Submission No. 4
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# Submission to the Infrastructure, Planning and Natural Resources Committee on the Water Legislation Amendment Bill 2015.

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# 1. Executive Summary:

The WROLA Act 2014 included significant policy changes that were not supported by the ALP when it was in opposition.

The ALP's 2015 election platform relating to the *Water Reform and Other Legislation Amendment Act 2014 (WROLA Act)* included commitments to:

- prevent the commencement of the Newman Government's water laws which would have a detrimental effect on the Great Barrier Reef catchment systems;
- prevent the over allocation of Queensland's precious water resources;
- return ecologically sustainable development principles to the Water Act; and
- removing the water development provisions in their entirety.

The objectives of the *Water Legislation Amendment Bill 2015* are to align the *WROLA Act 2014* provisions with the Palaszczuk Government's policy and election commitments; and to ensure provisions for water planning instruments appropriately transition existing instruments and processes into the new water planning framework, so that the new framework can operate effectively.

The Explanatory Notes for the *Water Legislation Amendment Bill 2015* (*WLA Bill*) outline that the proposed amendments to the *WROLA Act 2014* deliver on these commitments by including ecologically sustainable development principles in the purpose of the Water Act, removing the water development option provisions in their entirety and removing provisions to establish designated watercourses. We are very supportive of these provisions of the Water Legislation Amendment Bill 2015 being progressed.

However, we do not believe that the *WLA Bill 2015* goes far enough. We submit that a raft of additional amendments are required to:

- ensure that the resources sector's water use is properly accounted for and is sustainable in the long-term;
- provide a fair and equitable playing field in which the rights and entitlements of other water users are protected; and
- restore a water planning and management framework that is effective and transparent.

This submission argues for the removal of the 'statutory water rights for miners' on the grounds that the impacts on existing water users including groundwater-dependent rural communities and the environment are both unacceptable and unsustainable. We further assert that there is an urgent need for cumulative regional groundwater models to be developed and used as part of the EIS process and before any approvals for large mining projects are granted.

We propose specific legislative changes to mitigate against the unsustainable take of water by the mining and petroleum industries.

The current Chapter 3 *Water Act 2000* framework for determining Make Good Arrangements is unfair and is denying landholders natural justice in their dealings with the Resources sector. The majority of Make Good Agreements that have been negotiated with landholders in Queensland, have been between Coal Seam Gas operators and landholders in the Surat Basin.

Detailed comments and proposed changes to the currently flawed statutory "Make Good Agreements" framework are provided. The basic flaws identified in agreements to date, provided the following specific headings under which our proposed changes and suggested processes are grouped.

These are: - Onus of Proof; Obligations; Baseline Testing and Assessment; Trigger Values; Monitoring; Investigation; Bore Owner's Trigger; Make Good Commissioner; Costs; Compensation; Timeline for Make Good Agreements; Cumulative Impact Assessment; and Counselling and Support.

This submission categorically rejects the proposed water planning framework consisting of 5 different instruments, as overly-complex, confusing and inefficient. We argue for the reinstatement of the former arrangements comprising an over-arching strategic management plan for water resource plans and a more detailed operational plan covering the day to day operations of regulated water storages. The return of this framework is justified by its having been widely regarded by water resource professionals as one of the best in Australia.

## 2. Introduction:

The Explanatory Notes to the *Water Legislation Amendment Bill 2015* outline that the objectives of the amendments to the *Water Reform and Other Legislation Amendment Act 2014 (WROLA Act)* are to:

- align the *Water Reform and Other Legislation Amendment Act 2014* provisions with the Palaszczuk Government's policy and election commitments
- ensure provisions for water planning instruments appropriately transition existing instruments and processes into the new water planning framework and that the new framework can operate effectively.

The *WROLA Act 2014* was passed by the Queensland Parliament on 26 November 2014. It included a number of significant policy changes which were not supported by the Palaszczuk Government when it was in opposition. These changes included a new purpose of the *Water Act 2000* (Water Act) which does not include the principles of ecologically sustainable development and the introduction of a water development option for large-scale water infrastructure projects. These provisions have not commenced.

