



STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:

Mr CG Whiting MP—Chair
Mr JJ McDonald MP
Mr MJ Hart MP
Mr JE Madden MP
Mr TJ Smith MP

Staff present:

Ms S Galbraith—Committee Secretary
Mr B Smith—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE WATER LEGISLATION AMENDMENT BILL 2022

TRANSCRIPT OF PROCEEDINGS

MONDAY, 24 OCTOBER 2022

Brisbane

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The committee met at 11.02 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Water Legislation Amendment Bill 2022. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people, whose lands, winds and waters we all share. With me today are Mr Jim McDonald, member for Lockyer and deputy chair; Mr Jim Madden MP, member for Ipswich West; Mr Michael Hart, member for Burleigh; and Mr Tom Smith, member for Bundaberg. Robbie Katter MP, member for Traeger, is an apology for today.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that departmental officials are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website and social media pages.

BARBELER, Ms Leanne, Executive Director, Water Act Initiatives, Department of Regional Development, Manufacturing and Water

BUTLER, Mr Hamish, Acting Executive Director, South Region, Department of Regional Development, Manufacturing and Water

DOUGLAS, Mr Jason, Director, Policy and Legislation, Department of Regional Development, Manufacturing and Water

STILES, Ms Toni, Director, Water Management Implementation and Measurement Initiatives, Department of Regional Development, Manufacturing and Water

VERRILLS, Mr Theo, Manager, Environmental Policy and Legislation, Department of Environment and Science

CHAIR: Welcome. I invite you to make an opening statement, after which committee members will have some questions for you.

Ms Barbeler: Good morning, Mr Chair and committee members. Thank you for the opportunity to provide the committee with a briefing on the Water Legislation Amendment Bill 2022. The Water Legislation Amendment Bill 2022 delivers a key milestone in the Queensland government's commitment to improve water management and compliance. The bill also ensures regulatory frameworks for water management remain effective over time.

Firstly, the bill amends the Water Act 2000 to establish the legislative heads of power to support implementation of Queensland's strengthened non-urban water measurement policy. The introduction of the bill demonstrates that the Queensland government is delivering its commitments, both in response to the independent audit of Queensland non-urban water measurement and compliance and under the Murray-Darling Basin Compliance Compact.

The bill amends the existing metering framework in the Water Act to broaden its scope so that more contemporary measurement devices and approaches can be used to measure non-urban water take. The amendments provide the necessary heads of power so that the policy's strengthened

measurement requirements can be applied on-ground. This will ensure the department has more accurate and timely information about who is taking water and how much is being taken. It will also ensure those taking more than their share can be held to account.

The measurement requirements will apply to water entitlements to take surface water and underground water, including overland flow water. Application of the framework will focus on entitlements where the take of water is subject to a limit on the volume of water that can be taken. The bill will establish powers for the use of measurement devices for simple measurement situations such as pumping from a river. However, in situations where measurement is more complex—for example, if there are multiple sources of water being taken—measurement plans will be required. The bill includes provisions that will enable improved reporting of water-take information such as meter reads. This will include requiring telemetry devices to be used on certain surface water entitlements, focused initially on the Queensland Murray-Darling Basin, to transmit meter data in near real time to the department.

To ensure appropriate standards of measurement and reporting, the bill provides that technical standards and guidelines can be made to support implementation of measurement requirements. This will ensure that the take of water is measured consistently and at a high standard and that there is confidence in measurement information. The bill also provides that only duly qualified persons with the relevant experience and expertise will be able to validate or certify that measurement devices and measurement plans are compliant. With the broadening of the measurement framework beyond metering, the bill will also amend and strengthen measurement offence provisions. This will support appropriate compliance action when water users do not meet their measurement requirements.

The strengthened water measurement policy being given effect by the bill was developed through extensive statewide consultation by the department over the last three years. The department engaged with peak bodies, industry groups, representative irrigator groups, individual water users and the community, listening and responding to their feedback throughout. This feedback showed there was strong support for better accountability for water use, broad acceptance that water measurement is the key to fairer and more accountable water use and strong support for taking a risk-based approach to implementation.

The costs associated with the proposed measurement requirements were also a key concern to water users. The department has taken steps to address these concerns and has sought to minimise costs for water users through certain actions. With telemetry being a new initiative, the Queensland government has secured Australian government funding for a telemetry subsidy. This subsidy will support water users in the Queensland Murray-Darling Basin to install telemetry equipment on their water meters, significantly reducing the costs associated with meeting this new requirement. The strengthened water measurement policy and its implementation through the regulatory framework introduced by this bill will strike a balance between the need to strengthen water measurement and water user concerns about the potential costs associated with metering and telemetry. The regulatory approach to measurement enabled by the bill is generally consistent with other states and aligns with the national assurance framework for non-urban water meters.

