EDO Qld.
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Using the law to protect our environment.

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Water Reform Project, Water Policy Division
Department of Natural Resources and Mines
PO Box 15216
City East QLD 4002
By email only: waterreform@dnrm.qld.gov.au

Dear Sir/Madam,

Submission on Consultation Regulatory Impact Statement – Strategic Review of the *Water Act 2000*

Thank you for this opportunity to provide comment on the proposed changes to the water regulatory framework in Queensland under the *Water Act 2000* (Qld) (**Water Act**).

Who we are

The Environmental Defenders Office, Qld ('**EDO Qld**') is a non-profit community legal centre which helps disadvantaged people in the coastal, rural and urban areas understand and access their legal rights to protect the environment. EDO Qld has over 20 years of experience working with Local, State and Federal governments and our communities to improve planning and environmental laws in the public interest.

We note that neither EDO nor other environmental and indigenous representative organisations were consulted in the preparation of this document. It is essential that full and thorough consultation is undertaken with all relevant stakeholders when undertaking policy reform, to ensure that Queensland legislative frameworks adequately balance social, economic and environmental considerations and do not favour the interests of particular sectors. Environmental and indigenous groups are in a position to provide valuable and necessary perspectives to inform policy reform and should be included from the commencement of reform initiatives.

The importance of strong water conservation legislation

Water is an important natural resource and a precious ecological asset in Australia. It is a crucial element of terrestrial and marine ecosystems and represents a significant input into

Australia's economy, particularly in the agricultural sector.[1] Through poor regulation of our water resources, detrimental economic and environmental consequences can occur.

There is currently insufficient understanding of existing impact on our water resources. Of the 107 Surface Water Management Areas in the state, 23 are assessed as being highly developed, and 53 of the 99 Groundwater Management Units in Queensland are assessed as being already highly or overdeveloped.[2] Rather than proposing amendments to weaken the regulation of water in our state, moves should be made to amend the Water Act to tighten regulation of water use, particularly the water use of large-scale projects such as in our resource sector, as well as to increase the strength of regional water resource plans.

Proposals outlined in the Consultation Regulatory Impact Statement ('**RIS**') to make water use easier for businesses, in line with 'red-tape reduction' initiatives, are unwarranted and dangerous. These proposed amendments may result in short term reductions in bureaucratic 'burden' experienced by a few businesses, however they are very likely to lead to increased bureaucratic challenges in the future if water use is mismanaged and the government does not maintain adequate regulatory oversight of water use. The amendments proposed include many highly concerning elements which weaken the regulation of our water resources.

Summary

The main concerns forming EDO Qld's submissions on the RIS include:

1. Mineral, coal, petroleum and gas resource projects must not have statutory rights to take associated (defined as water that is necessarily and unavoidably taken in the process of extracting the resource, for mining this is usually to ensure safe operating conditions) or non-associated water (defined as water that is *not* necessarily and unavoidably taken in the process of extracting the resource and can include any use under the resource tenure). These resource projects must be required to undertake standard water licence assessment processes under the Water Act to ensure water usage is able to be managed sustainably and monitored, and there is a consistent water management framework applicable to all water users.
2. Public notification procedures must be maintained for all water use proposals and must remain clear and consistent. The move to internet based public notification is supported,

[1] Australian Bureau of Statistics, *1301.0 Year Book Australia, 2012*, 24 May 2012, available here: http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1301.0~2012~Main%20Features~Water~279

[2] Australian Government, (12 May 2013), *National Land and Water Resources Audit 2000*, available here: http://data.gov.au/dataset/australian-groundwater-flow-systems-national-land-and-water-resources-audit-january-2000

however offline forms of notification must be maintained to ensure all stakeholders are able to easily be informed of public consultation opportunities.

