



Speech by

**Mark Ryan**

**MEMBER FOR MORAYFIELD**

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## **NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL**

**Mr RYAN** (Morayfield—ALP) (9.00 pm): I rise to contribute to the debate on the Natural Resources and Other Legislation Amendment Bill. This bill amends a number of acts within the jurisdiction of the Minister for Natural Resources, Mines and Energy and Minister for Trade. From the outset, I would like to commend the minister, his staff and the departmental officers on their respective contributions to this bill.

This bill is about providing certainty for the people of Queensland. This bill clarifies a number of matters for Queenslanders—for instance, this bill removes confusion about the location of ambulatory boundaries, clarifies the lateral extent of the management powers of the states in non-tidal watercourse areas and reduces regulatory duplication under the Vegetation Management Act. This bill also provides certainty to water users in the Lower Balonne by finalising the Condamine and Balonne resource operations plan. This certainty is provided by a number of amendments to the Water Act. I would like to spend some time considering those particular amendments.

The Water Act establishes the framework for the sustainable allocation and management of the state's water resources principally through the preparation of water resource plans and resource operations plans. Water resource plans aim to provide secure water allocations and allow for future sustainable development while ensuring environmental flows are considered to protect the health of Queensland's rivers. Resource operations plans are the day-to-day operational plans used to implement water resource plans.

In 2008 the Water Act was amended to provide a process for a draft resource operations plan to be finalised in stages. This allowed for the timely finalisation of part of a draft resource operations plan where circumstances may have arisen that may otherwise delay the finalisation of the whole plan. The Lower Balonne provisions of the draft Condamine and Balonne resource operations plan were deferred from finalisation under these provisions in December 2008 to enable the completion of an outstanding judicial review legal proceeding. This resulted in the ROP only covering the upper and middle Condamine catchments. Although the Supreme Court found in favour of the department and dismissed the judicial review application, it is critical that the Lower Balonne provisions for the ROP be finalised without delay.

While the Lower Balonne provisions remain unfinalised, the water users in the Lower Balonne area continue to be at a disadvantage as compared to other water users in the catchment who have had their water entitlements converted to tradeable water allocations. These water users have waited patiently for the Supreme Court to confirm that the department's methodologies and decisions in preparing the draft provisions for the Lower Balonne were robust. These water users are the only major water users in the Murray-Darling Basin who do not have secure water access entitlements and, while the Lower Balonne provisions remain unfinalised, they cannot participate in the Commonwealth government's water entitlement buyback program to achieve improved environmental outcomes for the Murray-Darling Basin.

In addition, the Murray-Darling Basin plan, being developed under the Commonwealth's Water Act 2007, is scheduled to be in place by June 2011, following an anticipated release of a draft in June 2010,

and is expected to set long-term average sustainable diversion limits on water that can be taken from surface and groundwater systems across the basin, including the Condamine and the Balonne catchment. This bill amends the Water Act 2000 to provide for the much needed finalisation of the Lower Balonne provisions for the Condamine and Balonne ROP. Upon this bill receiving royal assent, the amendment will commence and subsequently the Condamine and Balonne ROP will be amended to include the Lower Balonne provisions.

Extensive consultations were taken over a period of several years during the preparation of the draft Condamine and Balonne ROP and prior to finalising the ROP, giving interested parties opportunities to provide input. This included public release of the notice of intention to prepare the draft ROP and submissions on the draft ROP. This finalisation will provide certainty to water users and the environment and deliver the necessary creation of particular tradeable water entitlements in the area to provide the flexibility for these entitlement holders to participate in the Commonwealth government's water entitlement buyback program.

The conversion of particular existing entitlements to water allocations and the Lower Balonne provisions will commence on the day the ROP is made. As mentioned earlier, this is the day that the proposed legislative amendment, if passed, receives royal assent. Once finalised, the ROP will define water allocations, trading and operating rules and water monitoring. The plan will also enhance protection for the environment by keeping more water in the river during significant flows and will provide for the health of rivers, flood plains and wetlands, including the internationally recognised lake areas in the lower part of the system.

The finalised ROP will provide rules that facilitate both temporary—seasonal assignments—and permanent water trading. Incidentally, the current flows into the Lower Balonne system, which runs into the lakes area and the upper Darling river system, are the highest on record, with more than 250 gegalitres per day flowing through St George, which is at the upstream end. I would like to confirm that the finalised Lower Balonne provisions will not have any retrospective effect on the take of water that has already occurred during the current flow event in the Lower Balonne prior to the day of the ROP commencement. The ROP rules will apply to flows from the day of commencement of the finalised ROP. The majority of unsupplemented water entitlements at the commencement of the ROP will be under an instantaneous water-sharing rule. This is a key feature of the finalised Condamine and Balonne water resource plan.

I would like to conclude by restating that the water users of the Lower Balonne area have waited long enough for the finalisation of the ROP that will deliver the conversion of particular entitlements to tradeable allocations. The finalised ROP delivers to these water users and the Lower Balonne community access to the security and flexibility already provided to the other catchments within the Condamine and Balonne area. This is a good bill which provides certainty and clarity to Queenslanders and it is worthy of the support of all members of this House. I have no hesitation in commending the bill to the House.