



AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE

Members present:

Mr IP Rickuss MP (Chair)
Mr JN Costigan MP
Mr SV Cox MP
Mr S Knuth MP
Ms MA Maddern MP
Ms J Trad MP

Staff present:

Mr R Hansen (Research Director)
Mr M Gorringe (Principal Research Officer)

PUBLIC BRIEFING—EXAMINATION OF THE LAND, WATER AND OTHER LEGISLATION AMENDMENT BILL 2013

TRANSCRIPT OF PROCEEDINGS

FRIDAY, 12 APRIL 2013

Brisbane

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Committee met at 1.01 pm

HINRICHTSEN, Mr Lyall, Executive Director, Water Policy, Department of Natural Resources and Mines

JENSEN, Ms Judith, Executive Director, Aboriginal and Torres Strait Islander Land Services Branch, Department of Natural Resources and Mines

MEADOWCROFT, Mr Rex, Director, Legislative Support, Department of Natural Resources and Mines

MICOCK, Ms Belinda, Principal Policy Officer, Land and Mines Policy, Department of Natural Resources and Mines

MORGAN, Ms Margaret, Manager, Property Services, Government Land Acquisitions, Department of Natural Resources and Mines

RALPH, Mr David, Petroleum Registrar, Department of Natural Resources and Mines

SHARP, Mr David, Acting Deputy Chief Inspector, Petroleum and Gas Inspectorate, Department of Natural Resources and Mines

SHEPPARD, Mr Stephen, Principal Policy Officer, Land and Mines Policy, Department of Natural Resources and Mines

CHAIR: Ladies and gentlemen, thank you for coming along this afternoon. We have heard from a number of people who have made submissions this morning. I do not know whether you have caught up with them or had a look at the submissions. They were fairly comprehensive. There were some interesting points raised. Some were very pro some of the amendments, some were questioning of some of the amendments and some were a bit anti some of the amendments. It is a good range of what we expect at these sorts of hearings. I would like to welcome you all here today. Lyall, would you like to kick off with an opening address?

Mr Hinrichsen: Thank you, Mr Chair. I am Lyall Hinrichsen, the Executive Director for Water Policy in the Department of Natural Resources and Mines. As the committee appreciates, this being an omnibus bill it is very broad, covering quite a number of pieces of legislation. Neither myself nor any of my colleagues would expect to be able to answer all of the committee's questions. I guess that explains why there are many of us here today to assist the committee in this process. Just depending on the nature of the questions, we will direct that to either colleagues at the front bench or we have brought some support staff if we do need to try to address some detailed questions about specific provisions. Otherwise, the department does not seek to make an introductory statement. We would prefer to just respond to any questions that the committee members might have.

CHAIR: Thank you very much. I will kick off, if you like. River improvement trusts have been around since 1940. I see it is a 1940 act. Unfortunately, they have been difficult to maintain and get to deliver what they are really supposed to deliver. Do you feel that they can be improved and will instigate more dealings, particularly after a couple of serious wet seasons that we have had over the past few years in Queensland?

Mr Hinrichsen: Thank you for the question, Mr Chair. The bill as it is proposed does make some significant changes to the River Improvement Trust Act, but very much in the vein of streamlining their administrative processes and procedures. So it is very much about simplifying. Beyond that, the department certainly has a view that river improvement trusts do continue to provide very significant functions. I think, as was reflected in some of the presentations that the committee received, both in writing and presentations this morning, there certainly is more that can

be done in that space and the department is still working very closely with the likes of the state river trust association, looking at some longer term reforms that can improve the function and effectiveness of the river improvement trusts.

CHAIR: I notice that the declared catchment areas are going to be taken away; is that right?

Mr Hinrichsen: That is correct.

CHAIR: Do you feel the improvements to the river improvement trusts will assist with the lack of use of the declared catchment areas?

