



QUEENSLAND FARMERS' FEDERATION

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Submission

21 July 2017

Water Reform Unit
Department of Natural Resources and Mines
1 William Street
BRISBANE QLD 4000

Email: waterreform@dnrm.qld.gov.au

Dear Sir/Madam

Re: Draft Water Bill 2017 (version reference: B17_0028_v17)

The Queensland Farmers' Federation (QFF) is the united voice of intensive agriculture in Queensland. It is a federation that represents the interests of peak state and national agriculture industry organisations, which in turn collectively represent more than 13,000 primary producers across the state. QFF engages in a broad range of economic, social, environmental and regional issues of strategic importance to the productivity, sustainability and growth of the agricultural sector. QFF's mission is to secure a strong and sustainable future for Queensland primary producers by representing the common interests of our member organisations:

- CANEGROWERS
- Cotton Australia
- Growcom
- Nursery & Garden Industry Queensland (NGIQ)
- Queensland Chicken Growers Association (QCGA)
- Queensland Dairyfarmers' Organisation (QDO)
- Burdekin River Irrigation Area Irrigators Ltd (BRIA)
- Central Downs Irrigators Ltd (CDIL)
- Bundaberg Regional Irrigators Group (BRIG)
- Flower Association
- Pioneer Valley Water Cooperative Ltd (PV Water)
- Pork Queensland Inc.
- Queensland Chicken Meat Council (QCMC)
- Queensland United Egg Producers (QUEP).

QFF welcomes the opportunity to provide comment on the Draft Water Bill 2017. QFF notes that this submission only includes the views of QFF and that QFF membership have not been consulted on the Draft Water Bill as per the confidentiality agreement. As such QFF provides this submission without prejudice to any additional submission provided by our members or individual farmers.

The united voice of intensive agriculture



Specific Comments:

1. *Explicit requirement for Minister to consider water related effects of climate change on water availability in drafting a water plan and on water use practices and the risk to land and water arising from use of water on land in drafting a water use plan*

- a) The application of climate change forecasting for the assessment of environmental flow needs and water security needs for water plans and water use plans should be fully examined with stakeholders before any formal planning processes commence.
- b) Current plan reviews investigate and consult on updated hydrological data. It is understood that planners also examine the implications of climate change forecasting.
- c) QFF suggests that the impacts of any changes to water plans and water use plans as a result of climate change forecasting must be fully and transparently assessed. It would be expected that these changes would impact on water sharing rules and seasonal allocation rules under plans. There must be adequate provision in the plans for adjustment to significant impacts on reliability of water access. For example:
 - Will there be a need for revised announced allocation procedures and improved information on water availability to allow farmers to plan into the future?
 - Will these changes have implications for the allocation of costs between medium and high reliability customers in water supply schemes, noting that impacts on water reliability will also adversely affect the ability of farmers to manage unsustainable increases in the cost of energy?

2. *Specification of cultural outcomes distinct from social and environmental outcomes*

- a) Progress has been made in the implementation of water planning catchments, to address the availability of water for the economic needs of Indigenous communities. It is not widely understood how this process would be implemented in subsequent plan reviews.
- b) It is important to make progress in specifying cultural outcomes distinct from social and environmental outcomes. However, it is unclear how these reforms would be introduced through the reviews of water plans where cultural outcomes include ensuring that water is available for indigenous businesses that rely on taking water from a river or bore. The statutory right is already in the Act.
- c) There will also be concerns how water for cultural needs will be provided, particularly in catchments/sub-catchments where water resources are fully committed for environmental and consumptive needs.

3. *Temporary release of water from a strategic water reserve to provide opportunistic supplies while the reserve is unused*

This proposal is supported. However, it is understood that the Chief Executive can only make the water available under a water licence granted for a term of no more than three (3) years and the licence cannot be renewed, reinstated, relocated, amalgamated or subdivided. The Chief Executive must also consider alternatives to the release from strategic reserves as well as objectives of water plans, water supply schemes, other water users and existing water markets.

