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

To Whom it May Concern,

## **SUNWATER'S SUBMISSION ON THE WATER AND OTHER LEGISLATION AMENDMENT BILL 2011**

With reference to the Environment, Agriculture, Resources and Energy Committee's request for submissions on the *Water and Other Legislation Amendment Bill 2011 (the Amendment)* (<http://www.parliament.qld.gov.au/en/work-of-committees/committees/EAREC/inquiries/current-inquiries/Water-legislation-bill>), please accept this submission from SunWater Limited.

### **Grounds of this Submission**

This submission is made on the grounds that SunWater is a Water Service Provider and Resource Operations Licence (ROL) holder for 19 water supply schemes and Interim Resource Operations Licence (IROL) holder for four water supply schemes throughout Queensland.

### **CONTENTS OF SUNWATER'S SUBMISSION**

#### **Clause 31 Amendment of s 97 (Notice of proposal water infrastructure operators)**

SunWater notes the proposed change to section 97(1) would result in the following:

##### ***97 Notice of proposal to water infrastructure operators***

*(1) The chief executive **may** give each holder of an interim resource operations licence, a resource operations licence or other authorisation to operate water infrastructure for the management of water to which the proposed plan is intended to apply a notice requesting the holder to provide proposed arrangements for the management of the water, including, for example, water allocation change rules and water and natural ecosystem monitoring practices.*

This change would remove the mandatory requirement for SunWater to provide the department with proposed arrangements for the management of water in water supply schemes operated by SunWater. SunWater believes that the opportunity to provide the department with these proposed arrangements is vital in ensuring that pragmatic and workable arrangements are agreed upon for the relevant schemes. The department is able to utilise the SunWater submissions to help ensure that the regulatory requirements best reflect how a scheme may operated.

Therefore SunWater disagrees with the proposed change, and requests that section 97(1) of the *Water Act 2000* be left unaltered.

### **Clause 33 Amendment of s 99 (Matters the chief executive must consider when preparing draft resource operations plan)**

SunWater would like to highlight the section 99 (c):

*The chief executive must consider the following for the proposed plan area when preparing the draft resource operations plan—*

*(c) any proposed operating arrangements mentioned in section 97;*

Under the requirements of 99(c) and the proposed change to section 97(1), the chief executive would only be required to consider the proposed arrangements if a notice has been given under section 97(1). Again, this reinforces SunWater's view that a mandatory requirement for a ROL holder to make a section 97 submission be retained.

### **Clause 16 Amendment of s 46 (Content of draft water resource plans)**

SunWater notes the proposed change to section 46(2):

*(2) The draft plan may include, but is not limited to, the following—*

*(ha) for a draft plan that replaces an existing water resource plan—any rule for taking or sharing water, including, for example, water sharing rules for water entitlements;*

SunWater accepts that this change maybe necessary for some water supply schemes, however the amendment does not seem to provide an avenue for water sharing rules included in a water resource plan (WRP) to be overridden at a later stage when the chief executive includes water sharing rules in the subsequent resource operations plan (ROP).

### **Clause 36 Amendment to s 102 (Reviewing submissions about draft resource operations plan)**

SunWater notes the proposed change to section 102 (4)(a):

*(4) However, subsection (2) does not apply for a submission if the chief executive is satisfied that—*

*(a) the submission made about a matter mentioned in subsection (1) is inconsistent with the water resource plan, or, if the draft resource operations plan was prepared under section 96, the draft water resource plan.*

When both plans are developed concurrently under the single process framework it is likely the chief executive will be receiving submissions for both draft plans at the same time. Section 102 establishes the process for reviewing submissions about a draft ROP, whilst section 102(4) above, indicates that the chief executive is not required to give the properly made submissions to the ROP referral panel if they are inconsistent with a finalised or draft WRP.

SunWater recognise that this amendment may be necessary to implement the single process framework, however it is SunWater's view that section 102 does not fully deal with concurrent submissions. If SunWater makes a submission proposing a change to a draft ROP that also requires a change to the draft WRP, the chief executive may not consider the proposed change to the ROP on the grounds that it also requires a change to the draft WRP.

Hence, SunWater believes that this amendment may require further consideration.

**Clause 48 Replacement of s 132 (Public notice of application to change water allocation)**

SunWater notes the proposal to change section 132 (2) to:

*The chief executive must give the applicant a notice the applicant must publish within the time and in the newspaper or newspapers stated by the chief executive.*

Even though the responsibility of publishing the notice would change to the applicant under the proposed section, SunWater would still expect that a notice should also be published on the department's website in accordance with the definition of 'publish' listed in Schedule 4 of the *Water Act 2000*. Even though no change has been proposed to this section under the amendment, SunWater would like to highlight the importance and utility of the department continuing to display notices on their website for notices required under section 132.

SunWater is available to discuss any aspect of this submission with the department. Queries should be directed to Gordon Delaney, Manager Water Planning & Environment, on (07) 3120 0143.

Yours sincerely



**TOM VANDERBYL**

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