Mr Hinrichsen: It is probably somewhat a separate issue. I guess if you look at the provisions in the Water Act that relate to declared catchments areas, they are very simple provisions in many respects. They simply operate to basically override arrangements under the Sustainable Planning Act. If you go back, those provisions largely are in their current form going back to even prior to the Integrated Planning Act or even prior to the Water Act itself. In modern times, as we are, the Sustainable Planning Act, through local government planning schemes, is seen to be the best framework for managing that land planning within particular catchments areas when it comes to an overall regulatory framework—rather than having that as the regulatory framework—but this little used provision in the Water Act potentially just cuts across that to invalidate what will otherwise be in the planning framework. Certainly river improvement trusts, where they do exist—and it is not in all parts of the state. Predominantly in north Queensland, as the member for Whitsunday would be aware, there is a very strong river improvement trust in the Whitsunday shire or there are two in the Whitsunday shire.

Mr COSTIGAN: There are two in my electorate, actually.

Mr Hinrichsen: There would be. They do significant work in managing stream bank erosion, flood protection levies, particularly in the case of the Whitsunday Rivers Improvement Trust. But there are certainly broader natural resource management/catchment management functions that are also undertaken by landholders, through councils, through the NRM bodies, which was reflected in the submissions received today. The river improvement trusts are very much a piece of that overall puzzle. But they are more about doing works on the ground, where the declared catchment area is a regulatory instrument that would say, if there are issues to do with types of buildings being constructed or land use within a particular designated catchment area, the Water Act could effectively work to override that planning framework. I believe that it is more appropriate that those issues of water quality and compatibility with the objectives of protecting water quality in storages should be part and parcel of that overall planning framework, rather than something that cuts across that and basically invalidates the planning framework that would exist under the Sustainable Planning Act.

CHAIR: I realise there are some questions to be answered yet around levees and how we are going to actually fully manage levees and some of the regulations to be put in place. The real problem I can see—and I think that the Herbert River Improvement Trust has touched on it in its submission—is that a lot of these levees are built or are being built. Particularly in my area of the Lockyer, some have been built just recently. It then becomes an effort to get them pulled in. The Lockyer Valley virtually is a floodplain. Virtually most of the Lockyer Valley is a floodplain. How do we encourage the landholders to go back to using the land as a floodplain where everyone gets a fair share of a certain amount of water in a flood situation, instead of the situation where one bloke has a metre levee so that the bloke across the creek gets twice his share? Is this legislation going to be that complex that it will be virtually impossible to get those levees that have been built pulled down?

Mr Hinrichsen: The legislation, as it is proposed, will not apply retrospectively, as you would appreciate. It is about regulating new levee bank constructions. That was consistent with the flood commission of inquiry recommendation that the government has accepted. Certainly I recognise the issue that you raise, Mr Chair. There are many parts of Queensland where there are existing levee banks and there is no simple solution to what should happen with those levee banks, other than a process of working with those communities to look at what might need to be done to rationalise some of those existing levee banks. Many were constructed by landholders, obviously in accordance with the legislation of the day, the regulatory framework that existed. Land uses have developed in the shelter of those levee banks. Sometimes, they were constructed in response to other landholders' building levees. So a framework for coordinating those activities would go a long way to addressing many of those issues that you are familiar with from the likes of the Lockyer Valley.

Mrs MADDERN: The Wildlife Preservation Society obviously has some issues with the conversion of CSG wells or the takeover of those for agricultural use. Can you give the committee a breakdown of the numbers of CSG wells that were constructed before and since the new code? That new code seems to be the trigger point where they can be taken over for agricultural purposes. Does anybody have figures on that or do you want to take it on notice?

Mr Hinrichsen: We would have to take the actual figures on notice, rather than trying to answer that question.

CHAIR: Is there more complexity around the construction of the bores since that trigger point?

Mr Hinrichsen: Absolutely. The new code that was introduced in late 2011 basically aligned the construction standards to be compatible with the national water drilling standards that water board drillers need to comply with. Prior to that, there were basically different standards depending on whether the bore was being constructed for a water supply purpose, because the water supply board had a much higher standard from a regulatory perspective applied than to the drilling of, say, an exploration bore for gas. That was creating some significant resource management issues. I would have to say that, just because the standards were different in the past, not all companies were building poor quality bores, but it was variable. It was completely variable, just depending on, if you like, the standards that a particular company sought to utilise in its practices. The new code requires a uniform standard. That basically means that if a bore was constructed as part of exploration, it is now of a standard where it could be transferred to a landholder for use as a water supply bore.