Consistent with the existing metering provisions, this bill will be supported by future Water Regulation amendments. These future amendments will detail operational and administrative requirements necessary to give effect to the strengthened water measurement framework. The department will continue to actively engage with affected stakeholders, peak bodies and representative groups in the development of these regulation amendments.

Moving on to the other amendments in the bill, the bill amends the Water Act to improve and modernise administration of water authority boards. The amendments provide for temporary suspension of a category 1 water authority board director who is poorly behaved or has neglected or is incapable of fulfilling their duties. Swift action is currently not possible, despite these being large organisations and with significant capital assets and large expenditure programs. Permanent removal of a director by the Governor in Council is the only avenue currently available, which is why a more timely and temporary approach is being proposed. Category 1 water authority boards, Mount Isa Water Board and Gladstone Area Water Board were consulted about the proposal and raised no issues. Other water authority board amendments support the effective board administration such as in relation to arrangements for dissolution of a water board and maximum appointment terms for board members.

The bill also improves decision processes for water licence applications. Applications that would increase the resource impact of a water licence are already considered through a full assessment process. The bill ensures the chief executive can consider and decide certain additional applications such as an application to remove or amend conditions. This is important to safeguard

other water users, environmental water needs and the public interest. Transitional arrangements that are retrospective in nature are necessary as a part of this amendment to minimise the potential for applications between the introduction of the bill and its consideration by parliament.

The bill includes amendments to provide for enhanced wet season preparedness in the way emergency action plans for Queensland's 111 referable dams are managed. Emergency action plans are currently required to be submitted by referable dam owners to the chief executive by 1 October each year. To make this process easier to manage and better respond to unforeseen circumstances—for example, natural disasters such as fires, floods and cyclones—the bill provides for the chief executive to nominate an alternative date for referable dam owners to submit their emergency action plan for review. For example, large dam operators like Sunwater and Seqwater could be requested via notice to submit their plans at an earlier date so all necessary reviews and approvals can occur in time for the start of the annual wet season. Sunwater and Seqwater have been consulted on this amendment through the department's stakeholder representative group, the Water Engagement Forum, and dam safety newsletters. No issues have been raised.

The bill makes minor operational amendments to improve underground water management on behalf of the Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs. Minor operational amendments are also made to the Water Act, the Water Supply (Safety and Reliability) Act 2008 and the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 to improve their operational efficiency. Amendments to publishing requirements will modernise notification, public inspection and publishing arrangements, including to provide alignment with the Financial Accountability Act 2009 and preferencing online publication.

A statement of compatibility under the Human Rights Act 2019 has been prepared for the bill. Measurement proposals engage the right to property and publishing proposals the right to participate in public life and freedom of expression. An assessment of the impacts shows that, on balance, any impacts are considered reasonable and demonstrably justifiable in the circumstances.

The bill has been drafted having regard to fundamental legislative principles. While some amendments infringe these principles, infringements are considered justified and appropriately constrained. Existing regulation-making powers have been extended to allow the Water Regulation to detail the operational and administrative requirements for implementation of the strengthened measurement policy. This will ensure catchment-specific requirements can be provided and the requirements keep pace with national standards and industry feedback. These regulation-making powers are appropriately defined and constrained to provide parliamentary visibility. Consequential amendments to offence evidentiary and entry provisions are also necessary to support policy implementation.

The department's Water Engagement Forum, comprising stakeholder representatives including Queensland Farmers' Federation, AgForce, Queensland Conservation Council, Queensland Resources Council, Growcom and Local Government Association of Queensland, has been informed about the proposed amendments and there is general support for these amendments. The department will continue to seek input from the forum, including to support implementation of the bill's proposals. Thank you.

CHAIR: My first question is on that last point of the engagement forum, which was with Queensland Farmers' Federation, AgForce, the Resources Council, Growcom, environmental bodies and LGAQ.

Ms Barbeler: Correct.

CHAIR: How long has this been before them? Have there been long discussions in this forum? How often does the forum meet?

Ms Barbeler: The forum does meet regularly, approximately once a month. We have had a number of conversations with the Water Engagement Forum about the proposals in the bill. The measurement elements of the bill have been under discussion for several years as part of those conversations.

CHAIR: Each of those members of the forum have obviously had a chance to raise some issues. What issues have been raised and how have they been addressed?

Ms Barbeler: Broadly speaking, there is broad support for actually improving accountability for water take. The key issues that we saw come through were around the potential cost for implementation. As I have mentioned earlier, certainly there are a number of actions that we are taking to reduce the cost for implementation. There are a number of actions that I am happy to go through at some point. That was one of the key issues. The other key issue that was raised is around transitional arrangements. We have quite a number of existing meters in place for irrigators and

various other water users and there was concern around ensuring that appropriate arrangements were put in place so that they were not burdened with additional cost unnecessarily. The other issue that was raised was around telemetry, telemetry being a new initiative in the measurement space. It certainly was something that was initially of concern to them. Some changes that were made through the policy and the bill will ensure that telemetry is only applied to the highest risk areas in the state initially so that we are able to move through that and recognise the focus areas are the Queensland Murray-Darling Basin to start with where there are commitments to improve access to information.