The Palaszczuk Government's election commitments relating to the *WROLA Act 2014* include to:

- act immediately to prevent the commencement of the Newman Government's water laws which will have a detrimental effect on the Great Barrier Reef catchment systems and allow for over allocation of Queensland's precious water resources;
- return ecologically sustainable development principles to the Water Act and remove water development options in their entirety.

The Explanatory Notes for the *Water Legislation Amendment Bill 2015* outline that the proposed amendments to the *WROLA Act 2014* deliver on these commitments by including ecologically sustainable development principles in the purpose of the Water Act, removing the water development option provisions in their entirety and removing provisions to establish designated watercourses. We are very supportive of these provisions of the Water Legislation Amendment Bill 2015 being progressed.

However, we contend that the *Water Legislation Amendment Bill 2015* does not go far enough in the amendment of inappropriate policy settings contained in the *WROLA Act 2014*. Our submission will outline a raft of additional amendments which need to be made to the *WROLA Act 2014*, and include the rationale as to why these amendments are necessary. These amendments need to be included in the *Water Legislation Amendment Bill 2015* and include:

- The removal from the *WROLA Act 2014* of the "granting of a statutory right for miners to take and/or interfere with underground water resources".

- The need to amend the Make Good Arrangements framework in Chapter 3 of the Water Act to ensure it provides fair, equitable and adequate protection to landholders who may have their water bores impacted by the Resources Industry.
- The reinstatement of the previous water planning framework so that the necessary water planning instruments are both effective and transparent to Queensland's water users and the general community.

## 3. Removal of "Statutory water rights for miners":

Approximately 30% of Queensland's consumptive water is taken from underground aquifers and if they are not protected from ridiculous government policy decisions, then their future sustainability is under severe threat. Many town residents and pastoralists in remote parts of Queensland depend on supplies from underground aquifers such as the Great Artesian Basin (GAB) for their daily water supply. If they lose these supplies then they face a dire situation.

Currently in Queensland, Petroleum Tenure Holders are permitted to have unlimited access to "associated and non-associated" underground water in undertaking their petroleum & gas operations. Under the current *Water Act 2000* (Qld), miners are required to obtain a water licence for the taking of or interfering with underground water where the water is:

- Sub-artesian water regulated under a water resource plan or caught by a moratorium notice;
- Sub-artesian water regulated under a Section 1046 regulation; or
- Artesian water.

The *WROLA Act 2014* proposes to extend "statutory underground water rights" available to Petroleum Tenure Holders to the mining industry, for the take and/or interference with "associated water". This means that the mining industry will be granted an automatic right to take unlimited volumes of underground water from Queensland's aquifers for dewatering of mines or evaporation from mine pits. If this "statutory water right" was in existence when the Galilee Basin mines were being assessed for their Environmental Authorities - it means that up to 1770 GL of groundwater will be extracted by these coal mines over their mine life, without any recourse to a Water Act authorisation.

We believe that there is an urgent need for the development and use of a cumulative groundwater model to assess the impacts of multiple mining operations on regional water sources. We are aware that a hydrology model is being developed jointly by the Commonwealth Office of Water Science & the DNR&M to assess cumulative groundwater impacts of the Galilee Basin's mega coal mines. While we welcome this step, we strongly believe that such a tool was required before any of the Galilee Basin coal mine EIS processes commenced, not some 4 years after the initial grant of an Environmental Authority for the first of these mines. We regard the approval of the Galilee mines without the benefit of assessment with a robust cumulative groundwater model as irresponsible and contrary to the long-term interests of Queensland's water users.

