



AgForce Queensland Industrial Union of Employers

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

RE: Submission to the Environment, Agriculture, Resources and Energy Committee (EAREC) regarding the Water and Other Legislation Amendment (WOLA) Bill 2011

AgForce tenders this submission to the EAREC for consideration in relation to the WOLA Bill 2011 currently before Parliament. More specifically, AgForce wishes to bring to the Committee's attention an issue in relation to the wording and intention of Section 213 (*Contents of water licence*) of the proposed legislation, which states:

Amendment of s.213 (Contents of water licence)

- (1)** *Section 213(e)(viii)—
renumber as section 213(e)(ix).*
- (2)** *Section 213(e)—
insert—
'(viii) CEWH; or'.*
- (3)** *Section 213—
insert—*
 - (2)** *Despite subsection (1)(e), the following water licences attach only to the parcel of land on which the water is taken—*
 - (a)** *a water licence to take artesian water for stock purposes;*
 - (b)** *a water licence to take subartesian water, from an aquifer that is hydraulically connected to an artesian aquifer, for stock or domestic purposes.'*

In part this will amend the existing wording of s.213 (*Contents of water licence*), which currently states:

- (e)** *attaches to the licensee's land unless the licensee is—*
 - (i)** *the State; or*
 - (ii)** *a local government; or*
 - (iii)** *a water authority; or*
 - (iv)** *a resource operations licence holder; or*
 - (v)** *an interim resource operations licence holder; or*



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- (vi) *a petroleum tenure holder; or*
- (vii) *the water grid manager; or*
- (viii) *an entity prescribed under a regulation*

There are two issues with the proposed changes, the first is the ambiguous wording of the clause and the subsequent implications this has for other entities. Water Authorities, State and Local Governments, as well as other water licence holders who use artesian water for stock, and use associated aquifers for stock and domestic uses can be affected by the wording of these amendments. Currently, the lack of clearly outlined justification for the amendment in the explanatory material and the wording of the clause has potential to remove the capacity of these entities to hold water licences not attached to land.

The second issue is that the intention and justification for the amendment is unclear. Both the clause and corresponding Explanatory Notes fail to clarify what the fundamental issue behind the need for the amendment is. Essentially this means that the intent of the legislative change has not been made clear.

AgForce submits that a wording change is required, specifically in relation to the use of “*Despite*” and “*Only*” within the amended clause and greater clarity surrounding the intention of this amendment to be afforded through the appropriate mechanism.

Additionally, AgForce also submits for the Committee’s consideration the manner in which these amendments have been presented. In its current format, it is difficult for any reader to understand the implications unless read in conjunction with the current Act. AgForce queries whether it is appropriate for the Parliamentary Committee to address the process by which the drafters of the Parliamentary Counsel present amendments.

Yours sincerely

Ian Burnett
AgForce Vice President and Land Management Committee Chair