CHAIR: In terms of the cost, obviously there was a cost and that was one of the main issues. I note in the briefing there are two programs and \$22.7 million available to implement these programs. Is that across Australia, those particular programs?

Ms Barbeler: There are two separate programs run concurrently across three years. The program of work focuses on elements of our Rural Water Futures program, which is a transformational program which improves things such as strengthening measurement and improving data systems, access to information, transparency and compliance. The majority of the things we are delivering under those programs are actually leveraged and able to be benefited across the state. The one key element that is very relevant for these proposals is the telemetry subsidy. That particular subsidy is only focused for the Murray-Darling Basin. That is because we are only introducing telemetry requirements in the Murray-Darling Basin.

CHAIR: After feedback from the forum, you talked about changing things so it is only those areas of risk. You mentioned specifically the Murray-Darling Basin. Is there anything more you can let us know about what makes an area of risk? What will be used to calculate or determine where those risks are and therefore the telemetry will go there?

Ms Barbeler: Part of our policy arrangement is that we will be taking a risk-based approach. There is a range of documentation which we have published that gives us a framework to determine the risk for catchments, and we have that framework set across the state, where we are essentially looking at the risk to the resource. Those documents will be used to determine risk. I might see if my colleague Toni Stiles would like to provide any additional information about that framework, because that is really what is driving how we made those decisions.

Ms Stiles: The risk assessment is based at a catchment level across the state. We looked at things like what is the level of allocation, so is the majority of the water allocated? We looked at the level of compliance, whether there was the opportunity to trade and those kinds of questions. That then enabled us to determine whether there was a high risk to the resource in those particular areas. We have published that catchment risk assessment, as Leanne mentioned. The highest risk area is the Queensland Murray-Darling Basin. That is because, in answer to all of those questions, there was a high level of allocation, some compliance issues and also an ability to trade. It also follows an ISO standard for risk assessment, so there were those basic standards applied to the risk assessment as well. We used that information to make decisions on our policy—for both how we would implement and the time frames for implementation—but we also used it to apply the requirements. For things like telemetry, for example, we are only requiring it in that high-risk area, which is the Murray-Darling Basin, and not across the lower risk areas across the state.

CHAIR: In terms of risk, is it about availability of resource—if there is a risk that that resource may not be available to a variety of users?

Ms Stiles: Correct, the pressure on that water resource.

CHAIR: Obviously there is a fair bit of federal money available for that. Is accessing that reliant on us passing these regulations and these amendments? We will not be able to access that unless we do that?

Ms Stiles: In terms of the telemetry subsidy, no, it is not reliant on the regulations. Obviously that would provide an impetus for people to sign up. There might be a bit more enthusiasm if it was a regulatory requirement. We believe that it is a good practice and it is a good tool to have in that highest risk area, so the subsidy will be available prior to the legislation going through.

Mr McDONALD: Thank you very much for being here today. In terms of what we have just been talking about—higher risk areas—is that embedded in legislation or is that a process that you are using as an action plan or prioritisation tool?

Ms Barbeler: It is a published document that is not currently in legislation. Using the risk-based approach is certainly in our policy, which has been published. In due course, when decisions are made based on the risk assessment that we have published transparently, the Water Regulation will actually identify which areas have been prioritised. The other important element here is that we have published an implementation plan. The risk assessment has been used to prepare an implementation

plan which really transparently, for the next number of years, shows exactly which areas we are going into. Then the regulation in time will be amended to recognise that particular areas have been metered and are metered entitlements.

Mr McDONALD: Do you have a draft one of those that we could see?

Ms Barbeler: The risk assessment?

Mr McDONALD: Yes.

Ms Stiles: I do not have a copy but we could certainly make that available.

Mr McDONALD: Take that on notice?

Ms Stiles: Yes.

Mr McDONALD: This is a copy of the Murray-Darling Basin. It is a very big area. Is the intention to identify these catchments as high risk or are you actually going down into subcatchments—for example, the Paroo or the Moonie or the Condamine Balonne or the Border or Warrego? Are you going down into subcatchments from that or are you going to identify each of those so it is a very big animal?

CHAIR: Would you like to table that document?

Mr McDONALD: I am happy to table that.

Ms Barbeler: I will just start by acknowledging and adding to our answer before around whether the risk areas are in legislation. Although the catchment risk assessment is not specified in legislation anywhere at this point in time, the Queensland Murray-Darling Basin plans are specified in subordinate legislation as no growth, so they are already highlighted and recognised as high risk because of those things. In relation to the depth of the risk assessment, I will call on my colleague Toni to answer that.

