




Speech By
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MEMBER FOR MIRANI

Record of Proceedings, 14 September 2023

WATER LEGISLATION AMENDMENT BILL

 **Mr ANDREW** (Mirani—PHON) (11.45 am): I rise to speak on the Water Legislation Amendment Bill 2022. The primary objective of the bill is to implement a strengthened non-urban water measurement policy that will significantly enhance the extent to which water take is measured, monitored and reported across Queensland. The bill creates a framework, or a starting point, for a whole transformative reform of the state's non-urban water management system.

In 2009, all Australian states and territories agreed to the national framework for non-urban water meters which committed governments to the Australian Standard for non-urban water meters, AS4747. Since then, the national and state governments have pushed the states to progressively deploy a number of high-tech regulatory technology solutions geared towards greater levels of centralisation and integration. All of these 'reg tech' solutions will require a much greater use of telemetry, sensors and software for remote water monitoring to provide authorities with the real-time data that they need to drive efficiency and compliance. It will help bridge the significant information gap which government officials, like the ACCC commissioner, say is impeding the efficiency and profitability of Australia's water markets. In his report on the water markets in the Murray-Darling Basin, the commissioner wrote that 'interzone trade remains difficult' due to the 'lack of timely and fit-for-purpose time-of-use information, stemming from the limited rollout of telemetry, poor interoperability between systems and inconsistencies in metering between states'.

The strengthened water measurement policies contained in the bill form a crucial component of Queensland's Rural Water Futures program, a program squarely aimed at transforming the state's whole water systems. The bill provides that standards can be made for meters, measurement plans and other measurement devices like telemetry. Starting with Queensland's Murray-Darling Basin—QMDB—catchment areas, those with volumetric surface or underground water entitlements would now be required to attach an Australian Standard AS4747 meter to their pump, along with cloud-based remote-access telemetry systems. The use of telemetry allows for real-time recording and transmission of data, with information from local intelligence devices, LIDs, managed by government agencies and their data-sharing partners. The new metering and telemetry systems are to be implemented in stages, starting with the extreme high-risk catchments in the QMDB.

The bill is broadly drafted to provide plenty of scope to this to be extended much more widely across Queensland. In fact, it is clear from the mountain of policy documentation generated at both state and federal levels that the aim is to eventually take all non-urban water take including bore water, dams and any other form of man-made water storage. The explanatory notes say virtually nothing about the enormous compliance costs this will mean for the farmers, let alone any plan to properly compensate them for those costs. According to the ACCC commissioner's report, Queensland estimates that the installation costs for smaller meters are from \$8,000 for meters below 200 millimetres, with very large meters of around 1,200 millimetres costing up to \$100,000. This would mean a

compliance cost in the order of \$40,000 to \$75,000 for a grower with five or six pumps on a relatively small farm of approximately 100 hectares. For larger growers, the cost could jump to well over a million dollars.

The bill amends the Water Act to enable the chief executive to apply discretion in deciding water licence dealings if they are judged to be in the public interest. This gives the chief executive enormous discretionary powers when it comes to considering applications and deciding whether to refuse or approve applications. Under the Water Act's current provisions, unless the application has some kind of impact on the water resource then it is dealt with via the non-discretionary process. This was a measure introduced in 2016 to eliminate red tape for straightforward dealings such as a simple transfer of ownership. The bill's amendment to section 130 of the act could even mean that all farmers must reapply for their licence on a yearly basis, even where there has been no change in circumstance. Being forced to apply for a water licence renewal each year without any change in circumstance is unreasonable. Not only will this lessen the value of their water licence and create enormous uncertainty in relation to a farm's access to water; it could make compliance commercially non-viable. Moreover, it will add substantial red tape and negatively impact investment in crops, farms and agriculture.

I also note that the bill's changes are being made without any regulatory impact statement or cost-benefit analysis. While regulation and compliance are important, they can also create an environment of anger and mistrust. There is a lot of concern that all of this increased surveillance of on-farm activities could be used against farmers, and we see this with the fishing industry and its logbooks. It is becoming more and more clear that the federal and state governments are planning to meter all non-urban water storages and eventually to fully automate and centralise the whole system. These new controls will inevitably change cultivation practices across the state, with the potential to greatly constrict the state's food production and supply.

The ACCC report also contained a number of worrying references to the use of 'water rationing' in connection with these new telemetry devices. Transitioning the grid to an electronic, AI and sensor-driven system will mean that government regulators can pretty much manage the whole system remotely using its many levers of control to dictate when farmers can pump and when they cannot—or whether they can pump at all. Farmers need to be able to plan their fields well in advance and there is little doubt that a fully automated and micromanaged water grid will significantly limit their ability to produce food. The mountain of policy documents, plans and strategies that I have waded through over the past two months has made one thing abundantly clear—that the measures being legislated in this bill are only stage 1 of a much bigger agenda for water management in Queensland. The government has been far from transparent about the staggered rollout of these telemetry devices across the state, as well as the use that all of the data generated will be put to. As this will all occur outside the parliamentary process, I want to state here that any expansion of these remote access telemetry systems outside the Murray-Darling Basin is unjustified and will result in significant cost impacts.

The bill's explanatory notes state that the full details of these new measurement requirements will be set out in the Water Regulation 2016. This bill will simply enact a set of overarching policies, with all the nitty-gritty details of these policies written into a regulation at a later date. Such bills are a new type of legislation referred to as 'framework' or 'umbrella legislation' which lay down the basic principles but make no attempt to codify how the laws will operate at ground level. This is not how parliamentary democracy or the making of good legislation is supposed to work. It is all quite deliberate. Why does the government love these types of bills? It understands that the most powerful tool is to arm the executive branch with the widest discretion to rule compliance. The looser its terms, the wider the scope for the executive government to rule.

The whole national policy framework for water is geared towards creating a fully integrated set of networks within one large fully automated and centralised system—a system in which the management options for farmers and other users will be strictly limited. Many hardworking, ordinary people will have their livelihoods destroyed by such a system, and the vast majority of them will be small family farmers. Under the MDB Plan, the amount of water diverted for agriculture, towns and industry has already been reduced to around 28 per cent of inflows. The majority of water in the basin is now transferred to the environment, government agencies and other groups. If the intent of the basin plan was to reduce diversions, then it has succeeded and we have reduced them. In terms of what the basin plan set out to achieve, it is achieving it. Piling on more regulations, restrictions and control will only increase the price of water and cause irrigators to grow less food.

Water governance has a direct impact on the availability and affordability of food in our supermarkets. The Murray-Darling Basin region is the home of cheap produce. It produces around 90 per cent of Australia's fruit, nuts and grains; 76 per cent of the vegetables; 100 per cent of our rice; and more than 50 per cent of our dairy and sugar. If we look at an average shopping basket filled with

produce from the basin, you have onions, potatoes, carrots, pears and apples. It will be those who are on low incomes and pensions who suffer the most if affordable produce from the Murray-Darling Basin is disrupted. Right now farmers are facing significant challenges with energy costs, critical shortages and supply chain disruptions. Most are worried sick about how much longer they can keep the lights on or keep producing food, so now is not the time for turning the regulatory screws on a sector that is so absolutely crucial to the availability and affordability of food in this state and in Australia.