3. Environmentally sustainable management of water in line with the principles of ecologically sustainable development must remain the key purpose of the allocation and management sections of the Water Act.
4. The assessment of large scale water users should not be weakened and should remain consistent with all water licencing and assessment processes currently.
5. Water users are being given too much power to assess and regulate their own water usage.
6. Reductions in regulation of low risk water use should only be undertaken if informed by thorough hydrological studies and consultation, otherwise they may lead to high risk impacts.
7. The Great Artesian Basin must be adequately protected until better understood.

We support the following proposals outlined in the RIS:

- Requirements that mining and coal proponents enter into make good agreements with landholders, and the increased certainty and consistency this will provide for landholders dealing with resource projects, but noting these agreements must be based on valid, independently verified research of the hydrological conditions which are of concern to the agreements.
- The review of the current rights of the petroleum and gas sector to water use, particularly in light of the growing shale gas industry and the pressures this will put on water resources.
- The move to provide notification opportunities in one place on the internet, however notifications must also be undertaken via another format offline for stakeholders who are likely to be impacted by other water use projects but may not have access to the internet frequently or easily.
- Increased certainty that may come with more specific volumetric quantification of water usage required through water allocations.
- Transition of water rights currently held under separate Special Agreement legislation into the Water Act to bring about greater certainty in water management.

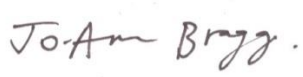
These comments are detailed the Annexure to this letter, which together with this letter forms our submission on the RIS.

Recommendations

We draw your attention to the 39 recommendations detailed in our annexure. We hope that you will give consideration to these recommendations and adapt them into your review of the Water Act.

Should you require any further information, please contact Revel Pointon or Jo Bragg on (07) 3211 4466 or at edoqld@edo.org.au. We request the opportunity for further participation in the development of this important policy. Please advise us when is convenient for us to meet with you in person to discuss these proposed amendments further.

Yours faithfully
Environmental Defenders Office (Qld) Inc



Jo-Anne Bragg
Principal Solicitor

Annexure – Detailed Submission on Consultation Regulatory Impact Statement – Strategic Review of the Water Act 2000 by EDO Qld

1. Separating water licences from land, by converting water licences to water allocations

We support the greater certainty that may come with more specific volumetric quantification of water usage required through water allocations. However, it is first essential that extensive hydrological modelling be undertaken in each Water Planning Area referred to in the RIS, to ensure that the trading that would be allowed under this amendment is sustainable in consideration of other competing water uses. There must be assessment of groundwater areas already impacted upon to identify those areas which are already stressed from over-allocation. Further, the increased tradability of water allocations may mean that sleeper or occasional use licences are awakened, where this usage has not been adequately considered in overall water management plans.

We also raise concern with respect to the responsibility placed on water users to meter their usage, where there appears to be no provision for monitoring by a third party of the usage.

Recommendations:

(i) *For each water plan area, extensive hydrological modelling should be undertaken prior to water licences being transferred to water allocations, as occurs during the water resource planning process, to ensure that adequate understanding of the impacts of all existing and possible water usage is taken into consideration prior to the tradability of the uses being enlivened.*

(ii) *We recommend that any amendments provide for a monitoring and enforcement regime to ensure that water usage is adequately regulated, and responsibility is not solely on the shoulders of water users themselves.*

2. Providing upfront commitments to water access to large-scale projects

EDO Qld does not support the proposal to provide commitments to large-scale water use projects prior to their full assessment and without assessment under the Water Act. This proposal appears to place unacceptable weight on the environmental impact assessment (**EIA**) undertaken by the proponent themselves or a consultant paid by the proponent. Water issues are a complex concern, and rigorous consideration of the impacts of each water use proposed must be undertaken. Issues surrounding proposed water usage may be lost amongst other concerns in an EIA. It is appropriate that a separate assessment and public notification procedure is undertaken from the proponent's EIA, or the EIA is assessed by an independent third party with no links to industry.