Mrs MADDERN: Do you anticipate many of those will be transferred over and, if they are not transferred over, what then happens when they are decommissioned?

Mr Hinrichsen: That is a good question. Certainly there has been a significant amount of interest, particularly in western areas where some of these bores can be very expensive to construct. Quite often that provides some opportunity for landholders to utilise those bores for providing stock water, say, to a part of their property that previously has not had a permanent or reliable water supply. If they are not transferred, and it is totally at the discretion of the landholder as to whether they would accept the transfer of that bore from a company, then the responsibility stays with the company and they need to either continue to manage those bores in an appropriate condition or decommission them. The code also covers the process for decommissioning, so it is not just a matter of pulling out the casing and pouring some sand down. It needs to be properly sealed and decommissioned to an appropriate standard.

Mrs MADDERN: Mr Chairman, just as a follow on from that: if a landholder takes over a bore, he then becomes responsible for the management of it. If he wishes to decommission it, would he then need to decommission it in the same terms as the CSG company?

Mr Hinrichsen: That is correct.

CHAIR: This morning a lot of angst was raised about riverine protection permits being done away with. Would someone like to comment on why they feel there is no need for the riverine protection permits? I realise it is covered under other acts, but could we have a bit more detail on that?

Mr Hinrichsen: I guess the point that you made, Mr Chairman, is the key reason: the provisions in the Water Act basically go back to the original Water Resources Act. It goes back to the early 1990s when the then Water Resources Act was amended to include the protection of vegetation within the bed and banks of water courses. It is not beyond that. It does not cover the riparian zone or other parts of the floodplain. It is just the vegetation within bed and banks. Since then, of course, there has been the Vegetation Management Act. In the majority of cases where people were seeking, under the Water Act, to remove excess vegetation from a watercourse, they also required a corresponding approval under the Vegetation Management Act. So we had a system of duplication. As a consequence, our minister sought to introduce this bill, which would mean that if it is a matter to do with management, clearing or removal of vegetation that would occur under the Vegetation Management Act as opposed to the current regime where authority is required under the Water Act and another authority is required under the Vegetation Management Act.

CHAIR: Does the government feel that there are going to be any adverse effects on the quality of water in our streams or the turbidity of water that might be say, for instance, supplied into the Brisbane River for the water supply due to this removal of these riverine protection permits?

Mr Hinrichsen: I guess there is a concern that has been expressed I know by many that the removal of those protections will mean that there will be large scale clearing of riverine vegetation. We do not believe that to be the case. If you look at our history of people applying for riverine protection permits, relatively few permits that are applied for to clear vegetation—a very small percentage—are outside of the scope of the Vegetation Management Act. I think the reality is that most landholders understand the importance of vegetation as part of maintaining the stability of the landscape. So I do not think we will see the types of examples of people undertaking broadscale tree clearing for two reasons: I think the Vegetation Management Act already covers the majority of riverine vegetation and I think, secondly, most responsible landholders understand and appreciate the need for riverine vegetation.

That does not mean that there is not a need to clear in some circumstances, because too much vegetation can in itself cause stability problems—if you have fallen trees, if you have undergrowth that is constricting the watercourse. There is a legitimate need to remove vegetation to maintain stability in many, many circumstances, but it is about getting the balance right.

CHAIR: SEQ Catchments is concerned about the emergency provisions, the exemption for clearing of up to half a hectare, which is roughly a bit over an acre. Do you feel that this is being overused?

Mrs MADDERN: It should be up to five hectares, surely.

CHAIR: No, it is only half a hectare.

Mr Hinrichsen: Under the Vegetation Management Act?

CHAIR: No—

SEQ Catchments is also concerned about the emergency provisions which allow automatic clearing of up to 0.5 ha of vegetation under the Sustainable Planning Regulation 2009. At the state level, this provision makes sense during emergent situations.

However, if every landholder adjoining a watercourse in Queensland availed themselves to this—for instance, this category D stuff that we have had up in the Lockyer—everyone can virtually clear that sort of area. That is what they are saying.

Mr Hinrichsen: Thanks for your clarification. So that is an existing provision that applies to clearing both under the Vegetation Management Act and the Water Act. It was introduced in the last 12 to 18 months—following the 2011 flooding—to provide some streamlining of the approval process. Certainly, we have not seen any evidence that that has created out-of-control clearing in the stream environment.

