



## Wide Bay Burnett Conservation Council Inc.

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12<sup>th</sup> August 2009

The Research Director  
Environment, Agriculture, Resources and Energy Committee  
Parliament House  
George Street  
BRISBANE QLD 4000  
Email: [earec@parliament.qld.gov.au](mailto:earec@parliament.qld.gov.au)

### **Re: Water and Other Legislation Amendment Bill 2011**

Dear Mister Hansen,

WBBCC takes this opportunity to provide the following informed comments on the Water and Other Legislation Amendment Bill 2011.

#### **1. Organisations making this submission**

WBBCC established in 1972, as been the peak Widebay Burnett regional incorporated NFP conservation group , has provided representatives and made detailed submissions on the *Burnett Basin WRP/ ROP 2000* , the *Burnett Basin WRP review CRP 2011* , the *Mary Basin WRP/ROP 2006* ,the *Mary Basin CRP 2006* and the federal approval process under the *EPBC ACT 1999* for both Paradise Dam and the proposed Traveston Dam .

WBBCC seeks to advocate on all environmental issues within the Widebay Burnett and endeavours to advocate strongly on sustainable use of the regions water resources, by encouraging the government agencies to adopt contemporary best practise scientific methodologies.

Sadly WRP in Queensland has been the subject of political manipulation at the highest level within the agency .

WBBCC supports the submissions of both QCC and the MRCCC .

#### **2. The Single Process framework for WRPs and ROPs**

*Policy objectives and the reasons for them*

*The objectives of the Bill are to amend the:*

- *Water Act 2000 (the Water Act) and related legislation to:*
- *establish a Single Process framework for the concurrent development of a water resource plan and resource operations plan. The amendments also remove the requirement for establishment of community reference panels (CRPs) and provide discretion to employ a shortened process in certain circumstances, for example, if a replacement plan is not materially different to the existing plan;*

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## RESPONSE

1. No rationale is provided as to why a single process is required, if the rationale is to reduce taxpayer expenditure, this is a noble thought, which must be accompanied by an explicit agreement for no political interference with WRP/ROP process, as was evident in the Mary WRP process.

There should be no removal of the CRP requirement simply because the decadal iteration of all WRP's fosters new science and data required to maintain a flexible management approach. All replacement plans are materially different based on our decadal understanding of riverine ecosystem and climate change adaptations.

This is manifested in the current Burnett Basin WRP review, where the IQQM modelling must be revisited based on the discovery that key environmental assets (*Neoceratodus forsterii*, *Elsya albagula*, *Burnett Estuary*) are being impacted by the operation of the ROP.

Ergo a ROP cannot be created until all the modelling and new data has been agreed to by the CRP and the agency.

Therefore the establishment of a single WRP/ROP process, must be the result of the agency engaging with a balanced community representation of sector groups. For example the current Burnett WRP CRP comprises 17 water user groups, 2 indigenous and 2 environment groups. This is not balanced, because the irrigation industry has limited understanding and acceptance of the potential for WASO's (Water Allocation Security Objectives) to be compromised by the state and federal lawful requirements to protect ecological assets above economic use of the water resource.

WBBCC recommends that 'a *shortened process in certain circumstances*', would be manifested if 13 of the water group representatives be removed.

2.

*"This two stage process contains many duplicated steps and has resulted in long timeframes for the development of the water resource plans and their implementation through their corresponding resource operations plans. In addition, consultation with community reference panels and stakeholders has been carried out during development of both the water resource plan and resource operations plan, often revisiting issues in the resource operations plan that were previously considered in the water resource plan consultation. This approach has attracted adverse criticism from stakeholders who view the process as ineffective and inefficient. Price Waterhouse Coopers undertook consultation with key internal and external stakeholders as part of its review process."*

## RESPONSE

WBBCC does not and never has viewed the process as ineffective and inefficient, the problem has been political interference with the 2 processes as a result of senior management staff trying to placate the cabinet and the community at the **same time**. Please provide evidence that PWC consulted with WBBCC, a Key external stakeholder.