We have recently been apprised that CSG tenure holders in the Surat Basin are applying to the Queensland Government to amend their existing Environmental Authorities to allow for the development of tight gas. The impacts of tight gas development have not been assessed or considered in the grant of the original CSG Environmental Authorities. Notwithstanding the unbridled support provided to the CSG Industry by the Queensland Government, we are concerned that the CSG companies will "do deals" with the Queensland Government to have their Environmental Authorities expanded without due stakeholder or public oversight of the potential long term impacts on Queensland's underground water resources. As an example, we are aware that

QGC recently received approval for Environmental Authority EPPG00700113 (effective on 24th November, 2015) for 523 CSG wells and 2 tight gas wells. While we are not aware of the depths QGC will be drilling to for tight gas, we are aware that the Hutton Sandstone (roughly 6oom) and the Precipice Sandstone (roughly 1,200m) are the main sources of water for the Wandoan District's stock & domestic water supplies. It would be a tragedy if these water aquifers were compromised by tight gas development, just as the Walloon sandstone aquifer has been compromised by CSG operations around the Hopelands area near Chinchilla.

We are advised that QGC contended that the DEHP has no proper authority under Queensland environmental legislation to distinguish between the type of petroleum wells to be drilled (including tight gas wells), or to even limit the number of such wells. Furthermore, it should be noted that QCLNG's EIS and SEIS made no mention of tight or shale gas development and the conditional approvals given by Queensland's Coordinator-General and the Commonwealth Government were for CSG extraction only. The recent announcement by Premier Palaszczuk that QGC have been granted approval for an additional 400 wells in the Wandoan area has clearly demonstrated that the CSG industry tail is wagging the Queensland government dog. The additional take of up to 4800ML/annum (12ML/bore/annum) of groundwater by these new wells will have some serious consequences for the Wandoan District's water resources , its water users and the future sustainability of the GAB. Furthermore, we note that the GAB Water Resource Plan 2006 only provided for a total of 200MLof General Reserve Unallocated water in the Surat North Management Area (in which these new wells are located) indicating that this management area was close to being fully subscribed in 2006. This additional take of water by these 400 new wells is clearly outside of the 2006 sustainable limit of take for this management area.

Anecdotal evidence is also emerging that the actual decline of water levels in the Surat Basin affected by CSG operations, is far greater than predicted. We are awaiting the release of the latest UWIR, due in early 2016, for further advice and/or confirmation on this matter.

Both of these examples clearly demonstrate that the future sustainability of Queensland's underground water resources is at significant risk from an unlimited take of water by both the petroleum & gas and the mining industries. While the *WROLA Act 2014* will require P&G operators and miners to either measure or estimate their take of underground water and report this data to the Queensland Government, we contend that the Queensland Government cannot sustainably manage Queensland's groundwater resources if it continues to allow the Resources sector to have an unlimited take. The legacy of this ridiculous government policy decision will be felt for many generations to come.

We believe it is worth reminding our decision-makers that over-allocation of surface water in the Murray Darling Basin (25% of which lies in Queensland) brought Australia's most productive river system to the brink of ecological collapse. Taxpayers are now spending approximately $10 million per day to purchase water and return the Basin's water allocations to sustainable levels. It must be noted that the symptoms of over-allocation were obvious for decades before the necessary actions were taken to avoid a social and economic disaster. We make this point as groundwater is largely 'out of sight and out of mind'. We fear that by the time governments accept that problems of groundwater over-allocation (or contamination) do indeed exist, it may be too late and it will be extremely expensive to remediate the damage caused by irresponsible and irrational policies. Our message here is 'prevention is cheaper than cure' and the application of the "precautionary principle" is paramount.

We contend that the following legislative changes should be made to mitigate against the unsustainable take of underground water by the mining sector:-