Mrs MADDERN: We have taken riverine permits out of one lot but it is still there under the Vegetation Management Act. For a person who is going to make an application to remove some vegetation, they previously would have had to apply under two acts and now they apply under one act; is that correct?

Mr Hinrichsen: For major clears—

Mrs MADDERN: And for the majority of cases.

Mr Hinrichsen: Not all vegetation is protected under the Vegetation Management Act—it is the remnant vegetation—but otherwise that is correct.

Mrs MADDERN: Pretty much. Is there a significant difference between the two application processes—the one we are removing and the one that is under the Vegetation Management Act?

Mr Hinrichsen: I would probably have to seek some clarification with my colleagues who are more familiar with the Vegetation Management Act, but there are different forms of clearing from those things that are self-assessable through to where a development application is required. So it will depend on the circumstance of the actual clearing.

Mrs MADDERN: Okay. Thank you.

CHAIR: Just for clarification for the committee, normally if you wanted a permit to put a creek pump on a creek bank you would apply for a riverine permit to be able to do that and that would give you the permit.

Mr Hinrichsen: Yes.

CHAIR: Under the Vegetation Management Act, you are saying that that would have to be only if that was remnant vegetation.

Mr Hinrichsen: Correct.

CHAIR: So if there was a grazing property with a bit of general vegetation, you probably would not have to apply for any permit at all. Would that be right?

Mr Hinrichsen: If it was, say, regrowth.

CHAIR: That is right.

Mrs MADDERN: Okay.

Ms TRAD: Mr Hinrichsen, do you have the departmental officer here who can give us that advice in relation to—

CHAIR: It is the EPA.

Mr Hinrichsen: Sorry, in terms of the Vegetation Management Act?

Ms TRAD: That is right, yes.

Mr Hinrichsen: That is our department.

Ms TRAD: Yes, thank you.

Mr Hinrichsen: I do not know if Rex is in a position to talk to any of the vegetation management issues

Mr Meadowcroft: No, not really, no.

CHAIR: Take it on notice?

Ms TRAD: Yes.

Mr Hinrichsen: I am sorry.

Ms TRAD: But can we have some advice about when we can get that information to the committee?

Mr Hinrichsen: That is information in relation to the costs—

Ms TRAD: No, the information in relation to the clearing of riparian vegetation—so the riverine protection permits, the removal—

CHAIR: That is what Anne just asked.

Mrs MADDERN: The difference between the two application processes.

Mr Hinrichsen: Sure.

Mrs MADDERN: That is what were you were wanting?

Ms TRAD: Yes, that is what I am wanting. We heard some evidence earlier today that 100,000 kilometres of riverbed will not be protected as a result of removing the riverine protection permits from this act, because they will not be covered under the Vegetation Management Act. Can you advise us as to the actual duplication and whether or not that is correct? That would help the deliberation of the committee, obviously.

Mr Hinrichsen: I am not familiar with the figures that I am aware Mr Hoobin presented this morning. I am aware that he tabled a report. I have not seen that report. As to the basis of those figures, certainly, our department has not done an analysis of that type to identify the length of watercourse that does have remnant vegetation versus that that does not have remnant vegetation.

Ms TRAD: So how can you say that it will have a low impact if that analysis has not been done?

Mr Hinrichsen: The most significant vegetation is covered by the Vegetation Management Act. There is very little clearing that does occur currently. People can still apply for riverine protection permits, but it is a fairly rare thing that people will feel the need to clear vegetation from a creek. I think most people would accept that riverine vegetation does significantly enhance the stability of watercourses. The provisions of the bill are very much about removing what is seen as an extra level of regulation in favour of an approach where best practice applies more on a voluntary basis with the underpinning of still the Vegetation Management Act where there is remnant vegetation associated with those riverine environments.

Ms TRAD: I understand that. There is a whole range of assertions in there. What I am asking for are some facts and some evidence in relation to the riverine protection that is covered under the Vegetation Management Act versus the riverine protection that is currently covered under the Water Act and what is the difference in terms of areas that will no longer be covered.