Ms Stiles: In terms of the decision-making for the policy, that was based on the catchment risk assessment and it is a catchment level risk assessment that is published. When we looked at aspects such as telemetry, for example, we did look at whether there were different risk hotspots or different levels of risk, for example, within the Queensland Murray-Darling Basin. That was one of the considerations, again, in how we determined where would be the most appropriate requirements for telemetry. That is why telemetry is limited to the surface water entitlements—because they were of a higher risk than, for example, the groundwater entitlements in the Murray-Darling Basin.

Mr McDONALD: You referred before to the simple and complex measure of water. Could you expand on that for us?

Ms Barbeler: A simple measurement is essentially where there is a pump on a river, or one source of water, and simply one area to manage. More complex measurement comes into place where, for example, on a property scale, the property is using a number of different water sources such as watercourse water, potentially groundwater, overland flow water—a number of different mechanisms to capture overland flow water, and in that case the measurement plans are required. The measurement plans essentially give the ability to have a more holistic view of what water is taken on the property and can calculate measurement. For example, looking at overland flow storages, there are a number of techniques that are used, but it gives a holistic property measurement where there are a number of sources to be managed. I might hand to Toni to add to that.

Ms Stiles: I think in the complex arrangements what is really important is that ability to have the simple measures—the meter as we understand a simple arrangement—but also, with having methodologies or estimations added into the complex arrangements, we can ensure that water is only measured once, because there are quite complex water movements particularly on a number of farms. We just want to make sure we are measuring it once and we are measuring it accurately.

Mr McDONALD: That will be a challenge, hence the earlier question about the micro catchments. Nobody argues that we should not have efficient and responsible use of water. We certainly agree. Farmers agree. The ones who have talked to me are concerned about having an entitlement of a number of megs of water, whether that be overland flow or other take, taken off them through science rather than a buyback process. Each one of those megs—and some farms have thousands of megs of water allocations—ranges between \$2,000 and \$3,000. Losing 10 meg or 20 meg is a capital investment in that farm. Can you assure those farmers that you are not going to take entitlement off them without compensation?

CHAIR: You are verging into opinion on policy, but feel free to furnish what you can in your answer.

Ms Barbeler: Thank you. There is just a short answer from me, I think, on that one. Our framework provides significant security for our water entitlement holders, and the best available science is used for the calculation of the entitlements and the determination of the volumes that can be applied and utilised. That measurement, and particularly the overland flow measurement if that is the risk area you are mentioning, will allow us to ensure that the fair share, or the share that the entitlement holders are entitled to, is not eroded by others in the area that may be taking over and above their entitlements. That is what our framework provides, and overland flow measurement plans will really boost that ability and the security.

Mr McDONALD: Through your risk process or prioritisation, will you be targeting the larger users first?

Ms Barbeler: I will hand to Toni to talk to that.

Ms Stiles: We haven't differentiated between the sizes. The risk profile covers the particular area, irrespective of the size of the entitlement.

Mr McDONALD: The last question I have is regarding cost. We have been through the water resource plan in Lockyer over the last few years and we can get a local technician to put an approved meter on for \$2,000. Unfortunately, farmers are being charged quite a lot more than that. What other funding sources are available to make sure the meters or the telemetry is being put in at low cost? You mentioned a telemetry subsidy and you said there were some other approaches.

Ms Barbeler: Other approaches more to give consideration to, for example, the arrangements in the standards and the policy indicating that for now we are looking to require pattern approval for meters under 600 millimetres. That is another mechanism that we are using. Pattern approval for meters over 600 millimetres are quite expensive at the moment. We are looking at a transitional pathway to get to a point to ensure that meters over that size have time to go through the process and become competitive in price. That is one of the other key things we are doing to reduce costs. Around the installation, we are putting some mechanisms in and around that to ensure the regulation of installers and validators, for example. I might hand to Toni to see if there is anything in there that supports the cost issue.

Ms Stiles: I am happy to go through a few items. In using the risk approach, what that essentially means in terms of costs is: where we have those lower risk areas, there is time before the requirements will reach our water users. It just gives the amount of time that we could for people to be able to plan any costs. The transitional arrangements that Leanne mentioned around being able to use existing meters were a significant concern during consultation, so the ability to go through a process where those existing meters can be used if they meet the standards was very well received.

We have also applied thresholds and exemptions from metering. Low-volume, low-risk take will not be required to have a meter. We are also applying exemptions to things like public facilities, educational facilities and those types of businesses. In terms of the pattern approved meters, as Leanne mentioned, in the big sizes we have allowed the use of non-pattern approved meters at this point in time. That is on the basis that we need to do some more work to examine the costs and benefits of those meters. It also acknowledges that there is work happening at the Commonwealth level to increase the availability of those meters in those large sizes.