Further, it appears to be proposed in the RIS that EISs prepared for single projects could form the basis for amendments or preparations of Water Resource Plans (**WRPs**). WRPs are typically prepared with extensive community and stakeholder consultation, audited by third parties and integrate regional studies of water usage and availability from multiple sources to ensure that cumulative impacts are appropriately taken into account and water usage and various demands in the region are thoroughly understood. Unless significantly more rigorous standards and consultation procedures are required of proponents preparing an EIS, the standards and process requirements for EIS's at present are not adequate to inform changes and drafting of WRPs. These EISs are likely to be biased towards industry and the needs of particular projects.

Recommendations

(iii) We say that the current process should be maintained whereby a separate assessment process is required for water usage under the Water Act, with its own consultation procedures, and WRPs continue to be drafted and informed by full and diverse consultation and research over an adequate period of time to properly understand the unique and complex issues of water management in each catchment.

(iv) If this proposed procedure is put in place, we recommend an independent review process, separate from any industry ties, be mandatory on each EIA to ensure their accuracy and adequacy. Currently the Department of Natural Resources and Mines (DNRM) appears to have a mandate that is pro-development of the resource industry rather than the conservation of water resources. The Department of Environment and Heritage Protection and the Department of Agriculture, Fisheries and Forestry currently appear to defer to DNRM in regard to water catchment matters. Therefore, this independent assessment body should be separate from these Government Departments. Alternatively EIAs could be undertaken entirely by an independent third party.

(v) *Further, the terms of references for EIAs must thoroughly integrate the water related matters provided for currently in the Water Act for applications for water licences.*

3. Transition water rights from Special Agreement legislation into the Water Act

We support the move to transition water rights currently held under separate Special Agreement legislation into the Water Act. It is appropriate that water rights be held under one legislative framework, for greater certainty in water management. We recommend that during the transition process, water use under Special Agreement legislation should be reviewed and assessed to ensure that it is being undertaken in a sustainable form which is consistent with the Water Act. We also support the recommendations of independent hydrological expert, Tom Crothers from Stellar Advisory Services, which are included at recommendations (vii) to (ix) below.

Recommendations

(vi) *Projects under Special Agreement legislation should be assessed during the transition process to determine whether they are being conducted and managed in an appropriate and sustainable form and to properly account for the impact they are having on water resources.*

(vii) *A sunset period be put in place by which time the transition negotiations must have been completed to ensure certainty and manageability of water use.*

(viii) *Water trading provisions for transitioned entitlements be restricted to other resource sector users.*

(ix) *Transitioned SAA entitlement holders must not be permitted to access any other water source until it has fully used its transitioned SAA entitlement.*

4. Mineral resource sector amendments

We do not support the proposal to grant mineral and coal resource projects statutory rights to take associated water (defined as water that is necessarily and unavoidably taken in the process of extracting the resource to ensure safe operating conditions). While we understand the benefit in bringing the management of these industries in line with the current management regime of petroleum and gas industries for coherence, each of these industries uses significant amounts of water and have some of the highest impacts on aquifers and groundwater systems. It is inappropriate, unwarranted and unacceptable that they should have unlimited and unquestioned access to water resources. Particularly, it is increasingly apparent that water resources, particularly groundwater resources, are not clearly understood. Many issues have arisen from groundwater usage associated with coal seam gas operations, shale operations, and drilling and rehabilitation of bores from mineral and coal projects.[1]

These events have already impacted upon the integrity of aquifers and the water supplies they are connected to. Regulation of the water use by these industries must be tightened, not weakened. Regulation should further be brought into line with other industries to ensure consistency and certainty in water regulation. The critical requirement is evidenced by the following recent finding of the Queensland Land Court in relation to a large coal mining proposal in the Galilee Basin:

> "*Given the unsatisfactory nature of the evidence relating to groundwater, good reason has been shown for a refusal to grant the mining lease.*
> *However, as previously indicated, if, following full statutory process, [the proponent] is* ***granted all necessary water licences to take and interfere with water****, and on that basis that conditions as proposed by me relating to baseline bore monitoring and*