Mr Hinrichsen: I understand the question.

Ms TRAD: Thank you very much.

Mr Hinrichsen: I am not able to provide that information today and I am not sure the department is able to provide that information. I do not know if we have that mapping, but I will make some inquiries.

Ms TRAD: That would be very good. Can I also thank you. Yesterday, you made departmental officers available for a private briefing with me. I appreciate the extension of that. During that session, I did raise questions about what, in fact, does constitute low-risk water take activities. The departmental officers promised to get back to me, and I appreciate their efforts in relation to that. I have not seen it as yet, but I would be very interested to know if the department has a comprehensive list of low-risk water take activities that the new provisions will apply to. What can the community expect in relation to this?

Mr Hinrichsen: Rex, do you want to respond to that in the first instance? I believe my colleague Mr Meadowcroft was part of that briefing.

Mr Meadowcroft: We are preparing a list—

Ms TRAD: I know. Thank you very much.

Mr Meadowcroft: We will get that to you in the near future. We have taken that question on notice.

Ms TRAD: But just to follow up, there is not a schedule of what low-risk activities the new provision also apply to as yet, is there?

Mr Meadowcroft: I believe they are essentially listed in the act.

Mr Hinrichsen: The actual bill itself—

CHAIR: Can I ask that that also be supplied to the committee?

Mr Hinrichsen: Certainly. The framework that is proposed does allow those activities to be defined through regulation and it very much then allows water resource planning, which covers a particular catchment area, to influence what activities in a particular part of the state are low impact in the context of that catchment versus another catchment. For example, a very heavily developed catchment like South-East Queensland or in the headwaters of the Murray-Darling Basin, what might be considered low impact or high impact in those circumstances would be completely different from, say, in the cape or in the gulf, where there is very, very little water use, there is very low intensity of land development. So the provisions that are proposed in the bill allow that horses-for-courses approach to be applied catchment by catchment in defining, 'This catchment, that type of activity is low use and therefore does not require a licence or a permit to be issued by the state' whereas a higher level of management—if you like a more intensive management regime—apply in those more heavily developed catchments where even a small amount of water may have a significant impact on other water users or the environment.

Ms TRAD: I have one last question. In relation to the drafting of amendments for this bill, including, for example, the exclusion of future conservation areas, all of the riparian permit amendments, has the Department of Environment and Heritage Protection been involved in the consultation process or in any interdepartmental working committee in relation to this bill?

Mr Hinrichsen: I can speak in relation to the water related provisions and my colleagues might be able to speak to the other provisions. Certainly, in relation to water they have.

Ms TRAD: And they support all of the amendments as proposed?

Mr Hinrichsen: I have not heard otherwise.

Ms TRAD: Okay.

Mr Hinrichsen: There are certainly a number of significant changes where the regulatory regime that will be applied will be focused on the framework that is already managed by the Department of Environment and Heritage Protection and that does require then some ongoing close cooperation between our two departments. Belinda, are you able to elaborate in relation to the land related provisions?

Ms Micock: In relation to the FCA, there has been consultation and, yes, we have not heard anything contrary.

CHAIR: I will just go back to the low-impact stuff. Do you need a licence for stock and domestic?

Mr Hinrichsen: That is a good question. Currently, riparian stock and domestic use does not require a licence or a permit. That is if your property is bounded by a watercourse. Currently, if your property is set back from that watercourse right across the state you do require a licence. So it might be that there is a neighbouring block in between that you do not own or in some cases it might be that there is a reserve, or a road. That is an example of the type of low-impact activity that on a case-by-case basis, depending on the catchment, we would be looking to exempt from requiring a water licence. So if you own a property that is set back from a watercourse you do not have riparian rights currently and it is in a catchment with a very low level of development, then under the proposed amendments through the regulation that would be then an activity that would not require a licence, unless you are in a highly developed catchment where it would have an impact.

CHAIR: What about community infrastructure—schools or that sort of thing? Are they classed as stock and domestic?

Mr Hinrichsen: No. They also currently require licences.

CHAIR: So they could come under that low-impact sort of stuff?

Mr Hinrichsen: Correct. Another example is the likes of public amenities, so a roadside park that might be next to a creek or indeed getting water from a bore would currently require a water licence. There have been no examples where they have been refused, but it just creates another level of regulation that, in the department's view, does not add any value.