In terms of the telemetry subsidy, which we have also mentioned, we are working closely with the Commonwealth government on assuring the competency of the certified people who go out to make sure that the meters comply with the standards. There is work happening in that space. We also work with Irrigation Australia—the body responsible for certifying those meter validators—to ensure they are only going out once to do the job and it is done properly.

Mr McDONALD: Who will be doing that work? Is it done by private people? Are local businesses doing that?

Ms Stiles: Yes, a lot of them work for local irrigation companies, for example.

Mr McDONALD: And having certification is great.

Ms Stiles: Yes.

Mr McDONALD: It is hard enough getting consistency over a 100ml magnaflow or other mechanical device, let alone 600ml.

Mr MADDEN: Do other states have similar legislation to this? If so, which states do?

Ms Barbeler: Yes, they do. Our state has quite similar legislative changes that we are putting in place. They are at least comparable to the other states. There are other states at different time frames and certainly other states have gone through different challenges, but we are learning from those challenges as well. Some of them are a little ahead of us but they are comparable. Toni, would you like to add to that?

Ms Stiles: Yes. In terms of the jurisdictions, New South Wales is the government that we worked with most closely. We do have a lot of water users on the border so, ideally, we would subject them to very similar requirements, which is what we have been aiming to do. As Leanne said, we have learned from them because they are a little ahead of us. We have been able to take on board their learnings, which has been very valuable. Our transitional arrangements—for example, for existing meters—are almost identical to those in New South Wales. Where we can, we have tried to align those requirements.

Mr MADDEN: There is a phrase used in explanatory notes—‘take’. It mentions ‘non-urban water take’ and ‘measure the taking of’. When we use that word, I presume we are talking about farmers taking water to irrigate and to store water, miners taking water to do whatever they do with it but also townships taking water. Are they the basic groups that we are dealing with in this bill?

Ms Barbeler: It is essentially anyone taking water from a watercourse or surface water or underground water, including overland flow water. There are some different levels of regulation. For example, for town water supplies we set aside some water in plans to recognise the importance of those things. It is essentially anyone taking water for a consumptive purpose. Importantly, as Toni mentioned, there are some exemptions. If it is a small-scale take—for example, under five megalitres—it is recognised that they will not be required to have metering or a measurement requirement. Things like public amenities and small-scale uses like that are recognised as not requiring them. It is essentially anyone taking it for a consumptive purpose.

Mr MADDEN: You talked in your opening address about underground water. I presume you meant aquifers?

Ms Barbeler: Correct.

Mr MADDEN: Does this bill apply to areas where water is taken from aquifers but is currently unregulated?

Ms Barbeler: If there is no requirement for a water entitlement then there is essentially no requirement to meter on that water entitlement.

Mr MADDEN: My final question is a difficult question. Does this bill make it easier to prosecute people who take water illegally?

Ms Barbeler: Certainly the bill provides significant triggers and mechanisms to ensure we can improve the quality of the meters that are installed across the state. It improves and increases the coverage of where we have meters across the state. Part of the legislative change and some of the other work that the department is doing will ensure that the information that comes in is secure and is transparently provided back to water users and supports the evidentiary requirements for prosecution. Telemetry will provide real-time access to information, which means we can have responsive compliance action where required.

Mr HART: Has the department done any modelling to see whether the revenue stream from water may change under these changes?

Ms Barbeler: I might ask for clarification about ‘the revenue stream’.

Mr HART: I am trying to figure out whether this is about revenue or water take or environmental issues. Has there been any consideration that this may bring more money into the government from being able to measure the take versus what we are doing now?

Ms Barbeler: There is no current proposal to increase the revenue of the government that is a part of this. This bill is certainly about improving measurement to ensure we have transparent access to information and we are a responsible manager of water.

Mr HART: I am glad to hear it. I am a bit confused. If we give exemptions to some people and if we are looking to see how much water has been taken out of our river system, why would we not want to get all that information? Why would we want to give an exemption to local government, education facilities and the other entities you mentioned before? Have you done any modelling to see how many small offtakes there are? I imagine a group of small offtakes would add up very quickly to a big offtake. Have you done any modelling of that? Expanding on that, is this likely to go further in the future?

Ms Barbeler: I will start with the small-scale use. During the course of consultation it was recognised the importance of balancing the need for measurement with the cost to water users. With the small-scale users we can do some simple predictions and some of those users have access to information about the amount of their take. We can still do some estimations of that. We have some pretty good information around the number of licences or entitlements that are in the small-scale space. We are relatively confident that we can estimate what is being taken through those entitlements. From our perspective, we did need to strike that balance. Because we can do those estimations, we are able to be confident. With regard to your question about whether this will go further, could I just ask for clarification?

