




Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

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WATER AND OTHER LEGISLATION AMENDMENT BILL

 **Mr POWELL** (Glass House—LNP) (4.31 pm): I rise to speak on the Water and Other Legislation Amendment Bill 2011. Of the bills reported on to date by the Environment, Agriculture, Resources and Energy Committee, I think it is fair to say that this has been possibly the least contentious. Being an omnibus bill that seeks to amend some four pieces of legislation and numerous items of subordinate legislation, the interest in the committee's proceedings was significant. Interestingly, the support was consistent and the few concerns were also consistent. As I said, the bill amends numerous pieces of legislation. I would like to start by addressing those amendments pertaining to the wild rivers legislation.

The amendments to the Wild Rivers Act are to allow the minister to establish Indigenous reference groups to provide greater engagement with Indigenous communities in the wild rivers declaration process and to recognise the wild river rangers program. Dealing with the establishment of the Indigenous reference groups first, what we are seeing today is what the LNP has been calling for since day one: better upfront consultation with locals, particularly with local Indigenous communities, on the proposal to declare a wild river area. This government has finally come to the realisation that its approach to wild rivers has been flawed from the start, that it can no longer say that the declarations to date, especially those on the cape, have been made with the consent of the local traditional owners. Instead, they have been rushed through as dodgy deals to achieve Greens preferences in South-East Queensland electorates.

I do not have time to revisit the entire wild rivers debate from 2005, but some salient quotes from the then Deputy Leader of the Opposition and now Leader of the Opposition, Jeff Seeney, demonstrate that the LNP was spot on in that debate and the government is only now, six years later, admitting that it got it wrong. The Leader of the Opposition said—

The major concern that I have is that this bill is essentially just about providing the framework for a concept. The devil will be in the detail. Like some other pieces of legislation that we have seen introduced into this House, the devil will be in the detail. It seems to be that this is becoming something of a trademark of the way that the Beattie government handles legislation, especially contentious legislation. It brings in these bills that set up a framework that allow for a whole range of things, but the actual detail never comes before the parliament. We do not get to see the detail. The people of Queensland do not get to consider the detail when the legislation itself is introduced. It gets dribbled in a little bit at a time to avoid the type of public scrutiny and public reaction that would be inevitable if it were all tabled in one go, if it were all considered in one go. And so it is with this piece of legislation before the House. The devil will be in the declaration details—that is, the declarations that are made by the minister as to the areas that are going to be declared under the wild rivers legislation. The devil will be in the assessment codes which are yet to be developed and which will be at the complete discretion and the complete control of the minister. In that, honourable members, lies the essence of my opposition to this legislation.

Mr Seeney continued—

The Nationals also firmly believe that, when introducing environmental laws, the government must take into account the impact on people who live and work in those areas. That relates back to what I challenged the member for Cook with earlier. I would like to hear his version of how this legislation will impact upon the people whom he represents. It is, in my view, an indictment on this government that there has been little consideration or consultation with the people who will be affected by this bill prior to its introduction into parliament.

...

In terms of consultation with the community, the bill outlines minimum requirements such as notices in the newspaper and on the Internet. In the explanatory notes, the government assures us that other means of advertising will be used if appropriate. Again, the

minister is saying, 'Trust me. I will make sure that the community is properly consulted. I will make sure that everyone is properly informed.' But, once again, it is a question of trust. Those requirements are not properly defined.

What we are seeing today is that this government has failed the trust test. No more clearly is that demonstrated than on the cape. Communities were not consulted. The member for Cook failed to ensure that the people he represents were given a voice in the declaration process. It is only now that the government is admitting that it got it wrong and that we in the LNP are right. You get better outcomes when you consult from the start. Look at the example of the process around the proposals for declarations in the western rivers. Whilst not dismissing that they remain concerned as the proposed declarations are developed in the Lake Eyre Basin, there is no question that the local traditional owners, the local councils and the local landholders have been consulted on this one. That is why there is far, far greater consensus. Only too late is this tired government bringing in amendments to enshrine in legislation the kind of approach it has taken in the Lake Eyre Basin. Proposed new section 47A will now read—

The Minister may establish an advisory group (an Indigenous reference group) to advise the Minister about matters relating to a wild river area or a proposal to declare a wild river area.

I am still concerned that the decision to establish an Indigenous reference group is at the minister's discretion, that it is a 'may' and not a 'must'. It does open the government up to ongoing questions of trust. It does not close the door to more and more hasty wild rivers declarations to achieve Greens preference deals, but it is eminently better than the absence of consultation altogether.