- The grant of a "statutory right to take or interfere with associated underground water" by a mine should be removed immediately from the *WROLA Act 2014.*
- The independent authority of the Land Court to hear and decide upon appeals against decisions on water licences, should be retained.
- The impacts of dewatering operations by miners should be assessed and authorised as an integral part of an Environmental Authority and Mining Lease approval process.
- The impacts of mine dewatering (including impacts on groundwater aquifers, landholders' bores and groundwater dependent ecosystems) must be addressed as part of an Environmental Management Plan (EMP)and appropriate conditions must be included in the approved Environmental Authority and Water Act authorisations for a mine.
- The EMP for a mine must identify the quantity and quality of water to be extracted over the life of the mine, as well as the projected cumulative offsite impacts of this extraction.
- Where there are 2 or more proposed mines in close proximity, the Queensland Government should declare a Cumulative Management Area, if significant groundwater resources will be potentially be impacted.
- The development of conceptual and predictive hydrological models to assess individual and cumulative impacts of mining proposals should be undertaken, either by the Queensland Government or by a totally independent service provider. The full cost of this work should be met by the project proponents.
- Any decisions by the Coordinator–General on a mine's Environmental Authority or conditions relating to water use through dewatering operations, must be open to objections and an appeal process. Currently, any conditions imposed by the Coordinator-General pertaining to mine dewatering will be recommended conditions (not imposed conditions) which are directed at the DNRM in respect of a water licence for mine dewatering (ie. not directed at EHP in respect of the environmental authority).

  The Land Court's jurisdiction currently does not allow it to make recommendations to the DNRM. In the Adani case, where the Land Court recommended a prerequisite "make good agreement", it was addressed by the Mines Minister giving the Environment Minister an undertaking that the proposed condition would be imposed on any grant of the mining lease, rather than on grant of the environmental authority as the Court had recommended.

- A requirement should be imposed on all dewatering of mines, however licensed, that requires the miner to immediately stop extracting water if the monitored impacts become greater than the mine's groundwater modelling predicts.
  Miners should be required to enter into Make Good Agreements for all water bores identified as potentially being affected in an underground water impact report. These agreements must be negotiated and registered with the DNR&M prior to a mining tenement being granted. Where a water user's bore is likely to be totally compromised by a mine dewatering operation, we recommend that the owner should have the right to apply to the Land Court for an order requiring the miner to either purchase the water user's property in its entirety; or pay an acceptable compensation settlement. We base this recommendation on the South Australian Petroleum Act where experience has proved that there will be cases where the owner prefers a compensation settlement.

- The "statutory right to take or interfere with underground water" by a petroleum tenure holder should be removed from the *Petroleum & Gas (Production & Safety) Act 2004.* This would place all resource tenure holders on an equitable basis with all other water users, who

wish take large quantities of groundwater for purposes other than Stock and Domestic use. When the *WROLA Bill* was introduced in 2014, the then Minister for Natural Resources and Mines stated that it would align the dealing with water by the P&G and mining industries onto a "common footing". We agree that the P&G and mining industries' access to water should be brought onto a common legislative & policy footing but the granting of unlimited access to underground water is a totally inappropriate "common footing" for the sustainable management of Queensland's precious groundwater resources.

## 4. Fixing the Flawed Make Good Arrangements Framework:

The current Chapter 3 *Water Act 2000* framework for determining Make Good Arrangements is unfair and is denying landholders natural justice in their dealings with the Resources sector. The majority of Make Good Agreements that have been negotiated in Queensland have been between Coal Seam Gas operators and landholders in the Surat Basin. The basic flaws in the framework identified by these agreements include:

- The onus of proof in the assessment of impairment and the reason for the impairment is on the landholder – not the perpetrator.
- The current requirements for baseline tests of landholder's bores are insufficient for proof of impairment in a dispute with the Resources sector.
- There is no obligation on the Resources companies to act in good faith at all times, to engage in negotiations in a positive manner or to fully disclose all available information of relevance to the landholder to enable the landholder to negotiate on an equal footing. Landholders are often engaged in a hostile and intimidating environment.
- There is no capacity to allow landholders to recover reasonable and necessary hydro geologist and water engineer expenses in undertaking make good investigations or during negotiations with the Resources sector. However, the Resources sector utilise this expertise in their negotiations with and intimidation of landholders.
- There is no independent umpire like an Ombudsman process for landholders to refer to for assistance. The Queensland Gas Commission has clearly demonstrated itself to be a direct arm of government and is not trusted by landholders.
- There are no appropriate penalties for a breach of a Make Good Agreement by a mining company. An extension of Section 276 of the *Mineral Resources Act 1989* stating that a breach of a Make Good Agreement is a breach of a Mining Lease would be a good start.
- There is no ability to revisit a Make Good Agreement at any time that fairness and equity (as determined by a Court) so warrant, regardless of the provisions of the agreement.