Mr HART: You mentioned before that there would be further amendments to the Water Act after this. I imagine you have some idea what you are going to do in the future.

CHAIR: The member is obviously not asking about future government policy because he knows not to ask that. It may be that there are some future regulations or amendments that are coming as part of, for example, the Australia-wide arrangements.

Ms Barbeler: Thank you for the clarification. We do have a plan at the moment to work through—and obviously subject to government consideration—the Water Regulation and it will likely be proposed that it be amended to put the implementation requirements in there. For example, the bill provides a head of power for the Water Regulation to, for example, require telemetry. We then have to amend the Water Regulation to allow us to do that. It is those subsequent amendments that are really set up in the bill.

Mr HART: I think that answered all the questions. As the member for Lockyer pointed out, this is a pretty big area we are talking about. I would imagine there is a lack of telecommunications in some of these areas. Did the department take that into account in its risk assessment? How will someone be exempt if they cannot use telemetry because there is no communication system in place?

Ms Barbeler: We have some information around that. I will hand to Toni to go through that.

Ms Stiles: As part of our policy development process we undertook a telemetry trial in the Queensland Murray-Darling Basin for approximately 10 months. We trialed 47 different devices around the Murray-Darling Basin and a number of different network providers—satellite, cellular; those very technical network providers. At the end of that trial we had an independent assessment done of the trial findings to provide us with some guidance. Essentially, the telemetry worked in terms of being able to accept data and send data to the department. Where we found that we had some issues was in installation and being able to get the installation correct the first time. That will obviously be used as part of our standards development. There have not been any occasions where we were not able to transmit data.

Mr HART: That is interesting. When you talked before about approved persons, is it likely that a person will have to have an electrical licence or an instrument licence or something to install these things or will there be a specific list of people who can install them?

Ms Stiles: Yes, for the certified meter installers and validators that we talked about who validate the meters there are some additional training components that they undertake to add to their certification to be able to attach and install telemetry devices.

Mr HART: Where does that training currently happen?

Ms Stiles: They run training courses all around Australia, so they are run at various times when there is a demand.

Mr HART: Is that a TAFE course or something?

Ms Stiles: It is a registered training organisation training course. It is Irrigation Australia that provides that training.

Mr HART: Lastly, what was the issue with the water board directors? I understood that you could remove them completely. What is the purpose in standing someone down for a period of time or whatever it is? Whatever the change is that you are making, what is the purpose of it? What is the problem?

Ms Barbeler: The current arrangements in the Water Act do not align with other boards in Queensland. You can do that in other boards in Queensland, so we are really looking to align to allow that action to be taken temporarily. In the event that something is happening along the lines that we talked about, if the person is not fulfilling their duties, we are proposing this process to temporarily suspend to allow it to be looked at further to determine what is happening. That is why. No particular incident happened that triggered it; it is essentially to align with other boards.

Mr HART: Thank you.

Mr SMITH: Thank you all for being here. I was just wondering if you can maybe go through the telemetry subsidy a little bit more in terms of the criteria, the eligibility and whether it is a fifty-fifty buy-in. What does the subsidy actually look like for those who are going to engage with it?

Ms Stiles: In terms of the telemetry subsidy, the eligibility will be those Queensland Murray-Darling Basin catchment areas where we would be requiring telemetry through a legislative requirement. It will be an 80 per cent subsidy, so 80 per cent of the costs would be subsidised, up to \$4,000 per device. As part of our telemetry trial, we got a good handle on what a device and installation would cost and that is a good amount to be able to cover those more expensive installations where they are needed. It would be a purchase arrangement where retrospectively we would pay the installation and device costs after that occurred on-ground.

Mr SMITH: And that is for every licensee?

Ms Stiles: It is for surface water entitlements only.

Mr SMITH: Wonderful; thank you. Moving forward, you mentioned compliance and sometimes breaches of compliance. I was just wondering if you could maybe take us through not specific examples but just the nature of that. Are we looking at compliance breaches by larger corporate farms or by smaller farmers? What is the volume of water looking like? I am seeking some information around those noncompliance matters.

Mr Butler: I am a bit reluctant just to talk about specifics of compliance action because some of that is subject to ongoing investigation by the department, but it can range from anything from people taking excessive water to not understanding the rules and needing a bit of educational awareness. I think this part of the bill is around really strengthening measurement, so at its heart it is about making sure people understand how much water they are actually taking and using, and that helps feed what they understand in terms of what they need to use. This bill is not about necessarily finding ways to take further compliance action; it is really about trying to get the information to people about how much they use and then obviously being clear about what the rules are and then in that instance we can take action. The department has—I have it here if I need to table it—a regulatory strategy which clearly articulates what our vision is and how we approach compliance matters at a high level. It is a bit difficult for me to talk about the specifics of those matters, just because they are under a compliance matter.

