Department of Sustainability, Environment, Water, Populations and Communities,  
and landholders throughout the Mary Catchment.*

***DONATIONS TO THE MARY CATCHMENT PUBLIC FUND ARE TAX DEDUCTIBLE***

## The Single Process framework for WRPs and ROPs

Because of the way that Water Resource Plans and Resource Operation Plans interact, combining the process of formulating, reviewing and amending these documents into a single, more efficient process makes good sense.

The MRCCC is very supportive of this aspect of the Bill, subject to concerns about public consultation (outlined below) being addressed.

## Community consultation in the proposed single process framework

The purpose of Chapter 2 of the Water Act 2000 is

*“to advance sustainable management and efficient use of water and other resources by establishing a system for the planning, allocation and use of water”.*

The principles of *Ecologically Sustainable Development* outlined in the Act includes the principle that *“decisions and actions should provide for broad community involvement on issues affecting them”.*

The following specific aspects of “sustainable management” as defined in the Act are advanced by ensuring a sound framework for broad community consultation in the formation of WRPs and ROPs:

- (i) improving planning confidence of water users now and in the future regarding the availability and security of water entitlements;*
- (v) recognising the interests of Aboriginal people and Torres Strait Islanders and their connection with the landscape in water planning;*
- (vi) providing for the fair, orderly and efficient allocation of water to meet community needs;*
- (vii) increasing community understanding of the need to use and manage water in a sustainable and cost efficient way;*
- (viii) encouraging the community to take an active part in planning the allocation and management of water;*
- (ix) integrating, as far as practicable, the administration of this Act and other legislation dealing with natural resources.*

The State of Queensland has agreed to the following very specific commitments to open and transparent public consultation processes under the **National Water Initiative**.

*25. The Parties agree that, once initiated, their water access entitlements and planning frameworks will:*

- iii) be characterised by planning processes in which there is adequate opportunity for productive, environmental and other public benefit considerations to be identified and considered in an open and transparent way;*

*93. Parties agree that the outcome is to engage water users and other stakeholders in achieving the objectives of this Agreement by:*

- i) improving certainty and building confidence in reform processes;*
- ii) transparency in decision making; and*
- iii) ensuring sound information is available to all sectors at key decision points.*

*95. States and Territories agree to ensure open and timely consultation with all stakeholders in relation to:*

- i) pathways for returning overdrawn surface and groundwater systems to environmentally sustainable extraction levels (paragraphs 41 to 45 refer);*
- ii) the periodic review of water plans (paragraph 398 refers); and*
- iii) other significant decisions that may affect the security of water access entitlements or the sustainability of water use.*

96. States and Territories agree to provide accurate and timely information to all relevant stakeholders regarding:

- i) progress with the implementation of water plans, including the achievement of objectives and likely future trends regarding the size of the consumptive pool; and
- ii) other issues relevant to the security of water access entitlements and the sustainability of water use, including the science underpinning the identification and implementation of environmental and other public benefit outcomes.

The MRCCC was closely involved in the formulation of the Mary Basin WRP and ROP, and the consultation in the early stages of the formulation of the WRP was exemplary. However, the later stages of the development of the WRP was marked by a complete failure of the consultative mechanism, particularly with respect the creation of a 150,000 ML/annum strategic reserve created specifically to allow for the construction and operation of the Traveston Crossing Dam and the creation and extension of the SEQ Water Grid into the Mary Catchment to access this reserve. Neither of these options had been raised with the public at any time during the formulation of the WRP, even though the impacts of these allocation and infrastructure scenarios were being modelled and assessed throughout 2005 and early 2006, while the Community Reference Panel was in operation, and before the draft WRP was made available for public comment. There was no mention of any of these infrastructure or allocation scenarios in the draft WRP, and government staff were under ministerial instruction to not disclose these proposals to the public during the water resource planning process. The Community Reference Panel subsequently wrote to the minister saying that they had been “profoundly deceived” by the WRP process. In the end the Traveston Crossing Dam proposal was a complete and extraordinarily costly failure which alienated the local community from the State processes of water planning and did not achieve the State’s desired water infrastructure outcome.

The MRCCC would like to make the following suggestions to improve the community consultation proposed in the single process framework, in line with the intent of the Water Act itself and the NWI. The MRCCC has the sincere desire to improve the processes and outcomes of community consultation in the re-formulation, and operation, of the next Mary Basin WRP and ROP, and believes that these same suggestions would be beneficial to all communities in all WRP areas.

