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4 July 2014

Water Act Review Secretariat  
Water Reform Division  
Department of the Environment

c/- wateractreview@environment.gov.au

Dear Water Act Review Secretariat,

**RE: Review of the *Water Act 2007* (Cth)**

QFF appreciates the opportunity to make a submission on the review of the *Water Act 2007* (Cth) (the Act). This submission primarily addresses the effectiveness of the Act in achieving its objectives and opportunities to reduce or simplify regulation and reporting (i.e. matters listed under Item 2 of the terms of reference for the review). QFF is unable to provide detailed comment on those matters listed in section 253 of the Act for review this calendar year (i.e. matters listed under Item 1 of the terms of reference) as insufficient progress has been made on the implementation of the Plan in the Northern Basin and particularly in the Queensland Murray Darling Catchments.

QFF expected by this time that the science review would have made substantial progress in addressing the methodological weaknesses underpinning the Sustainable Development Limits (SDLs) for both the Condamine-Balonne and Queensland Border Rivers catchments. These weaknesses were identified by the Queensland Government following the release of the Plan in 2012. The delay in providing an adequate review of the science is negatively impacting on the implementation of water recovery programs, particularly in the Condamine Balonne. There has also been little progress in defining down-stream environmental needs. Irrigation communities are keen to see progress made at the local catchment level in identifying solutions to achieve SDL targets, but there is a growing concern that the slow pace of reform could put entitlements at risk if SDL targets are not met by 2019. The sections of the Act dealing with allocation of risks resulting from reductions in diversion limits are redundant. Irrigation communities now depend upon commitments made by successive Australian Governments to implement water recovery by voluntary means and provide the funding necessary for recovery programs to implement SDL targets. It is essential in the conduct of this review of the Act that the Australian Government re-affirms these commitments as a basis for changes to the legislation that are finally put forward to the Parliament.

QFF has concerns that the provisions of the Act in regard to the implementation of the Murray Darling Basin Plan are unnecessarily prescriptive and detailed to support a centralised planning approach delivered through the Murray Darling Basin Authority. This approach is not conducive to encouraging State Agencies to take more responsibility for catchment planning and to encourage irrigation communities to engage in the implementation of reforms.

It is not surprising that the planning process in the Northern Basin is lagging given the priority given to Southern Basin and the difficulties that have been faced by the Authority in planning for the vastly different conditions in the Northern Basin. The current regulatory process set out in the Act is expected to continue to delay implementation of the Plan in the Northern Basin and particularly the Queensland Murray Darling Catchments. As result, it is questioned that the Minister's commitment for the Review to implement 'the Murray-Darling Basin Plan on time and in full, in a way that maximises the potential positive outcomes for both the environment and communities' can be met in the Northern Basin.

QFF recommends that an urgent review be conducted into the management approaches currently adopted to implement the Basin Plan. Investigations should focus on delegation of catchment planning to State agencies to deliver on the outcomes of the Basin Plan. State agencies and irrigation communities need to be able to have greater flexibility to demonstrate how catchment SDL targets can be achieved and reporting requirements should be redrafted to fit with this approach. Where regulations are necessary they should be outcomes focused and not constrained by prescriptive requirements. Overall, both the MDBA and involved Commonwealth and State Agencies need to have clarity about what is expected to be delivered and reporting requirements should ensure that communities can monitor progress with the implementation of basin reforms. The success of the any review should be judged on the basis that all parties involved will have a better understanding about what is required and more importantly how it will be implemented effectively and efficiently. The regulatory review should not seek to change policy settings and objectives for the planning process.

In regard to the issue of Basin-wide consistency in water charging regimes, the Queensland Government has implemented a third, five-year price path based upon a comprehensive investigation conducted by the Queensland Competition Authority (QCA) into SunWater bulk and distribution systems. QCA took full account of ACCC requirements in the conduct of the investigations but were mindful of the need to take a consistent approach to pricing across all of the SunWater schemes. QFF continues to oppose the introduction of water planning and management charges to recover the high costs of initiating water planning in each catchment across the state.

The implementation of the National Water Account may have some value at the national level but at this stage the data is of little value to irrigation communities still seeking information about how SDL targets will be achieved.

QFF is happy to respond to any questions the expert Panel may have.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Galligan', with a long horizontal flourish extending to the right.

Dan Galligan  
QFF CEO