CHAIR: We will get a copy of that.

Mr Butler: I am happy if you would like a copy.

Mr SMITH: I take it by no means this is a fail-safe. If someone does attempt to not comply, this does not guarantee that we will catch everyone who is doing the wrong thing, but it is a better measure than what we have currently. Would that be fair? So it is not a fail-safe but it is better than what we have had previously?

Ms Barbeler: Yes. It definitely strengthens the information that the department will have access to. There are obviously times when that may or may not occur in that there are other things that can occur such as tampering with devices and things like that, but it absolutely strengthens it to the point where more information will come in that we have access to which will allow us to act under our regulatory strategy if required.

Mr SMITH: I am happy for you to take this on notice if you do not have it at hand, but how many licences are we talking about here in the Murray-Darling for Queensland?

Ms Barbeler: We will just get those numbers for you.

CHAIR: I did see a figure somewhere—42,000 licence holders. That might be just Queensland instead of the Murray-Darling Basin.

Ms Stiles: There are approximately 39,000 entitlements across Queensland. Some 12,800 of those are supplemented entitlements and approximately 26,000 are unsupplemented entitlements in those numbers.

Mr SMITH: What was that last figure, sorry?

Ms Stiles: Just over 26,000.

CHAIR: Is that in the Murray-Darling?

Ms Stiles: That is statewide, yes.

Mr SMITH: Do we have the specific pool of Queensland Murray-Darling in terms of it falling into that catchment?

Ms Stiles: We might have to take that on notice.

Mr SMITH: That would be wonderful if you could take that on notice. Thank you.

CHAIR: Obviously the department will be holding this data. How is it going to be stored, how is it going to be protected and how is it going to be used? How it is going to be stored and protected is probably one of the most important things we need today.

Ms Barbeler: Absolutely. That is a very similar question that was asked during the course of consultation. I will look to Toni in a moment to answer some of those questions, but I will say that the Commonwealth funding that the state has access to will allow us to build the appropriate systems and security around the data that comes in and it will absolutely be secured to the highest protection in terms of data coming in to individuals. It is a high priority for the state having access to that information. We understand the importance of protecting it for people.

Ms Stiles: As Leanne mentioned, that was one of the key concerns that came out of consultation—that is, not just the security of data but also the privacy aspects and the security of people's private information. We will be developing data standards as a part of the existing standards that we have around meters, so those data standards will stipulate what data we can accept, because we can accept it securely, and what that data will be used for and how we will store that. As Leanne mentioned, part of the Rural Water Futures program is to develop the systems that enable us to assure that security.

Mr McDONALD: Page 13 of the explanatory notes talks about the department's Water Engagement Forum. It is the peak advisory body for water. Who are the members of that group?

Mr Douglas: We can provide you with a copy of the membership and all of the organisations. Leanne did touch in her speech on some of the consultation with those groups, but we can give you the full list.

Mr McDONALD: That would be great, yes.

Ms Barbeler: I will just run through them for you for now: Queensland Farmers' Federation, AgForce, Queensland Conservation Council, Queensland Resources Council, Growcom and Local Government Association of Queensland.

Mr McDONALD: They were the ones you referred to before?

Ms Barbeler: Correct.

Mr McDONALD: Okay. No others? That is the group?

Mr Douglas: There are some other member organisations.

Mr McDONALD: Do you mind providing us with the full list? That would be great. In the minister's introductory speech he said that the bill makes operational amendments regarding underground water management, and obviously Lockyer Valley and Somerset, where I represent, have a very large interest in underground water. What are the actual impacts? The speech was very general and it was fairly narrow. Could you give us some clarity around that?

Ms Barbeler: I will hand to Theo to run through those.

Mr Verrills: The amendments to chapter 3 are to support underground water management and it is through correcting minor drafting errors and making minor operational changes for better clarity under the existing provisions. They do not negatively impact industry; rather, they provide greater clarity so that the errors are fixed up and make explicit some of the time frames for the processes under the Water Act. They are small-scale consequential amendments to give that clarity to industry.

Mr HART: Where is that talked about in the explanatory notes? Can you point to it?

Mr Verrills: I will just pull those up, but I will give a couple of examples. Some of the wording that is being included is that reports must be provided to the chief executive, so it is clear for industry where they provide a report under the act as to who that is going to. Page 6 of the explanatory notes contains 'Amendments to chapter 3, underground water management'. I am happy to give some further examples, but it is largely correcting of minor drafting errors.

CHAIR: Yes, and they are certainly listed in the long list of information provided with that bill.

