



Speech by

Hon. S. ROBERTSON

MEMBER FOR STRETTON

Hansard 16 October 2001

WATER AMENDMENT BILL

Hon. S. ROBERTSON (Stretton—ALP) (Minister for Natural Resources and Minister for Mines)
(2.52 p.m.): I move—

That the bill be now read a second time.

It has now been 12 months since the Water Act 2000 was passed. In that time, Queensland has seen significant progress in terms of water reform, including the completion of a number of water resource plans. Work is continuing on their implementation through the preparation of resource operations plans. Other water resource plans are in draft stage, and information and data gathering continues in other parts of the state. Over the past year, some changes have been identified that can be made to the Water Act to improve its operation. Most of these are minor technical matters. The more significant amendments have arisen from talking with water users about ways to improve the act's operation. It is these proposed changes that I will now focus on.

In response to the concerns of water users, conservationists and other community members, the state moved to control the taking of overland flow where this activity was resulting in less water being available for existing users and for the environment. In a number of areas of the state moratoriums were placed on the taking of overland flow. These moratoriums stopped further development on flood plains until the availability of water for further development could be resolved through the water resource planning process. The difficulty was, and continues to be, that some people were part way through construction at the time the moratoriums were made.

The moratoriums attempted to deal with these situations by allowing people who had started works at the time of a moratorium to complete those works. A small number of users sought to take advantage of this provision by continuing construction programs that were going to take up to 10 years and would take increasing amounts of water. This had the potential to adversely impact on potential water allocations to individual users under the water resource planning process. In response to these issues, an amending notice was made setting completion dates for works that were under construction.

The government recognises that there are a number of water users who had legitimately started development before the introduction of a moratorium but, for a variety of reasons, may not be able to finish by the completion dates. This amending bill provides a mechanism for people to apply for an extension of time to complete works. To provide transparency to the process and give people an opportunity to be heard, these amendments provide for the establishment of a referral panel. The capacity for a referral panel already exists in the Water Act, but this adds a new jurisdiction to the panel to allow it to hear cases for extensions beyond the completion dates set in moratorium notices. The referral panel then makes recommendations to the minister. The minister's decisions with regard to these time extensions will then be gazetted to ensure transparency.

The amendment is accepted by conservation groups as a legitimate way to deal with exceptional circumstances. The change was prompted by farmer groups, and they acknowledge that it is a step in the right direction. Some interest groups would prefer that all works that have been commenced should be able to be completed. I acknowledge their view, but a balance must be struck between the rights of certain individuals to continue construction of works and the interests of the wider community. For water planning purposes, at some point a hold must be put on further construction to

allow for an accurate assessment of what water is available for allocation to both water users and the environment. I believe that we have found the balance with these changes.

Under moratoriums in some major catchments, the cut-off for works is mid to late November. I propose to make an amending notice to allow people who had started works at the time a moratorium was commenced to apply for an extension to the completion date. I will also constitute an interim referral panel to provide advice in all cases. Once the amending act is passed and assented to, the arrangement will be formalised. In an effort to further deal with the problems caused by works on flood plains, the act also includes a capacity to require people in a specified area to notify my department that they are exercising their right to construct works on flood plains.

Under section 20(6) of the Water Act, unless a water resource plan or a moratorium notice has been issued, people may exercise their right to take overland flow water or subartesian water without the need for a licence. This amendment does not affect that right. However, it does require that, in areas of the state where we know there are some development pressures, people will be obliged to notify my department of existing works or works under construction. This notification requirement will supplement the existing monitoring activities being undertaken by my department. As members would appreciate, Queensland is a large state and my department does not have limitless resources. In situations where people remain free to take water without the need for a water licence, we are asking water users to assist my department in identifying how much water is being taken. This notification will help position my department to take a more proactive approach to water planning. It will minimise the issues arising from the start and completion date requirements which might arise from any future moratorium. Importantly, the notification provisions will also provide better security for existing water users, for those proposing new works and for the environment.

The Water Act represented the most fundamental change in water resource management in the state's history. Water resource planning is one of the most complex issues regulated by the act. We are committed to continuing to work through these issues and to make improvements where they are needed whilst making sure there is sufficient water available for future generations. I commend the bill to the House.