[1] For a recent example of contamination of an aquifer by CSG operations, see http://www.abc.net.au/news/2014-03-12/environmentalists-alarmed-at-coal-seam-gas-contamination-scare/5315926

make good agreements are made, then and only then would I be satisfied that this criterion has been met." (emphasis ours).[3]

While we support the requirement that mining and coal proponents enter into make good agreements with landholders, and the increased certainty and consistency this will provide for landholders dealing with resource projects, these agreements must be based on valid, independently verified research of the hydrological conditions which are of concern to the agreements. Landholders do not typically have the finances to undertake their own research and assessment of the adequacy of the information proponents put to them, nor to obtain legal advice to assist them in these negotiations. It is also appropriate that landholders are afforded the right to funds for suitable legal representation to undertake the negotiations on an equal footing.

Recommendations

(x) *The mining and coal sector should not be given a statutory right to associated water. Provisions must exist which require this sector to apply for water licences, to undertake adequate baseline monitoring, undergo thorough assessment by an independent third party, and for appropriate conditions to be placed upon activities to regulate and monitor water take.*

(xi) *Amendments to the management of water usage by mineral, coal, petroleum and gas proponents must be based on adequate hydrological modelling and assessment prior to activities being undertaken, including the understanding of cumulative impacts to water bodies through the associated projects utilising or impacted by the same water source.*

(xii) *Further, EISs must be assessed, monitored and enforced by an independent third party, and realistic remediation measures must be a part of conditions imposed on these projects, with adequate enforcement where breaches occur.*

(xiii) *The interlinked nature of surface and groundwater quantity and quality must be considered in cumulative impact assessment as part of the EIS.*

(xiv) *Landholders must be provided with access to legal representation for make good agreements.*

[3] *Hancock Coal Pty Ltd v Kelly & Ors and Department of Environment and Heritage Protection (No. 4*) [2014] QLC 12 at [399] to [400].

Example 1 - Alpha Land Court Case

In the case of *Hancock Coal Pty Ltd v Kathryn Kelly and others*,[4] it was established by the Land Court that the proponents had not adequately studied the hydrogeological characteristics or impacts of their proposed mining operations on the groundwater outside of the mining site. By the nature of groundwater systems, impacts invariably extend beyond the limits of any project area. If built, this would be one of the largest coal mines in the Southern Hemisphere. If the EIS of a coal mine of this size, with the equivalent financial investment going into developing it, cannot be relied upon, clearly the current process for assessing EISs is not adequate to inform water planning at a regional level.

Example 2 – Landholders loose bore in face of make good agreement

A recent example, published by the ABC,[5] highlighted the importance of adequate regulation of water usage and the monitoring and enforcement of acceptable sharing arrangements between users. The Prentices, bore owners situated near Emerald, Queensland, have been left with a dry bore after entering into a make good agreement with the Ensham Mine which was based on allegedly unfounded technical information. This scenario is an important illustration of the need for both adequate studies to be undertaken for each water take, particularly where involving high water users such as mines, and that these studies be verified and monitored by a reliable third party, to ensure that landholders entering into make good agreements are doing so based on reliable and transparent information. Landholders should further be afforded reliable legal support to assist them in conducting make good negotiations.

5. Revising underground water rights for the petroleum and gas sector

We commend the proposal to review the current rights of the petroleum and gas sector to water use, particularly in light of the risks of the shale gas industry and the pressures this will put on water resources. The option to take away the statutory right to non-associated water which this sector has and increase the regulation of their water use (Option 2) should be taken up. As detailed in point 4 above, the events which have occurred as a result of the current assessment and lack of monitoring of petroleum and gas projects have demonstrated that water usage by this sector is not adequately regulated at present.

Recommendations

(xv) Remove the statutory right to associated and non-associated water of the petroleum and gas sector.