These Indigenous reference groups will consist of members appointed by the minister and must include members that the minister is satisfied represent the interests of Indigenous people of the wild river area or proposed wild river area. The examples given in the bill suggest that the matters considered by such advisory groups could include the boundaries of such declarations. As I have said, and as alluded to by the Leader of the Opposition back in 2005, had these amendments been included in the original legislation we would not have the situation we have on the cape today—a situation where this Labor government has sacrificed the future of the local Indigenous communities for Greens preferences. Had the minister had these reference panels in place, I am confident that a number of the declarations that are in place on the cape would potentially not be in place.

Let me turn now to what is perhaps the one true positive to come out of the wild rivers legislation—and I echo the recent words of the member for Hinchinbrook—and that is the wild river rangers program. Whatever can be said of the declarations or the lack of consultation regarding those declarations, I confirm that there is bipartisan support for the rangers program. I have said in this place before that the LNP is committed to joint management with traditional owners in national parks, especially on the cape. The LNP acknowledges the Indigenous stewardship of the rivers of Cape York and of the state more broadly, a stewardship that has existed since time immemorial. This program embodies a commitment to supporting that stewardship.

Let me take this opportunity to reassure wild river rangers on the cape that our commitment to 30 additional Indigenous rangers will not come at the expense of their jobs. It is in addition to their positions.

Mr O'Brien: You're going to scrap the legislation.

Mr POWELL: The member for Cook clearly fails to understand that his government is achieving exactly what the LNP would do in government, and that is consult with the host organisations and bring in legislation such as this legislation to ensure the ongoing employment of those Indigenous rangers currently employed on the cape. The existing ranger positions are secure. Let me say that again for the member for Cook so that there is no ambiguity: the rangers currently employed through these amendments to the Wild Rivers Act will continue to be employed under an LNP government.

As I have enunciated previously, I believe these rangers have a vital ongoing role in the development and implementation of the Bioregion Management Plan, announced by our leader, Campbell Newman. This work will be across the cape, not just in the national parks. So, again, I say to those Indigenous rangers employed on the cape, 'Do not be misled by people like the member for Cook or by this tired lazy government. The LNP supports the work you are doing and will continue to support that work should we win government.'

Moving away from the amendments to the Wild Rivers Act, let me make brief mention of the amendments to the Water Resource (Gulf) Plan 2007. The explanatory notes state that the bill makes amendments to provide for Indigenous reserves of unallocated water for each of the four wild river areas within the area covered by the gulf water resource plan including: establishing Indigenous reserves with specified volumes of water that will be made available as either surface water, overland flow water or underground water through the grant of water licences; and providing that on commencement the gulf resource operations plan will be amended to include provisions, the resource operations plan provisions, for dealing with the Indigenous water reserves established under the gulf water resource plan. There is widespread support for these amendments, but I will be consulting with traditional owners in the gulf as these amendments are implemented as I am keen to see whether they are actually able to make use of the allocations, or whether they find that their ability to do so is limited or restricted by the Wild Rivers Act.

In passing, I also note that the bill amends the Cape York Peninsula Heritage Act 2007 to ensure that a property development plan under CYPHA is recognised as a property development plan in a wild river high-preservation area of a wild river area. This will ensure that a single application is all that is required from proponents who intend to clear for development within Indigenous community use areas.

I now return to some of the more significant amendments to the Water Act 2000. I acknowledge the excellent contributions by the shadow minister, the member for Bundaberg, and also by the member for Hinchinbrook. As they have mentioned, there are a lot of positives in these amendments—in fact, the LNP has been calling for them for many, many years. However, there is one key concern—and it has been confirmed by many of the submissions received by the EAREC—and that is the move to vest a decision on whether to establish a community reference panel solely with the minister.

As we explained in our statement of reservation included in the committee's report, the complexity of managing water resources varies between catchments. However, we agree that this two-stage process contains many duplicated steps that have resulted in unnecessarily long time frames for the development and implementation of some WRPs and their corresponding ROPs, disadvantaging entitlement holders.

The consultation process with community reference panels and stakeholder groups is currently also carried out during the development of both WRPs and ROPs, often revisiting issues that were previously considered. This process has rightly been identified as both an ineffective and inefficient provision of the existing act.