To address these statutory flaws we recommend the following changes be made to Queensland's Make Good Framework for the Resources sector:

**The Onus of Proof:**

- ✓ The Resource Tenure Holder is required to carry the onus of proof and be obliged to demonstrate to all parties, that either the bore was not impaired; or that the resource activities were not the major or entire cause of the impairment of the bore(s).

**Obligations:**

- ✓ All baseline assessments of landholder's bores, ongoing monitoring, setting of trigger values, technical investigations and make good actions specified below are required to be arranged

and paid for by the Resource Tenure Holder and conducted and delivered through an independent, suitably experienced and qualified hydrogeologist (Independent Expert).

- ✓ The Resource Tenure Holder is to promptly provide the Bore Owner with each of the Independent Expert's reports described below.

**Baseline Testing and Assessment:**

- ✓ Baseline testing to be undertaken at new minimum standards requiring at least:
  a) Standing Water Level (SWL) measurement (no exceptions). The Independent Expert (at the Resource Tenure Holder's cost) to make any necessary modifications to bore equipment to facilitate SWL measurement (unless the Bore Owner unreasonably refuses to permit the modifications in which case such bore(s) will be excluded from the make good arrangement).
  b) For bores that are equipped with electric or engine powered pumps (including those equipped with a pump jack), continuous pumping (for X hours) and recovery tests to assess specific capacity (ie. a short-form version of sustainable yield test).
  (i) A full sustainable yield test is desirable and may be adopted as an alternative if the Resource Tenure Holder and the Bore Owner agree.
  (ii) Data loggers to be installed in all equipped bores at the time of baseline testing.

- ✓ Full water quality tests to be undertaken in accordance with current industry standards.

- ✓ Gas intrusion test to be undertaken to measure the % for Lower Explosive Limit (LEL).

- ✓ A comprehensive assessment and documentation of the bore and its infrastructure including:
  (i) a detailed inventory of bore equipment and capacities, including water storage tanks, reticulation pipelines, troughs, etc;
  (ii) the grazing area and the number of stock the bore is supporting;
  (iii) for bores supplying irrigation water, as in (i) and (ii) above with any necessary changes;
  (iv) measurement (or an estimate, if it cannot reasonably be measured) of pumping and recovery performance, including data logging results if available;
  (v) records of any relevant pumping yield or pumping capacity or water quality data provided by the bore owner;
  (vi) an assessment of reserve capacity, if any, over and above existing usage;

- ✓ For bores that are unequipped as at a baseline assessment date, install a temporary pump of appropriate capacity to test for the specific sustainable pumping capacity. Also conduct SWL, water quality and % LEL tests.

- ✓ On receipt of the Independent Expert's Draft Baseline Assessment, either party may, within 15 business days, respond to the Independent Expert seeking clarification of any aspect of the assessment or request for any additional information.

- ✓ Upon the receipt of the Final Baseline Assessment, both parties will be taken to have accepted the assessment. The parties shall have 15 business days, to refer it to a dispute resolution process. In the event of a dispute, the Final Baseline Assessment (as accepted by the parties or as determined through a dispute resolution process) will, if required, be used as evidence of the baseline qualities of a bore.

**Trigger Values:**

- ✓ Interim Trigger Values for each equipped bore - specific capacity (or sustainable yield if the parties have consented to that as an alternative), water quality, and gas intrusion (ie. % LEL) to be set by the Independent Expert upon completion of the Baseline Assessment process.

- ✓ Final Trigger Values are to replace Interim Trigger Values for each bore as and when the Independent Expert (or the OGIA in a Declared CMA) considers that sufficient monitoring data is available on which to determine these values.