Mr KNUTH: What I am going to say is probably going to be a little bit confusing, because Jackie threw a spanner in the works when she mentioned the 100,000 kilometres that are not protected in relation to vegetation management. As I see it, the permits will be removed that come under the Water Act but then it goes under the Vegetation Management Act, but most—I would probably say 95 per cent—riverine vegetation is remnant vegetation. In other words, it removes the permit and takes away that protection and gives them the opportunity to do something. However, if the majority, which is probably 95 per cent of it, is remnant, then there are still those continuous restrictions. So nothing much has really changed with regard to moving the permit, but then they are restricted under the Vegetation Management Act.

Mr Hinrichsen: I guess that goes to the heart of the member for South Brisbane's question in terms of those percentages. I cannot say it is 90 per cent or 95 per cent, but certainly in the majority of cases that the department has dealt with for riverine protection permits there has been a duplication in terms of a Water Act approval required as well as a Vegetation Management Act approval.

CHAIR: They require the two at the moment.

Mr Hinrichsen: It requires the two pieces of legislation to be complied with.

Mr KNUTH: But what I am saying is that it is great because it removes one form of flexibility. In providing that flexibility, there seems to be a removal of the riverine protection permits but then they come under the Vegetation Management Act when 95 per cent of vegetation on those riverine areas is remnant vegetation.

Mr Hinrichsen: What you say is correct. In the majority of cases the department has dealt with, the vegetation act will still apply, as it does today. It is just removing that requirement to also comply with the Water Act as well as the Vegetation Management Act in those cases.

Mr KNUTH: Thank you for that good answer. Another thing is that it seemed to be very controversial with some stakeholders who were present before, but then there were a number of other stakeholders who could see the benefits with regard to the relaxation of the conservation area provisions. As you are dealing with landholders putting this legislation together, why is it beneficial to those landholders from what you can see?

Mr Hinrichsen: From the discussions that we have had with landholders and representative groups, I think Ian Johnson summed it up pretty well in his presentation this morning. When people are thinking about clearing vegetation, probably not too many would think to look at the Water Act, quite frankly. You would think that the Vegetation Management Act is the place to go if you want to remove vegetation. That is certainly the case, but there is an extra level of regulation that currently exists in that you also need to refer to the Water Act. So just in the interests of regulatory simplification, having one act that applies to the management of vegetation seems to make eminent sense, and that is the feedback that we do get from talking to those people out on the ground trying to operate within the regulatory framework that exists.

CHAIR: Shane was talking about the conservation leases.

Mr Hinrichsen: The conservation leases? Sorry.

Mr KNUTH: Yes, the impact to the graziers and how this is going to impact them less. What are your dealings and why is this going to have less of an impact on them, because we have an argument that this is going to be detrimental whereas there is another argument that says that this is going to be beneficial?

Mr Hinrichsen: Belinda, would you like to answer that question?

Ms Micock: The difference between what would be the new process and the old process is really just taking away the link between an assessment for national park being done at the time the lease is renewed rather than at any time during the term of the lease. What has been the concern with lessees is basically the extra time the assessment adds to the lease renewal process itself, and that can be a lengthy process. With regard to the process of assessment taking place at any time during the term of the lease, the outcomes are still essentially the same. It is just that there is that delinking that takes place. The assessment takes place during the term of the lease rather than waiting till the lease is ready for renewal. The feedback we have been getting from lessees is basically the prospect that they do not know when the lease is being renewed whether they will have all of their lease back or part of the lease back because of an FCA, whereas if it is done during the term of the lease then they have more certainty and can make business decisions in terms of investments rather than having to wait until after the lease is renewed. So that is a plus for them.

CHAIR: Thank you very much. That is what you wanted, was it?

Mr KNUTH: That is pretty close, yes.

Mr COSTIGAN: Mr Hinrichsen, afternoon to you and to your colleagues. Thanks for joining us. Just on the back of what we have heard already from the Queensland Conservation Council, could you clarify what the bill is proposing in relation to the extension of water licences? Are we talking about 20 years, 30 years or 99 years?

