



17 December 2015

Ms Erin Pasley
Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Pasley

Submission for the Water Legislation Amendment Bill 2015

As the peak body representing Queensland councils, the Local Government Association of Queensland (LGAQ) appreciates the opportunity to provide comment on the Water Legislation Amendment Bill 2015 (the Bill).

The Association previously supported amendments to the *Water Act 2000* (Water Act) and other legislation through the *Water Reform and Other Legislation Amendment Act 2014* (WROLA Act); primarily as a means to update the water allocation framework and for the notable reduction in administrative burdens. Though the Bill seeks to reverse some of those amendments, the position of local governments remains the same - that water is a resource that should be shared equitably across each region through institutional arrangements that best facilitate efficient service delivery and resource use.

Some of the provisions proposed in the Bill represents a change back to principles originally enshrined in the legislation, and the delivery of an election commitment by the current Government. The LGAQ supports a balanced approach to water allocation, which includes ecologically sustainable development that assures water security. Thus, the Association supports the change to the Water Act to reinstate the principles of ecologically sustainable development in the purpose and replace the term "responsible and productive management" with "sustainable management" throughout.

While the LGAQ did not comment previously on the water development option or the designated water course provisions included in the WROLA Act, the Association does not support the allocation of water beyond the quantities identified in existing water resource plans, nor the discretionary allocation of large amounts of water without public consultation. Although the implementation of the Water Development Option was problematic under the proposed legislative changes, the need to address future large infrastructure demands for both planning and delivery remains.

Considerations about development are a fundamental part of local governments' role, and economic development requires a reasonable surety about the availability of water resources needed. Local governments endorse the importance of establishing a water resource framework that ensures that no community is substantially disadvantaged in terms of basic access to water, and provides fair and transparent processes in distributing water entitlements. As the current Water Development Option does not provide for a fair or transparent process, the Association supports its removal at this time. However, the LGAQ would encourage the State to continue to find a more agreeable way to ensure water resources are available for those with a need for them in the future.

With regard to changes to the *River Improvement Trust Act 1940* proposed in the Bill, the LGAQ questions the addition of powers granted to the chief executive to direct the trusts (i.e. section 10). As stated in the Association's previous submission, local governments have a strong and vested interest in the protection and appropriate management of Queensland's waterways, and have worked cooperatively with relevant State government agencies to achieve improvements for the last 70 years.



Further, River Improvement Trusts are both comprised of and funded by local governments, so they should be left to achieve their purpose without unwarranted interference by the State.

The additional powers granted to the chief executive to direct the trusts may permit unreasonable and unchecked obligations that local governments are unable to fulfil. For instance, the power to direct a trust to undertake a work may commit the Trust to fund the delivery of infrastructure or monitoring programs that are beyond the capacity of current funding arrangements. Such a commitment could also pre-empt existing plans for other works deemed more important by the Trusts by directing resources and funding away from them. These powers may also provide a mechanism for the chief executive to devolve responsibilities to the trusts that should more appropriately reside with the State. The Association would seek for the Committee to strongly consider the need for the additional powers granted to the chief executive under this Bill.

Appropriate consultation and opportunities to comment are strongly encouraged by the LGAQ, especially in matters where local government has a clear interest. Indeed, the Association would like to acknowledge the efforts of the Department of Natural Resources and Mines (the Department) in engaging stakeholders in the process of drafting this bill through initiatives like the Water Engagement Forum and the preparation of materials to educate the public about these changes.

Should further information on any aspect of the Association's response be required, please contact Ms Simone Talbot, Manager Advocate – Infrastructure, Economics and Regional Development on (07) 3000 2246 or Simone_Talbot@lgaq.asn.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Greg Hoffman', written in a cursive style.

Greg Hoffman PSM
GENERAL MANAGER - ADVOCACY