[4] *Hancock Coal Pty Ltd v Kelly & Ors and Department of Environment and Heritage Protection (No. 4)* [2014] QLC 12

[5] ABC Rural, '*Central Queensland graziers left high and dry'*, published 25 July 2014, available here: http://www.abc.net.au/news/2014-07-24/nrn-jamar-embargo/5614382

(xvi) Undertake a comprehensive review of the impacts the petroleum and gas industries have had on ground and surface water bodies, as well as the quantity and quality of impacted ground and surface bodies so as the full impacts of this sector can be adequately understood.

(xvii) Increase the assessment, monitoring and enforcement of the petroleum and gas sector and their water usage.

6. Review the purpose of the Water Act

EDO Qld does not support a change to the purpose of the Water Act which will diminish the weight given to the environmental sustainability of water management decisions. While the RIS does not explicitly state what the change of purpose is intended to be, in light of recent changes to the purposes of other legislation under the red-tape reductions scheme of the current government, it appears highly likely that references to ecological sustainable development (**ESD**) will be removed from the purpose of the Water Act under the proposed amendments. There is currently adequate provision for economic rationale to be considered in assessments under the Water Act.[6]

If the principles of ESD are removed, and merely lip service is paid to 'balancing' economic social and environmental issues, the Queensland Government will fall out of step with international best practice, and will be in direct conflict with policies and laws of the Australian Government, in breach of the IGAE and will have mislead UNESCO on its approach to managing the Great Barrier Reef.

For over 25 years, ESD has acknowledged the close relationship between development, communities and the environment. ESD is about living within our means. It is about development within ecological limits - the undisputed limits which nature provides and on which all life depends. It is about being able to identify circumstances in which the science is uncertain (the precautionary principle) and considering the future of those generations yet to come (the principle of intergenerational equity). It is about economic growth and development, but sustainable economic growth.

There is a misconception held by some industry representatives that those who advocate for ESD are somehow 'anti-development'. The opposite is true. Nobody wants to stop development, however it is essential that our development that impacts on our water sources is sustainable in the long term and does not undermine the ecological processes that support life.

[6] *Water Act 2000* (Qld), ss10(2)(a), 10(2)(c)(ii), 11(a).

Recommendation

(xviii) Ensure that ecologically sustainable development is maintained as a central part of the purpose of the Water Act.

7. Streamlining water resource planning

No detail has been provided as to how water resource planning will be streamlined to properly comment on this proposal.

Recommendations

(xix) Proposals to 'streamline' WRPs and Resource Operation Plans (ROPs) must ensure that these plans are still developed and amended with adequate consultation of stakeholders, assessment by independent consultants and studies from numerous sources which allow for an in depth understanding of the complexities of water management in a region.

(xx) Adequate impact assessment and monitoring of water usage must not be foregone through the removal of provisions for the sake of reducing paper work for industries.

(xxi) More information should be provided which details the proposal to streamline WRP and ROP processes to allow useful input into these proposals.

8. Facilitating increased access to unallocated water

While we support clear and transparent water management, determination of unallocated water must be based on independently verified, scientifically sound studies of current, planned and possible future impacts. The streamlining of access to unallocated water must not be at the expense of proper assessment of water use proposals which consider also the cumulative impact of each use on the water resource.

Recommendations

(xxii) It must be ensured that declarations of unallocated water volumes are based on accurate and verified science which fully understands the complexity of the water resource and the competing current and future uses on each water use and those they interlink with.

(xxiii) All water uses must continue to go through an assessment process which considers also the cumulative impacts of the water uses on the water resource.

9. Reforming the framework for regulation of taking and interference with water

Any amendments to provide for the deregulation of 'low risk' water use must ensure that the type of water use or area to be deregulated is very clearly defined, and that measures are put in place to ensure that cumulative impacts do not arise from numerous un-assessed 'low risk' water projects creating large scale impacts. The term 'low risk' could be relative compared to the scale of the project being undertaken and the priorities of the proponent and assessor, for example, a low risk to a mine may be a very high risk to a small scale cattle farm. Adequate and transparent public consultation must be undertaken to ensure that categorisation of minor watercourses and 'low risk' uses are appropriately identified. A clear obligation must be ensured in the legislative framework that provides for the balance of social, economic and environmental values in the assessment process. Further, monitoring and regulation of 'low risk activities' in minor watercourses must be consistently undertaken to ensure no negative impacts arise from these amendments.