4. *Power of the Minister and Chief Executive to direct urgent actions to prevent or resolve water quality incident even if it is inconsistent with water planning or operational rules*

This provision will apply to distribution operations licences, interim operations licences, resource operations licences, water management protocols and water plans. It is understood that this power is necessary to effectively handle urgent management issues. QFF notes the example (Fitzroy Barrage after Cyclone Marcia) provided to the Water Engagement Forum where such a provision has previously been applied. It would be useful for this example to be documented for further consultation purposes.

5. Inclusion of a condition in a resource operations licence about the holder collecting and publishing the sale price of each temporary trade.

While QFF notes the usefulness of access to reporting on temporary trades within irrigation distribution schemes, it will be important for SunWater to examine cost effective ways of implementing this provision.

It is also proposed that the resource operations licence must state environmental management rules. This is required to allow oversight of these rules which were discontinued as a result of the removal of the resource operations plans in previous amendments to the Act.

6. Allows minor repairs of sub-artesian bore casing no deeper than 1.2m to be carried out without a licenced driller

QFF thanks the Department on clarification during the last Water Engagement Forum that bores also include wells under the current definition.

The amendments to this section must clarify the status of the inner and outer casing. QFF requests that both the inner and outer casings are included for the purpose of 'minor bore repairs'.

7. The following amendments to improve water planning

- a) Flow event transfer – proposals to allow flow event temporary trades and changes to the definition of a seasonal water assignment will facilitate the development of the temporary trade market in unsupplemented water areas.
- b) Limiting take of contaminated agricultural run off – this contradicts provisions to manage water contamination (see Chapter 8, Part 3C of the *Environmental Protection Act 1994* (EP Act), including the offence of depositing prescribed water contaminants in waters under Section 440ZG. Under Schedule 9, water contaminants are defined to include: herbicides, pesticides, silt, soil, sand and even temperature).

The EP Act lists obligations and duties to prevent environmental harm, nuisances and contamination. It also sets out enforcement tools that can be used when offences or acts of non-compliance are identified. QFF specifically draws the Department's attention to Section 319 – (General Environmental Duty) of the EP Act. This Section means that a person must not carry out any activity that causes or is likely to cause environmental harm, unless measures to prevent or minimise the harm have been taken. While it is not an offence not to comply with the general environmental duty, maintaining your general environmental duty is a defence against the following acts:

- an act that causes serious or material environmental harm or an environmental nuisance
 - an act that contravenes a noise standard
 - a deposit of a contaminant, or release of stormwater run-off, mentioned in Section 440ZG
 - A farmer (or nursery) or construction site releasing any water contamination would be prosecuted – Local Government is the administering authority for this offence unless there is significant environmental harm. In which case, it reverts to the Department of Environment and Heritage Protection. This duty applies to all farms regardless or not of holding an ERA. For farms undertaking an Environmentally Relevant Activity (ERA2, 3 or 4) they may have specific requirements on their Environmental Authority for storm water management which may include, but not be limited to collection facilities.
- c) Declaration about water – it is understood that this change is required where it is difficult to separate underground water from surface water collected from overland flow.
 - d) Continuous protections for water allocation holders – this proposal is necessary as it clarifies that the payment of compensation for reduction in value of a water allocation during the term of a water plan also applies to plans which are extended beyond ten years.
 - e) Landowner notification of a Water Entitlement Notice will ensure lessees of land are also informed about the proposed conversion of a water licence to a water allocation.



- f) Resource operating licence holders to have the right to have proposed amendments to environmental management rules in a resource operating licence considered by the Referral Panel – these changes are required to allow for adequate oversight of environmental management rules.

The amendments to provide for operational flexibility of water planning, water licence dealings and other minor amendments are also noted.

If you have any questions on this submission, please contact Dr Georgina Davis at georgina@qff.org.au.

Yours sincerely

Travis Tobin
Chief Executive Officer