3.

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*“Significantly, the provisions relating to the role of the resource operations plan referral panel for the review of submissions will be retained in full.”*

## **RESPONSE**

This relies on the community implicitly trusting that the panel understands the full gambit of ecological implications to the catchments ecological assets , and the assumption that the panel members will be free to engage the media about any reservations that the panel members may have , but are reluctant to discuss these issues outside the agency, due to whistle blower implications .

### **4.**

*“The current statutory requirement for establishment of a community reference panel, after a notice of intent to prepare a water resource plan has been published, is omitted by the Bill and replaced with an administrative discretion for the Minister to establish a consultative body or to use existing community groups and government agencies. Sufficient consultation will be provided through the opportunity to make submissions on the statement of proposals, or if there is no statement of proposals, on the draft plan.”*

## **RESPONSE**

The ability for the Minister to use administrative discretion to establish a consultative body is fraught with political risk due to the nature of consumptive use for economic productivity being the norm . All water use in Queensland is based on a regional catchment economic and ecological requirement.

The Minister would need to appoint a basin consultative body, not a state or industry body.

### **5.**

*“ The community reference panel under the current framework is a requirement for the water resource plan only. The community reference panel is appointed by the Minister to provide advice on community views; and to disseminate information to the community and stakeholders they represent.*

*There are a number of disadvantages associated with the current community reference panel process including that:*

- *stakeholders affected by the water resource planning process may not understand when the water resource plan is released, what it means in terms of their individual entitlements. They may often only understand the impact of the water resource plan when the draft resource operations plan is released;”*

## **RESPONSE**

This underlines a flawed assumption that rural entitlement holders have no understanding of the WRP process , this is a fallacy , it is the urban users who have no interest in the outcomes of the WRP process .

### **6.**

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*“ The new legislative framework for water planning does not prevent the establishment of a reference panel. Rather, it provides flexibility for the Minister to establish a new reference panel or to use an existing body for more targeted and effective consultation. Also, in certain catchments where the community is well educated on the water resource planning processes and the new water resource plan is not proposing significant changes, it may be an unnecessary use of resources to establish any reference panel. This operates with the other legislative amendments to the planning process to give effect to the single process policy.*

*• a community reference panel may duplicate or resemble membership of an existing body which could have fulfilled the same role but the department cannot take advantage of existing groups (e.g. Natural Resource Management bodies) because the Water Act requires a new panel to be established for each plan” ;*

## **RESPONSE**

The act must define the make up of the regional CRP , ie : all irrigators , councils and distribution entities are water users in that they have entitlements , and hence bias the CRP representation. Indigenous , NRM and Conservation groups hold no entitlements , WHY ? Why are Indigenous, NRM and Conservation groups not considered to be the equivalent of the Commonwealth Water Entitlement Holder?

7.

*“ • meetings and community reference panel support are resource intensive and time consuming and can be costly. Recent experience indicates an average cost of a community reference panel may be between \$40,000 (Moreton) to \$65,000 (Cooper Creek) plus relevant departmental resources” ;*

## **RESPONSE**

If the cost of the Mary Basin WRP CRP process was \$100,000 , it falls into insignificance compared to the \$1B wasted on the Traveston Dam proposal , which was the direct result of the political interference of the then and current Premiers and Cabinet .

8.

*“ • members have often expressed and or represented personal views and have not disseminated information back to their community. A key advantage of the Single Process framework is that more meaningful consultation is available through the new water planning framework. This will be achieved through:*

- flexibility for the Minister to decide the appropriate level of consultation for developing a particular plan. The new framework does not prevent the establishment a new reference panel or to use an existing body for more targeted.”*

## **RESPONSE**

WBBCC expressed sustainable water resource management views to DNRW, the Qld Premier and Cabinet during the Mary Basin WRP /CRP 2006 process , all of this information was ignored , IE ; WBBCC informed the Premier and Cabinet that Traveston Dam could not be approved , based on flawed mitigation of MNES . Was the ‘dissemination’ of this information to those who make the ultimate water resource decisions successful ? , no .