Recommendations

(xxiv) All water uses should require an application and assessment under the Water Act, to ensure that water use is well regulated and able to be monitored, and cumulative impacts are able to be adequately calculated.

(xxv) Otherwise, 'low risk' water usage and areas must be clearly defined and decided on a well-founded scientific basis that has considered the cumulative impacts of the possible usages.

(xxvi) We recommend an obligatory publically available register be maintained by a government department for those seeking to take water under 'low risk' activities.

(xxvii) Proponents should be required to notify the relevant department of their intended 'low risk' water usage.

(xxviii) Regular monitoring of 'low risk' activities and possible cumulative impacts arising in catchments must be ensured.

10. Removing the reversal of the onus of proof

EDO Qld note that while there is an argument for bringing the onus of proof in line with typical criminal procedures, there are also valid reasons for maintaining the reversal of the onus of proof for possible water related offences. It should be noted that the current reverse onus of proof does not mean water uses are automatically considered to be guilty of offences, it must still be proven that they were responsible for the water related offence. The Queensland Government will have a significant and possibly unachievable burden in gathering evidence around water infringements. This may be exacerbated under the

proposed amendments outlined in the RIS since many of the proposals appear to be giving water users the responsibility of monitoring their own water use. Given the move to de-staff and cut funds to many departments undertaken by the Queensland Government currently in power, it is unlikely that any department will be adequately resourced to undertake the monitoring and enforcement required. Unless the relevant government department is given significant resources to enable stringent monitoring and enforcement across Queensland of water users, it is suitable in this instance that water users maintain the onus of proof under section 812A of the Water Act. This may also help to ensure that water users undertake adequate monitoring of their water usage.

Recommendations

(xxix) Relevant government departments should be adequately resourced and staffed to ensure that monitoring and enforcement is undertaken of water users, enabling the government to easily maintain evidence of water usage to support enforcement actions.

(xxx) If it is not possible to ensure adequate resources and staff to monitor and enforce water usage across Queensland, the onus of proof should continue to rest with the water user.

11. Category 2 water authorities and river improvement trusts

EDO Qld questions whether the proposed handing over of responsibility to category 2 water authorities (being water management bodies which are established under Chapter 4 of the Water Act, carry out local water activities and are currently administered by the DNRM) is appropriate and will ensure adequate water management. Measures must be in place to register and assess water related activities, as well as those activities under river improvement trusts. As well-intentioned as these activities may be, they may be based on poor or no scientific basis and may lead to significant impacts or increased risks in flood periods. The possibility that initiatives may interfere with complex water systems in an adverse form must be recognised and accounted for.

Recommendations:

(xxxi) Category 2 water authorities and their activities must be monitored and audited by a separate department or body to ensure that the activities are appropriate, safe and fit within regional water management strategies.

(xxxii) *Approval processes should be maintained for river improvement trusts to ensure that activities are suitable for a region and scientifically founded.*

12. Amendments to the water resource (Great Artesian Basin) Plan 2006 and Great Artesian Basin Resource Operations Plan 2007

EDO Qld does not support the proposal to open up easier access to water in the Great Artesian Basin (**GAB**). Further we do not support the proposal to remove the requirement for the Coordinator-General to declare a project of state or regional significance, in order for water to be allocated under a GAB WRP. There have been insufficient studies done to properly understand the water resources of the GAB. Water usage related to the GAB must be strictly regulated and checks and balances must be maintained to ensure that we do not unsustainable draw from this precious water resource. Particularly, the intention to ease water usage from the GAB for mining processes, where mining and coal proponents are proposed to be granted statutory rights to associated groundwater, is very worrying. We do not support proposals to promote significant use of GAB water while this important water system is not yet adequately understood.