Mr McDONALD: I was just concerned with regard to that. The Murray-Darling Basin, which is the predominant reason for this, is generally to the west of the Great Dividing Range, so I wondered what impacts there were regarding the changes to the bill that would actually flow to the Great Barrier Reef. Are there any?

Mr Verrills: The amendments to chapter 3 in the bill are just to correct minor drafting errors and clarify processes that the department undertakes such as time frames and who reports have to be provided to.

Mr McDONALD: Okay. Could we get some clarity around that? I could not—

Mr HART: Sorry, but where does it say in the explanatory notes? You said page 6, but what line? I still do not see it there.

Ms Barbeler: In the middle of page 6, so there are amendments—

Mr HART: So the amendments to the water supply act? Is that what you are saying?

Ms Barbeler: No, it is to the Water Act. I think we should clarify which ones you are actually talking about. I think Theo was referring to amendments to chapter 3 of the Water Act which is a framework. It is a little bit different to the ordinary chapter 2 of the Water Act, and I will just give you some clarification. Chapter 3 provides a framework to manage underground water via developing underground water impact reports where there is significant access to water, for example, through the mining industry. In lieu of entitlements, there is a different framework that applies for them to manage the impacts. That is what—

Mr HART: I am trying to see in the explanatory notes where there is any mention at all about these changes being made. As a committee we rely on the explanatory notes. Acts are very hard to read, so the explanatory notes give more detail. I am just trying to find where in here are the amendments that the Minister for the Environment may be moving so we do not get any surprises on the day.

Ms Barbeler: Of course. It is mentioned on page 6, which is headed up 'Amendments to chapter 3, underground water management'.

Mr HART: Sorry, but I do not have that. Sorry, okay. The bill makes minor amendments, so there is no detail, is there?

Ms Barbeler: And then we could move to the clauses and give you the clause numbers, if you would like. We can certainly do that.

Mr HART: Are they in the explanatory notes?

Ms Barbeler: They are.

Mr HART: No, that is fine. I will read that in more detail. Thank you.

Mr MADDEN: We are talking about meters and we are talking about measuring water. With determining how much water is in our catchments, is it envisaged that we will use more advanced techniques like LiDAR cameras and things like that, or are we purely talking about meters?

Ms Barbeler: The strengthening of measurement sits in a program called Rural Water Futures in the Queensland government in our department. As a part of that, we are investigating and trialling a range of technologies, such as LiDAR and remote sensing, which will also provide significant support to strengthen those compliance abilities within the department. That is definitely happening as well. I will just see if Hamish would like to add anything to that.

Mr Butler: There are opportunities to look at those measures as well from a compliance aspect in terms of whether or not people are using water illegally. We do have some conversations with our regulatory colleagues in New South Wales, in particular NRA et cetera, about the tools they use and we work with them quite closely about how we can use technology or satellites or LiDAR—whatever it might be—to determine whether someone is taking water illegally. They are options for us moving forward.

Mr MADDEN: So some aspect of this bill is that we are investigating new technologies for measuring the usage or take?

Mr Butler: Yes, and we are probably doing that outside the bill as well, to be fair, from a regulatory point of view. It is just about how we do our compliance and how we do our regulatory and how we can make sure we get the evidence needed and that we are targeting the highest risk and all of those principles that underpin our approach, so it makes sense to look at technology because obviously we cannot be on every farm and every place in Queensland. Therefore, using those tools allows us to do it a bit easier.

Mr MADDEN: I just wanted to clarify that it is not just water meters. Thank you.

Mr McDONALD: We are just having a look at some of the different changes under section 746. I will hand over to the member for Burleigh.

Mr HART: Is the power to enter land and monitor compliance in existence already or is this a new power?

Ms Barbeler: Sorry, but can you say that again?

Mr HART: I refer to the amendment of section 746 on page 26 of the explanatory notes, 'Power to enter land to monitor compliance'. I am just wondering if that is a new power or whether that is existing in some way at the moment. Can an approved officer enter land to check this now?

Mr Douglas: Yes, that is an existing provision, and it is being amended to broaden from the existing measurement base, which focuses on meters, to include things like telemetry or measurement systems or measurement plans. That, in essence, is a consequential amendment.

Mr HART: Thanks.

CHAIR: That concludes the briefing. Thank you to everyone who has participated today. In terms of questions on notice, we have the regulatory strategy. I ask if we could get the draft risk assessment document. The member for Bundaberg had a question about aquifers. Was that question answered?

Mr SMITH: No, I did not have a question on aquifers. It was about how many licences are in the Queensland Murray-Darling.

CHAIR: Yes, how many licences in the particular area of the Murray-Darling Basin. The member for Lockyer also requested a full list of members of the engagement forum. If we could have those provided to us by close of business on Friday, 11 November, that would be great. Thank you to our Hansard reporters. Thank you to our secretariat. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public briefing closed.

The committee adjourned at 12.02 pm.