

29 March 2000

Mr Steve Edwell
Queensland Water Reform Unit
Department of Natural Resources
GPO Box 2454
BRISBANE QLD 4001

Dear Mr Edwell,

Re: Draft Water (Allocation and Management) Bill

The Condamine Catchment Management Association Inc. (CCMA) would like to make the following comments in relation to the Exposure Draft Water (Allocation and Management) Bill, November 1999.

s.4 Purpose of the Act

The incorporation of the need to 'promote sustainable management of water' in 'accordance with the principles of ecologically sustainable development' is highly commended.

s.8 Rights of all water vests in State

The CCMA strongly supports the inclusion of the management of overland flows into the framework of water management. It is essential that the managing agency, the Department of Natural Resources, act to avoid a crisis and facilitate sustainable management of development. It is essential that the Department can respond in a timely manner to threatening and unsustainable development.

s.31 Information recording and planning

Proper management requires data collection and measurement on the use and state of the resource. This must be made available to the user community.

Water Resource Plans (WRPs) and Resource Operation Plans (ROPs)

It would be beneficial for the Act to incorporate the criteria the Minister will review when determining an area for a WRP/ROP (eg 32.(2)(d)).

Although the process includes opportunities for written submissions from the community which 'must' be considered by the Minister, nevertheless a representative and skill based committee should be included to offer advice to the Minister and also to try to compromise competing claims. This is particularly important given that it is envisaged that a WRP becomes subordinate to legislation and not subject to appeal – except by way of judicial review. **The process of development of a WRP and an ROP must somehow incorporate a process to address appeal issues.**

An advisory committee could provide a community view of equity and fairness. This would support s.4(2)(h) which refers to the inclusion of community whilst planning the allocation and management of the water resource. Support for the process will be limited if there is not a defined process for ongoing community involvement in the management of the resource.

In both instances an absolute time period should be stated within which a WRP and/or ROP must be completed by (eg 2 years).

s.32D Exceptions to ss 32B and 32C

A moratorium must apply as far as possible equally to all affected water users to ensure it is fair and equitable.

s. 32D(a) the lack of description associated with a 'water permit' means it is difficult to determine whether or not it should be excepted.

s.32D(f) needs to be somewhat more clearly defined, at the very least some criteria should be provided against which such a discretion by the Minister is to be exercised.

s.32F Matters the Minister must have regard to when preparing draft water resource plan

This section should be expanded to include relevant catchment strategies which have been endorsed by the state landcare and catchment management council. Communities throughout Queensland (supported by the Department of Natural Resources) have been developing and implementing natural resource management strategies for their catchments over the past 4 years. The inclusion to require the consideration of catchment strategies would provide recognition for the level of community planning which has already taken place (but which is not currently recognised within any legislation). This point is equally relevant when considering **s.42D Matters the chief executive must have regard to when preparing draft resource operations plan.**

Resource Operation Plans

The process for translating water-harvesting licences to volumetric allocations is not detailed. This is a serious and significant concern to the water user community and must be inclusively addressed.

Transferring resource operations licences

s.42C.(1)(f) needs to be very prescriptive and thoroughly evaluated by all interested stakeholders prior to the approval of the Resource Operation Plan.

s.43M.(2)(b) Greater definition needs to apply to the information which needs to be provided with an application to transfer a water licence.

s. 63 Application for a water permit

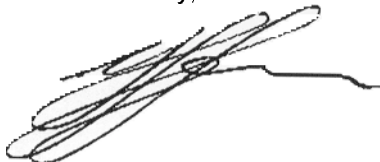
There should be an absolute limit on the total time period of use enabled by the granting of a permit. The inclusion of the consideration of catchment strategies by the chief executive when deciding permit applications in s.63A would also be appropriate.

s. 62C Criteria for deciding applications

The consideration of catchment strategies is strongly supported, however, they should have a more significant role in the water planning and management process.

Finally, those members of the CCMA, representing the community, strongly believe that the issue of compensation requires further discussion prior to resolution.

Yours sincerely,



Mr Michael Spence
Chair – Condamine Catchment Management Association Inc.