Mr Hinrichsen: I think with the passage of time, member for Whitsunday, it is 98 years. So it will be until 30 June in the year 2111, which is a long time from now. Basically, the Water Act currently requires that each water licence that is issued have an expiry date. It does not mandate what those expiry dates are, but by past policy it has been a variable period from five to 10 years, depending on the circumstances. Just about without exception, when water licences expire they are renewed and it has become a very significant administrative burden on both landholders and on the department in processing just the paperwork. That takes away from the original intent when water licences were issued which was to make sure that the terms and conditions stayed relevant—that is, we had an opportunity as a department to check the postal address and it had not changed and things like that. There are better ways of now connecting with landholders. There are better ways of ensuring that over its term the conditions and terms of a water licence stay relevant. The best example of that is through our water planning process which applies to a particular river catchment, and that provides the opportunity for licences to have their conditions reviewed looking at all licences in that particular area rather than just those that happen to expire in any particular year. So it means that there is a more holistic review looking at how those water licences are authorised to take water from a particular catchment and making sure that the conditions and terms are consistent and still relevant. So it really takes away what is now largely an administrative process that does not add value and allows greater focus on the periodic review of those terms and conditions through the water planning process.

Mr COSTIGAN: If there is the sale of land involved, are there any implications there in relation to these licences?

Mr Hinrichsen: With regard to the sale of land where those licences are attached to land, the licence transfers with the title of the land. There are no changes in relation to the transferability of that licence. There are no implications with cost. There are no implications with the period for which the licence is issued. Equally, the amendments do not change the state's ability to make amendments to water licences, so the conditions can be amended through existing processes at any time. Those provisions still apply. Licences can be surrendered. They can be suspended and cancelled. All of those provisions which do allow of course for due process to apply in relation to the holder of that licence are unchanged by these provisions. It is simply the expiry date that will be amended.

Mr COSTIGAN: Thank you.

Mr COX: I am interested with regard to the riverine protection permits and the extent of a problem of people in the past illegally going in and clearing or removing timber or whatever. Have you got any evidence or can you give me statistics as to how often that has actually happened? This has been an issue that has been brought up through a lot of the submissions. I am interested to know if it has been a problem in the past and, if so, could you give us an idea?

Mr Hinrichsen: There was very little in terms of past compliance that was needed to be undertaken in terms of illegal clearing of vegetation. A very small number of riverine protection permits have been issued by our department historically and, of that small number, an even smaller percentage actually exclusively applied to vegetation. So with the removal of these provisions we certainly do not expect to see any great acceleration in clearing of vegetation. As the member for Dalrymple pointed out, there are already significant regulatory restrictions under the Vegetation Management Act that do apply.

Mr COX: Thanks.

Mrs MADDERN: The WWF have made some comments in relation to land management plans and the proposal to extend the area from 100 hectares up to 1,000 hectares. Will the department increase its monitoring of small leaseholds which are at greater risk of overstocking and resulting degradation of the land given that those land management plans in that area have changed or are proposed to be changed?

Mr Hinrichsen: Thanks, member for Maryborough. I might pass to my colleague Belinda Micock, who is familiar with the Land Act.

Ms Micock: When a lease is being renewed, there are a number of assessments that are done in terms of whether the lease should be renewed or not. So in that sense, yes, there will be a general assessment that will still be done. Apart from that, the bill also provides for the minister to require a land management agreement for any other rural leasehold land where there might be land degradation issues that have been identified or are known or where there is clearly an issue of duty of care. In terms of the small leases that are problematic, then, yes, those can still be followed through with those discretionary powers.

Mrs MADDERN: Thank you.

CHAIR: There being no further questions, thank you very much for attending today. We have covered a fair range of issues here that needed to be covered. If you could take those couple of questions on notice and get back to us early next week, if possible, that would be great. We have a couple of weeks before we have to report, so they will probably be discussed at our meeting next Wednesday as well. Thanks very much, Lyall, and your staff for appearing today. There are some fairly interesting changes happening. Just by the fact of a new government, legislation is going to be pushed through fairly quickly at times. Thank you very much. I thank the Hansard staff, the committee staff and committee members.

Mr Hinrichsen: Thank you.

Committee adjourned at 1.43 pm