**MRCCC suggestions for improving public consultation in the single process framework.**

(These comments relate to the process as outlined in the diagram on p17 of the explanatory notes for the Bill)

1. Whenever the “long form process” is invoked, a Community Reference Panel is formed as a compulsory step and kept fully informed of all technical issues and specific water allocation and operation scenarios being considered throughout the process, specifically including the “Stage 2 Technical Assessments”.
2. The “Peak Body Advisory Group” must include representatives with an understanding of national issues relating to water and environmental management (eg. representation from the NWC or similar body), and must engage members with specific knowledge of relevant local issues in the particular WRP area being considered (distinct from the mandatory consultation with local government as a stakeholder).
3. The preliminary consultation conducted during the “Stage 1 technical assessments” must not exclude or restrict opportunity for any members of the public within the WRP area to be fully informed of matters being considered in the proposed WRP/ROP process, nor exclude or restrict opportunity to contribute to the preliminary consultation process.
4. The “Pre-planning Implementation Review Report” produced prior to the ministerial decision on the “need for further consultation” and all material informing that report must be published and made freely accessible in the public domain at the time of the Minister’s decision.

## The SEQ Water Grid Manager

The Bill proposes to make changes to allow both the Commonwealth Environmental Water Holder and the SEQ Water Grid Manager to apply for and hold water licences that are not associated with a particular property (ie location in the catchment). In considering this situation, it is important to realise that water allocations held by these two entities are held for fundamentally different purposes.

The Commonwealth Environmental Water Holder acquires and holds water entitlements *“with the objective of returning more water to the environment. These entitlements become part of the Commonwealth environmental water holdings and are managed so that increased flows are provided to rivers and wetlands. The water is acquired through direct buybacks of water entitlements from irrigators as well as savings from infrastructure upgrades”*

The operations of the Commonwealth Environmental Water Holder are thus unlikely to have adverse impacts on the environmental values or the water resource security of other licence holders in the catchments in which it operates.

The role of the SEQ Water Grid Manager is to

*“buy the following water services from the other State-owned water statutory bodies:*

- *storage and treatment of bulk water, and production of desalinated and purified recycled water from Seqwater*
- *transport of bulk water from LinkWater*

*We sell the treated bulk water and recycled water to customers - local councils, power stations and other businesses. We do not own infrastructure assets but hold the urban water entitlements for South East Queensland. We make strategic and operational decisions that are based on coordinating the production and transport of water to where it's needed most and at the lowest possible cost; rather than based on an ownership interest in infrastructure assets.”*

Most of the Mary River, and most of water allocation holders in the Mary are not in the SEQ region. In the context of the Mary River Catchment, the explicit purpose of the SEQ Water Grid Manager is to extract water from specific SEQWater owned bulk water assets in the upper Mary, and transport this water out of the catchment via the SEQ Water Grid. The operation of the SEQ Grid Manager therefore has a potential to adversely impact on both the environmental values of the Mary River, and the resource security of other water allocation holders in the Mary downstream of its specific points of extraction in the Mary Catchment. These specific locations are Baroon Pocket Dam on Obi Obi Creek, Lake Macdonald on Six Mile Creek and Goomong Pocket pump station on the main trunk of the Mary. Over-extraction of water from these locations would have a significant impact on Matters of National Environmental Significance under the Federal EPBC Act, and strict federal and state conditions which limit the amount of water extracted so as not to exceed existing urban allocations have already been imposed on the operation of the Northern Pipeline Interconnector (part of the water grid) to avoid these impacts.

The MRCCC sees no problem with the changes proposed for licences held by the Commonwealth Environmental Water Holder as they are unlikely to have an adverse effect on environmental values or water resource security of other licence holders, and facilitate the proper operation of the federal Water Act 2007 within the Murray Darling Basin.

However, the MRCCC suggests that no provisions are written into the Water Act or subordinate legislation and regulation to allow the SEQ Water Grid manager to apply for new water licences until the Mary Basin WRP and ROP are reviewed via the “long form process”, and the full impacts of the proposed level of extraction (tied to specific geographical locations of the points of extraction) has been assessed for impacts on Matters of National Environmental Significance, and on the resource security of other water users in the Mary River system, particularly those out of the SEQ region.

## **Riverine Protection Permits**

Recent revisions of the Water Act 2000 have clarified the definition of a watercourse (to which the Act applies), as distinct from a 'drainage feature'. This has already reduced the scope of activities for which a Riverine Protection Permit would be required for excavating or placing fill in a stream or waterbody. The MRCCC's experience is that many landholders and machinery operators do not have a good understanding of the potential impacts of excavating or placing fill in a watercourse if these operations are not carried out correctly. Careless operations can cause long term impacts both downstream and upstream of the works, and few people in the community have the appropriate level of awareness of stream processes to 'self-assess' the risk of these impacts and choose suitable design and procedures to mitigate these risks. The advantage of requiring a Riverine Protection Permit for these works is it makes people think more seriously about the consequences of what they want to do, and (hopefully) gives them contact with someone with the appropriate expertise to achieve a suitable outcome.

The MRCCC would not like to see any further relaxation of the requirement to obtain a Riverine Protection Permit for excavating or placing fill in a watercourse.