However, the bill also proposes to remove the requirement for the establishment of community reference panels, or CRPs, and provides for a shortened process for the development of a WRP and an ROP in certain circumstances. The bill proposes to vest in the responsible minister the discretion to determine if this will occur. As I said, with the changes to the Wild Rivers Act a 'may' is not a 'must'. Community engagement is a vital tool in making sound policy and legislative decisions—to leave such to the discretion of the minister raises concern.

Clause 13 of the bill, as the member for Hinchinbrook and the member for Bundaberg before me have mentioned, proposes that the minister be required to consider the following in determining if CRPs will be established or if a shortened process will be used—

- (a) the proposed draft water resource plan is likely to significantly change arrangements for the allocation, and sustainable management, of water in the proposed plan area; or
- (b) the terms of the proposed draft water resource plan are likely to be significantly different from the terms of water resource plans applying to other parts of Queensland; or
- (c) the Minister needs further information about community views and expectations about water allocation and sustainable management issues in the proposed plan area.

During the public hearing on this bill on Wednesday, 12 October 2011, a number of witnesses expressed concern about this aspect of the proposed amendment. Most notably, as again referred to by my colleagues, Mr Steven Burgess of the Mary River Catchment Coordination Committee provided the following evidence. I think it is worth entering into *Hansard* again. Mr Burgess said—

The major point we make is that whenever a long-form process is invoked there should be no discretion as to whether a community reference panel is conducted; there must be a community reference panel conducted ... That community reference panel must be kept fully informed of what is going on, even down as far as the second stage—technical assessments.

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During 2005 in the Traveston process, in the formulation of the water resource plan, while there was a community reference panel, a whole pile of scenarios for dams on the Mary were being modelled as part of those technical assessments. None of those scenarios was discussed with the community reference panel and there is no information available on any of those at all ... There would be strong community backlash against it and strong scientific backlash against it, but it would have been had at an earlier stage and before there was a political and financial commitment to hundreds and hundreds of millions of dollars and years of disruption which finally resulted in no net benefit—in fact, a huge cost to the state and to the community—nothing. We could have avoided all of that unnecessary waste and expenditure if we had been prepared to face up to the difficult conversations that would have had to happen at that stage when they were specifically looking at infrastructure there. I believe that the Traveston Crossing proposal would not have even got up if it had been looked at under those circumstances, in the light of knowledge about the federal legislation and local feelings. It would have saved so much heartache and hundreds of millions of dollars. There would have been only the \$65,000 cost of keeping a community reference panel engaged. That is nothing compared to the \$600 million thrown out the window on that project.

Might I add what the member for Gympie today asked the minister during question time in terms of the devaluation of those properties and the loss of a potential \$200 million more. I could not have said what Mr Burgess did better myself. In fact, it is exactly what I have been saying—invest in community engagement upfront and save the taxpayer's dollar. There is an enormous difference, as Mr Burgess pointed out, between a \$65,000 CRP and a \$600 million waste of state revenue for no net result. And, like the wild rivers declarations, community consultation before making policy announcements—particularly announcements that have disastrous effects on the communities involved—would save a lot of social and emotional heartache, not to mention political goodwill.

Before I conclude I want to briefly comment on the foreshadowed last-minute amendments to the Waste Reduction and Recycling Act being added to this bill today. Whilst the amendments flagged by the Minister for Natural Resources are basically clarifying an ambiguity identified regarding the banning of

unsolicited advertising material, particularly as it pertains to community newspapers, it does demonstrate yet again that this government is not taking this new committee process seriously.

I understand the government has tight time frames, given its 1 December implementation date for the waste tax, but that does not excuse what we have seen today where amendments not related to the bill that has been considered by the committee process are put on the table, have not had a chance to be considered by the broader public, have not had a chance to be considered during a public hearing and are being debated today, having been shown to us at nine o'clock this morning.

It is simply not good enough. It again shows that the government has got the waste bill wrong. In rushing it through it has made mistakes, and I anticipate that, while it is the first, it will not be the last amendment that we will see to that bill. I suspect we may even see more amendments introduced in the next sitting week in the hope that they can be passed in time for the 1 December start date.

In conclusion, I also acknowledge the hard work of the committee staff. At the present time it seems any bill that is contentious that is coming to the EARC has been given a truncated process time. That is placing an enormous load on the committee staff in particular, and they are doing a sterling job under the circumstances and in assisting the chair and the members of the committee in producing the report that we have debated today. I also acknowledge my fellow committee members, including the chair, even though she was determined to have a crack at the LNP members on the committee during this debate.