- ✓ Either party may refer an Interim Trigger Value or a Final Trigger Value to a dispute resolution process.

**Monitoring:**

- ✓ The ongoing regular monitoring of all equipped bores should be mandatory and undertaken, at time intervals determined by the Independent Expert. Monitor should be for all baseline parameters and include the downloading of data loggers.

- ✓ The monitoring of unequipped bores should be limited to Standing Water Level and Gas Intrusion.

**Investigation:**

- ✓ If monitoring shows one or more Interim Trigger Values or Final Trigger Values is reached or exceeded, the Independent Expert will review the data and investigate (as necessary) in order to notify the Resource Tenure Holder and the Bore Owner of his or her determination of:
    a) the scale of Trigger Value exceedance,
    b) the Independent Expert's determination as to whether the exceedance results from the Resource Tenure Holder's activities, or if not, the actual cause,
    c) whether there is a requirement for Make Good, and
    d) an opinion as to whether and in what way(s) it is feasible to Make Good by restoring the water supply at baseline values or better.

- ✓ Either party may refer the Independent Expert's determination to a dispute resolution process.

**Bore Owner's Trigger:**

- ✓ Notwithstanding that an ongoing monitoring program is in place, if at any time a Bore Owner considers that a Bore has become adversely affected because of the Resource Tenement Holder's activities - to the extent that one or more Trigger Values have been reached or exceeded - the Bore Owner may give notice, together with supporting information, to the Tenement Holder.
    a) Unless it can demonstrate that the Bore Owner's claim of damage is manifestly untrue, the Tenement Holder must promptly arrange for the Independent Expert to carry out appropriate investigations.

b) If after preliminary investigations the Independent Expert confirms that one or more Trigger Values have been reached or exceeded, then a full Investigation procedure must be promptly initiated.

**Make Good Commissioner:**

- ✓ Establish a statutory position of a Make Good **Commissioner** to provide an independent and credible framework for the resolution of disputes concerning baseline assessments, trigger value determinations or make good determinations arising from the processes described above.

- ✓ The Commissioner should preferably be qualified and experienced in groundwater assessment and management, as well as dispute resolution processes, and could perhaps be a Member of an existing judicial body seconded as a Make Good Commissioner.

- ✓ The Make Good Commissioner should also be empowered to call on the CSG Compliance Unit of DNR&M to provide detailed assessments of relevant bores and to make its Officers available for examination. All material provided by the CSG Compliance Unit to the Commissioner must also be provided to the relevant Bore Owner and Resource Tenure Holder.

- ✓ The Make Good Commissioner should not be bound by the rules of evidence or formal hearing procedure, just the best practice Alternative Dispute Resolution (ADR) rules. The legislation should specify that, due to the nature of groundwater issues, the Commissioner's determinations may, of necessity, rely to an appropriate extent on circumstantial evidence and expert opinion regarding matters arising in disputes.

- ✓ Where satisfied that make good by the Resource Tenure Holder is necessary and is feasible, the Commissioner would so order. If requested by either party, the Commissioner could make orders as to the form of make good that is required to be undertaken by the Resource Tenure Holder.

**Costs:**

- ✓ Where a dispute is referred to the Make Good Commissioner, the Bore Owner's reasonable costs of technical and legal representation and advice in formulating and pursuing their claim, must be paid, by the Resource Tenure Holder - unless the Commissioner finds that the Bore Owner's claim was manifestly without merit or that the Bore Owner behaved frivolously or vexatiously. The Resource Tenure Holder must bear their own costs of the dispute resolution - regardless of the outcome.

**Compensation:**

- ✓ Where satisfied that make good is an appropriate remedy, but it is not feasible, the Make Good Commissioner would order, at the same time as ordering a period, for which the parties have not reached agreement on compensation, either party may apply to the Land Court to have compensation determined.