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WBBCC attempted to save the QLD taxpayers \$1B , but the advice was ignored .

The assumption and hence the dialogue in this section , presumes a severance of community understanding , when the truth is that the problem lies in the political manipulation of water resource use by a government monopoly , using corporatised entities ( SEQ WATER /SUNWATER ) exempt from legislative regulation .

. Why then should WBBCC believe that ‘more meaningful consultation is available ‘?

**9.**

*“ A key advantage of the Single Process framework is that more meaningful consultation is available through the new water planning framework. This will be achieved through:• flexibility for the Minister to decide the appropriate level of consultation for developing a particular plan. The new framework does not prevent the establishment of a reference panel. Rather, it provides flexibility for the Minister to establish a new reference panel or to use an existing body for more targeted and effective consultation. Also, in certain catchments where the community is well educated on the water resource planning processes and the new water resource plan is not proposing significant changes, it may be an unnecessary use of resources to establish any reference panel;”*

## **RESPONSE**

This implies an assumption that certain catchments have a greater understanding of the WRP process and sustainable water management, compared to others.

A case in point is that of the *Mary Basin WRP 2006* , where the community had such a depth of understanding of the process , that the State environment Minister and member for Hervey Bay was not re-elected based on his unwavering support of the political manipulation of the process .

This was the direct result of the establishment of the CRP thereby validating the democratic necessity of the CRP process under the Water ACT .

**10.**

*“the option of a non-statutory Peak Body Consultative Group to advise the Minister – a new body will be established to assist the Minister in deciding which path (standard or long) to take when preparing a plan and to advise the Minister on any additional consultation steps for the plan including whether a reference panel should be established”*

## **RESPONSE**

This body must be a WRP catchment body made up of a balance of consumptive and non consumptive users . IE: 5 consumptive members ( entitlement holders ) , and 5 non consumptive users ( indigenous and conservation ) <sup>1</sup>.

**11.**

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<sup>1</sup> Representatives must demonstrate a detailed knowledge of the legislative and technical WRP process.

*“ an amendment to enable the South East Queensland water grid manager and the Commonwealth Environmental Water Holder to apply for a water licence not attached to land and to engage in dealings with water licences, for example, enabling a water licence already attached to land to be transferred to these entities. This amendment is intended to provide the flexibility necessary for these entities to achieve the significant water reform activities for which they were originally established;”*

## **RESPONSE**

Where are the ‘water licenses’ not attached to land in Queensland, that these holders might be interested in obtaining?

WBBCC accepts that the Federal government may seek to purchase allocations for the purpose of increasing environmental flows in some catchments , the present allocation of 120,000 MGL owned and not utilised , but never payed for by Sunwater, sitting behind Paradise Dam on the Burnett River being a case example .

WBBCC accepts and supports the CWEH purchasing entitlements to ensure environmental flows ( non consumptive use) to QLD rivers .

In respect of the SEQ grid manager , WBBCC would like to know which particular entitlements the manager would like to be able to access .

The SEQ grid manager does not manage water in the MDB or the Burnett Basin, however it does manage some entitlements in the Mary Basin .

WBBCC has grave reservations concerning the current strategic reserve of the Mary Basin WRP , WBBCC knows that senior officers of DNRW were politically compromised concerning the connectivity of this reserve to the Traveston project .

A simple RTI process will reveal ‘damming’ emails, copies of which have been supplied to a ‘key Mary Basin WRP stakeholder’.

WBBCC strongly opposes any amendment which may enable the SEQ grid manager to purchase a water license either belonging to the Commonwealth Environmental Water Holder and or not attached to any land in the Mary Basin.

For and on behalf of WBBCC  
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