Recommendations:

(xxxiii) Maintain the requirement for the Coordinator-General to declare a project of state or regional significance in order for water to be allocated under a GAB WRP.

(xxxiv) Ensure adequate assessment processes and monitoring of GAB water use proposals and current projects.

13. Flexible public notice requirements

EDO Qld support the move to provide notification opportunities in one place on the internet, however notifications must also be undertaken via another format offline, as many stakeholders who are likely to be impacted by other water use projects (particularly agricultural landholders) do not have access to the internet frequently or easily.

Recommendations

(xxxv) The move towards more 'flexible' public notification procedures is not supported. Procedures must still ensure that the public clearly understands how to easily inform themselves of opportunities for public comment in decision making around water regulation issues.

(xxxvi) A single place online for public notification to be publicised should be utilised, but along with other mediums for undertaking public notification, such as newspapers notices so as to be suitable for the stakeholders likely to be impacted. Both offline and online notifications should be used simultaneously.

14. Simplification of the current licencing framework

EDO Qld does not support the removal of public consultation mechanisms for some water licences. Public consultation mechanisms are integral for ensuring that good decisions are made informed by all relevant concerns that an assessment authority might not always be aware of. As detailed in point 9 above, there is a risk that low risk water usages could accumulate in a region to cause significant impacts. It is essential that all water use is properly regulated to inform sustainable and suitable water management at a regional level.

Recommendations

(xxxvii) Maintain public notification and assessment processes for low risk water uses.

(xxxviii) Provide a very clear definition of what types of activities will amount to 'simple or low risk' water usages, noting also that these may be relative terms when comparing small and large projects, for example where a low risk to a mine may be a very high risk to a small scale cattle farm.

15. Outcomes based requirement for water supply scheme operators

EDO Qld has concerns with the proposal to grant ROL holders the ability to prepare new operating arrangements, environmental flow rules and water sharing rules. These arrangements may bias large projects. It is inappropriate for ROL holders to undertake the preparation of these arrangements and rules without assessment and monitoring by a third party to ensure that they are fair, adequate and ensure sustainable water usage and impacts.

Recommendations

(xxxix) Operating arrangements, environmental flow rules and water sharing rules prepared by ROL holders must be assessed and monitored by a suitable and independent third party to ensure they are fair, adequate and sustainable.

<u>Further issues of concern include:</u>

16. Possible non-compliance with National Water Initiative

Currently the Water Act complies with the detailed requirements outlined in the National Water Initiative agreement signed by the Queensland Government in 2004 (**NWI**). As outlined in comments by expert Tom Crothers, there is the potential that the proposed changes may lead to inconsistencies with the NWI. The RIS makes no reference to matters of compliance with the NWI. The proposals of particular concern involve:

- increased water consumption without proper consideration of ESD;
- failure to provide for adequate assessment of over-allocated water resources, particularly groundwater systems, prior to easing trade and use of these resources, the reduction;

- inadequate recourse to scientific studies and public consultation for regional WRPs;
- inadequate accounting for the variability in the diverse water systems of Queensland;
- inadequate assessment prior to water use through granting 'water development options' to large scale water users, allowing mineral, coal, petroleum and gas to hold statutory rights to use associated water, and reducing requirements for 'low risk activities' on minor watercourses yet to be determined.

The obligations Queensland agreed to when signing the NWI were undertaken to ensure sustainable management of our water resources. Any amendments to the Water Act must be in line with the NWI.

17. Consultation process inadequate

The RIS details various bodies and organisations who were involved with consultation processes in the drafting of the proposals outlined in the document. We note that none of these bodies were conservation focused or indigenous groups. This omission has seriously limited the benefits that normally arise from thorough and full consultation processes with all stakeholders who are able to inform sustainable and acceptable water resource planning. Full consultation with all stakeholders must be undertaken to ensure Queensland is a national leader in water management policy and policy adequately balances social, economic and environmental considerations.