



The Secretary
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane QLD 4000

Email: ipnrc@parliament.qld.gov.au

Date: 15th September 2017

Re: Mineral, Water and Other Legislation Amendment Bill 2017 submission

Dear Sir or Madam,

WWF-Australia welcomes the opportunity to provide this submission to the Mineral, Water and Other Legislation Amendment Bill 2017, which was introduced to the Queensland Parliament on 22nd August 2017. As it is our key area of interest, our comments and recommendations provided in this submission are limited to the proposed amendments to the *Water Act 2000* that are contained in the Bill.

1. Comments and recommendations

While we broadly support the proposed amendments to the *Water Act 2000* contained in the M,WaOLA Bill, we recommended that the below mentioned recommended changes are made to the Bill as we believe they will greatly strengthen the Water Act's ability to manage Queensland's water resources sustainably.

1.1 Temporary release of water from Strategic Water Infrastructure Reserve (Clause 237)

To ensure that unforeseen adverse social, economic or environmental impacts do not occur, the chief executive must also be required to consider under s40B of the Act what the potential effect of *using* water that is released from Strategic Water Infrastructure Reserves for temporary consumptive purposes will have on the:

- Environmental Values and Water Quality Objectives established under the *Environmental Protection (Water) Policy 2009*,
- Governments commitments under the Reef 2050 Long Term Sustainability Plan and Murray Darling Basin Plan and,
- Cultural values of Aboriginal and Torres Strait Islander peoples

Recommendation:

Amend Clause 237 of the Bill to include the above dot points in s40B of the *Water Act 2000*

1.2 Minister must consider the effects of climate change when preparing water planning instruments (Clauses 239 and 240)

Under the current methodology, the modelling that informs the development of water planning instruments is based on historic rainfall, stream flow and other relevant data that has been collected over the last 100 years (approximate).

As climate change is predicted to significantly alter future rainfall patterns, there is a considerable risk that the availability of water over the life of a water plan will be vastly different to how much water has been available for consumptive purposes in the past.

As the current modeling does not consider the potential effects of climate change on the future availability of water, requiring the Minister to specifically consider the effects of climate change will ensure that water planning instruments are able to consider and address the emerging risk of there being potentially significantly less water available for consumptive purpose in the future due to climate change.

Along with considering the effects of climate change on water availability, the Minister must also be required to consider the effect that climate change will have on water quality when developing water planning instruments. As experienced in the Murray Darling Basin, the effects of climate change on water quality can create the conditions required for large blue-green algal outbreaks to occur, which can cause a wide range of adverse social, economic as well as environmental impacts.

While the adverse impacts that occur to water quality from releasing industrial, agricultural and other types of contaminants to waterways and marine receiving waters is managed under the *Environmental Protection Act 1994*, the effects of climate change on water quality is currently not managed under either state or commonwealth legislation.

As the most effective way to reduce the effects of climate change on water quality is to ensure that adequate flows are maintained in waterways during critical periods, the *Water Act 2000* is the only existing piece of legislation that can ensure enough water is maintained in waterways at crucial times to mitigate the effects of climate change on water quality.

Recommendations:

Amend Clause 239 (g) of the Bill to read "*The effects of climate change on the quality and availability of water resources*".

Amend Clause 240 of the Bill to include under new s60(2) (c) of the Act:

- (iii) water quality

1.3 Minister must consider Aboriginal and Torres Strait Islander's interests (Clause 239)

WWF-Australia fully supports greater recognition of Aboriginal and Torres Strait Islander people's interests in how Queensland's water resources are managed.

To provide increased clarity and greater certainty, we recommend that a clear definition of what Aboriginal and Torres Strait Islander people's interests are under water planning instrument is included in the Water Acts dictionary. The definition should be developed in consultation with Aboriginal and Torres Strait Islander people.

Recommendation:

Amend Clause 276 of the Bill to include a clear definition of what Aboriginal and Torres Strait Islander people's interests are under a water planning instrument in the Water Act's dictionary.

1.4 Direction to take action to address urgent water quality issues (Clause 255)

WWF fully supports the introduction of powers into the Water Act to enable the Minister or Chief Executive to direct action to be taken to address urgent water quality issues. To provide greater clarity and certainty and also to ensure that adverse social, economic and environmental impacts are avoided when using these new powers, we recommend that:

- The definition of water quality issues under new s203A (2) of the Act be amended to include the impacts that water quality issues may potentially have on:
 - The cultural values of Aboriginal and Torres Strait Islander peoples,
 - The Environmental Values and Water Quality Objectives established under the *Environmental Protection (Water) Policy 2009*
 - Governments commitments under the Reef 2050 Long Term Sustainability Plan and the Murray Darling Basin Plan and,
 - Terrestrial and marine receiving waters
- Under new s203C (a) (iii) of the Act, the official must also be required to have regard to the effect that taking action to address water quality issues may potentially have on:
 - The Environmental Values and Water Quality Objectives established under the *Environmental Protection (Water) Policy 2009*
 - Governments commitments under the Reef 2050 Long Term Sustainability Plan and the Murray Darling Basin Plan,
 - The cultural values of Aboriginal and Torres Strait Islander people and,
 - Terrestrial and marine receiving waters

Recommendation:

Amend Clause 255 of the Bill to include the above in new Division 5A of the *Water Act 2000*.

2. Conclusion

As they will improve the ability of the *Water Act 2000* to managed Queensland's water resources sustainably, we urge the Committee to endorse our recommended changes to the proposed amendments to the *Water Act* which are contained in the *Mineral, Water and Other Legislation Amendment Bill 2017*.

WWF-Australia would be pleased to appear before the Committee to discuss the above mentioned and other matters regarding the Bill.

Yours sincerely,

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