- ✓ The basis upon which the Land Court would determine compensation would be:
  - A before and after comparison of the market value of the Bore Owner's property

- Any costs incurred by the Bore Owner arising from disruption of their water supply, such as:-
    a) Costs of emergency or temporary alternative water supply.
    b) Costs of mustering or moving or otherwise attending stock, or
    c) Costs reasonably and necessarily incurred for advice and representation, including formulation of a Trigger Notice, Dispute Notice and related representation

✓ Any losses incurred by the Bore Owner, such as :-
    a) Deaths of livestock.
    b) Loss of sales, or lower value of sales of stock or crops.
    c) Reduced production from stock or crops, or
    d) Consequential losses to the Bore Owner's business.

**Timeline for Make Good Agreement:**

✓ Before commencing any dewatering operation through the taking of groundwater from a bore or the dewatering of associated water from a mine pit, the Resource Tenure Holder must enter into a Make Good Agreement with the owner of every bore which may potentially be affected at any time (including after closure of the Tenement Holder's project) by the Resource Tenure Holder's dewatering operations.

✓ A Bore Owner, who considers their bore(s) is/are at risk from dewatering operations by a Resource Tenure Holder who has not settled a Make Good Agreement, may apply to the Make Good Commissioner who may order that a Make Good Agreement is required and the dewatering must cease, until such an agreement has been signed.

**Cumulative Impact Assessments:**

✓ The need to undertake rigorous and high integrity cumulative impact assessments prior to the grant of a Resources Tenure is an essential element of any assessment process. This includes the development of high integrity hydrology models to undertake predictive assessments of cumulative impacts. This must be reflected in a change to the *WROLA Act 2014.*

**Counselling and support:**

✓ The processes of negotiating land access and make good agreements with Resources Companies can be extremely stressful, as evidenced by the tragic death of Hopelands landholder George Bender. We believe there is a compelling case for the provision of professional counselling and psychological support for landholders who become overwhelmed by the process. These services should be a statutory requirement and funded by the Resource Companies who benefit from access to land and water resources. We propose that this be known as 'the George Bender Provision'.

*The authors wish to acknowledge the contribution of George Houen, Landholder Services, for significant input into these provisions for fixing the Make Good Arrangements Framework.*

## 5. Reinstating Queensland's Water Planning Framework:

The *WROLA Act 2014* introduced a new water planning framework for Queensland. It replaced the old 2 plan framework of a Water Resource Plan (which detailed the strategic management of water

resources in a catchment or river basin) and a Resource Operations Plans (which detailed the day to day requirements for managing the catchment's or basin's water resources) with five (5) new and different instruments. These changes were ostensibly made to reduce "regulatory burden" and to also reduce "red tape". We categorically reject these claims.

The *WROLA Act 2014* framework has:

1) a Water Plan for defining the allocation and management of a basin's or catchment's water resources,
2) a Water Management Protocol for outlining operational matters such as water sharing rules,
3) a Water Regulation for dealing with the release of unallocated water,
4) a Water Entitlement Notice for the issuing of a water allocation and
5) an Operations Manual for the management of regulated water resources released from a State or Council owned water storage.

These instruments provide all the details on what was concisely presented in the previous two (2) plan framework.

Stakeholders who wish to investigate the specific details of water entitlements are now faced with a bureaucratic nightmare in securing all of these new water planning instruments and then undertaking the necessary cross referencing to ascertain what they exactly contain and mean. Stakeholders will become totally confused and frustrated with this new water planning framework. Even Departmental Officers have admitted that it is a "dogs breakfast" and difficult for them to administer.

The Explanatory Notes to the Water Legislation Amendment Bill 2015 outline that the objectives of the amendments to the *Water Reform and Other Legislation Amendment Act 2014 (WROLA Act)* are to:

- ensure provisions for water planning instruments appropriately transition existing instruments and processes into the new water planning framework and that the new framework can operate effectively.

We contend that the reinstatement of the old two (2) plan framework, which was recognised as one of the best water planning frameworks in Australia, will ensure that Queensland's water planning framework can operate effectively. We vigorously advocate that their reinstatement be included in the *Water Legislation Amendment Bill 2015.*

Signed: Sarah Moles:

Tom Crothers: