



WOLA Bill 2011

Submission



QMDC Submission on the Water and Other Legislation Amendment Bill 2011

Submission To:

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This submission is presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) group that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

1.0 Introduction:

QMDC submits that mechanisms by which the Bill attempts to promote better water management processes are both commendable and flawed. QMDC supports legislation that aims to deliver more efficient and responsive administrative processes but not at the cost of reducing community participation or protection of natural resource assets.

QMDC offers the following comments because they are matters that are related to or are specific to regional NRM concerns, in particular matters that relate to the implementation of the regional NRM Plan.

2.0 Water Act 2000 amendments:

2.1 Single process framework for the concurrent development of a water resource plan and resource operations plan

QMDC appreciates the need for planning processes that are well aligned. The concurrent development of Water Resource Plans (WRPs) and Resource Operation Plans (ROPs) is supported by QMDC because they are the principal legislative measures utilised to manage water for consumptive and environmental purposes.

Qualifying this statement however QMDC submits that integral to a well aligned administrative process is the need to foster community and stakeholder confidence in and a willingness to abide by water resource legislation.



The proposed amendments therefore need to ensure planning processes meet community expectations for a more enduring and direct role in the planning, decision-making and implementation of water resource policies and activities as they relate to regional and local resources.

Community engagement, disclosure of information and public consultation must ensure timely and adequate notification of proposed developments, particularly to individual landholders, local governments and communities where the development and associated developments have the potential to impact on the planning and resourcing of supporting infrastructure, services water and land use.

QMDC submits that public engagement that is timely, meaningful and relevant and conducted appropriately for each stakeholder will encourage and facilitate active public consultation. This also includes public notification and consultation for any proposed changes to water management policies or authorities from that initially agreed to by the State government.

QMDC is not convinced by the explanatory notes that the appointment of an advisory body by the Minister at her or his discretion is the best solution to the perceived current community consultation issues. QMDC is concerned that the proposed amendment may undermine community and stakeholder ownership in WRPs and ROPs that are developed under the new single process framework.

QMDC believes additional to the above raised issues public support for the proposed amendments requires confidence in the scientific and technical data used to inform planning decisions or review reports. Enabling regional communities and stakeholders to become familiar with and fully comprehend the science and technical information used by the water authorities empowered by the new legislation may be challenging.

QMDC expects the use of best available science and information to determine WRPs and ROPs. This also includes the utilisation of the best available information from impact assessments on communities and their economy and cultural and social well-being. QMDC submits that the acquiring of adequate information of this type should be sought as a priority. Without this part of the picture a high level of confidence in decision outcomes is unlikely.

QMDC offers the following recommendations that we assert will better facilitate stakeholder and community confidence in the new single process framework:



2.2 Recommendations:

2.2.1 That Regional Advisory Committees are appointed and resourced to advise the Minister. These Committees would need to be appointed by the region's communities to represent key regional stakeholders, and peak bodies and include local landholders.

2.2.2 That pre-technical assessments, be conducted to ensure that stage 1 technical assessments are well informed. These need to include:

- **A peer review of the scientific methodology and technical processes adopted for hydrological, social, environmental, economic and cultural assessments; and**
- **An initial scope of associated existing and emerging local and regional issues as advised by the Regional Advisory Committees**

2.2.3 That the Implementation Review report be endorsed by the Regional Advisory Committees and be available for public scrutiny on DERM's website and upon request.

2.3 Discretionary powers to employ a shortened process in certain circumstances

QMDC does not believe discretionary powers should be made available to the Minister without clearly articulating the boundaries within which those powers can be exercised.

2.4 Recommendations:

2.4.1 That the Minister be required to issue a public statement outlining the reasons, processes and information relied on to make her or his decision to undertake either the shortened or long process and that this statement should be released following the first instance of the Ministerial decision.

2.4.2 That the Minister's public statement should be made available in a format that provides electronic links to all relevant reports and studies that have been relied upon to inform the Minister's decision in order to provide easy public access to this information.



2.5 Authorised taking of water without entitlement

QMDC submits that Clause 9 of the Bill, which will allow a person to interfere with overland flow without a water entitlement, has not taken into consideration the potential adverse impacts the interference of overland flow may have.

This region's NRM Plan highlights the need to prevent adverse impact to surface water flow systems within the floodplains including interaction with ground water flow systems. The need to minimise direct disturbance to riverine, floodplain or wetland environments, and minimise impacts from hydrological changes downstream caused by interference of overland flow which can cause a range of ecological and hydrological impacts such as:

- The erosion of floodplains and creek banks;
- Slumping;
- Diminished connectivity between river channels and off-stream wetlands; and
- The modification of river, stream and floodplains flows caused by creek, and river diversions, waste water discharge to streams and floodplain levy banks diverting flows.

2.6 Recommendation:

That the proposed amendment, Clause 9, is not accepted, because it presents as an unfettered right to interfere with overland flow contrary to the intent and purpose of the Water Act 2000.

2.7 Water licence to take artesian water

QMDC submits that a petroleum tenure holder's right to take underground water as part of their authorised petroleum activities in accordance with the *Petroleum Act 1923* and *Petroleum & Gas (Production and Safety) Act 2004* (Petroleum Legislation) is inherently flawed because that right has no limit placed on it. The tenet that water is consequential to the extraction of petroleum or gas allows for unsustainable practices that should not be perpetuated in light of this region's current state of environment.

QMDC asserts that legislation that allows a petroleum tenure holder's right to take unlimited groundwater should be amended. Any use or extraction of groundwater must be managed to not only protect bore owners and natural spring ecosystems which are comparatively vulnerable in these circumstances but also to protect the QMDB, and the Great Artesian Basin (GAB).



QMDC submits that new legislation under the auspices of the *Water Act* should promote and encourage sustainable use of GAB water and ensure that practices relating to the exercise of water “rights” by CSG and petroleum projects will ensure high-quality stewardship of GAB resources; minimise disturbances to GAB resources; and protect GAB resources for future human and environmental purposes. The exercise of water “rights” must be tenable in terms of the long term sustainability of the region’s natural resource assets.

Coal seam water is not included in the GAB or QMDB water resource planning. GAB water allocations have been reviewed as part of the GAB WRP. The CSG mining industry now proposes to take large quantities of water from the coal seams which are non-productive aquifers/aquaclides situated between productive aquifers in the GAB and Surat Basin. Results of modelling presented by CSG companies have indicated that the removal of water from the coal seams will have no measurable effect on the GAB productive capacity. It is suggested that this is not a safe assumption on the grounds that:

- Time frames for impacts may be longer than those presented in model outputs – namely decades to centuries rather than the years to decades described in economic, production and impact assessments presented in public forums. Even if impacts are likely to be over extended periods, the public deserves to know what the likely impacts are so they can assess the merits of ongoing development.
- Modelling presumes initial and ongoing integrity of all aquifers and aquacludes.

The *Water Act* framework although it will manage impacts on water supply bores and springs from the extraction of groundwater by coal seam gas and petroleum tenure holders, should also clearly allocate water licenses to petroleum tenure holders.

2.8 Recommendation:

That a petroleum tenure holder’s right to take underground water as part of their authorised petroleum activities be subject to a water license being granted under the Water Act provisions and a new clause be drafted superseding the right to take underground water as part of the authorised petroleum activities in accordance with the Petroleum Act 1923 and Petroleum & Gas (Production and Safety) Act 2004.



2.9 Funding for the Queensland Water Commission's petroleum and gas water functions (Annual Levy) (Clause 77)

QMDC fully supports this amendment.

2.10 Recommendation:

That Clause 77 be adopted.

2.11 Destroying vegetation, excavating or placing fill without permit (Clause 89)

QMDC does not support Clause 89 of the Bill and the amendment to section 814 of the *Water Act 2000*.

QMDC asserts that the self-assessable codes under the *Sustainable Planning Act* are constricted and lead to either perverse outcomes or unforeseen environmental outcomes which are then not adequately considered under the *Sustainable Planning Regulation 2009* self-assessable development codes.

2.12 Recommendation:

That the proposed amendment (Clause 89) not be accepted and that a permit is required under the Water Act to destroy vegetation, excavate or place fill in a watercourse, lake or spring if the activity is part of constructing self-assessable works under the Sustainable Planning Act.