



**Queensland  
Government**

Department of Regional Development,  
Manufacturing and Water



# Minjerribah water reserves

Submissions summary report

### **Acknowledgement of Country**

The Department of Regional Development, Manufacturing and Water respectfully acknowledges the- Traditional Custodians of Country. We recognise the ongoing spiritual and cultural connection Aboriginal peoples and Torres Strait Islander peoples have with land, water, sea and sky. We pay our deep respects to their Elders past and present, support future leaders, and acknowledge First Nations peoples' right to self-determination.

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# Executive Summary

On 5 October 2023, the Minister for Regional Development and Manufacturing and Minister for Water, the Honourable Glenn Butcher MP, published a Notice of Proposal to Reserve Unallocated Water on North Stradbroke Island (Minjerribah) and invited public submissions to provide feedback on the proposal. This followed a period of consultation direct with Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) as the Registered Native Title Body Corporate responsible for representing the interests of the Quandamooka People who hold Native Title over most of Minjerribah.

Letters were sent to key stakeholders to inform them of the proposal, including QYAC, Seqwater, Redlands City Council, Healthy Land and Waters, Queensland Conservation Council, and the Minjerribah Moorgumpin Elders-in-Council. A briefing was also provided to the Department of Regional Development, Manufacturing and Water's Water Engagement Forum, which is a forum of State-wide peak body representative organisations.

A total of 29 submissions were received before close of the submission period on 20 October 2023. The submissions were broadly supportive of the proposal and included strong support for investment in updated science to ensure water use into the future is sustainable and does not adversely impact the Minjerribah's unique ecological and cultural values.

This report summarises submissions, as well as considerations given to the issues raised and recommendations made to the Minister for Regional Development and Manufacturing and Minister for Water before the finalisation of the Water Regulation.

## Background

### Water regulation amendment

The *Water Act 2000* (the Water Act) describes the matters that may be dealt with under the *Water Regulation 2016* (the Water Regulation) for the purpose of planning for the sustainable management, use and allocation of water. This includes reserving unallocated water for a part of the State to which no water plan applies.

As no water plan applies here, it is proposed that the Water Regulation reserves 61,190 megalitres of unallocated water on Minjerribah. This volume, when previously allocated for sand mining activities, was deemed sustainable.

Amending the Water Regulation will allow for the planning of future water uses that recognise the interests of the Quandamooka People and their connection to the water resources on Minjerribah.

QYAC has advised that they will seek to use the water to provide social or economic benefit from the water resource, as well as conserve and protect water-related cultural, spiritual, and environment values of the water resource.

To reflect these interests, two separate reserves of unallocated water were proposed, including:

- up to 30,595 megalitres for the social or economic benefit of the Quandamooka People on Minjerribah
- up to 30,595 megalitres to conserve and protect the water-related cultural, spiritual, and environment values of the Quandamooka People on Minjerribah.

Thank you to all those who contributed to this important initiative, particularly those who provided submissions on the proposal to establish these water reserves.

# Submissions

There were 29 submissions received during the consultation period from a range of individuals and representative groups. Table 1 provides a breakdown of who made submissions and their level of support for the proposal.

**Table 1: Breakdown of who made submissions and their level of support for the proposal**

Submitter Group	Number of submitters	Support for proposal		
		Support	Neutral	No support
Minjerribah Residents	15	11	2	2
Mainland Residents	4	4		
Water Service Provider	1	1		
Environmental Org.	3	3		
First Nations Group	1	1		
Scientific / Research Inst.	4	4		
Industry Group	1		1	
<b>Total</b>	<b>29</b>	<b>24</b>	<b>3</b>	<b>2</b>

Overall, there was strong support for the proposal. There were questions raised about implementation, especially concerning technical assessments to confirm sustainability of the island’s water resources, and the need for a fit-for-purpose groundwater model to support future water management decisions.

Some submitters supported the proposed reserves only if the implementation arrangements ensured that existing entitlement holders, including licences associated with drinking water supply and commercial operations, were not impacted.

Two Minjerribah residents did not support the proposal. One of these submitters expressed a view that the proposal was inconsistent with Human Rights and went beyond the Queensland government’s power to set reserves of water for such purposes and for the benefit of a particular group of people, including granting licences to a corporation. The second submitter was of the view that the setting of reserves indicated that QYAC would be replacing Seqwater as the bulk water supply entity and they did not believe QYAC had the skills and equipment to take on such a role.

Three submitters were neutral about the proposal but were interested in how the reserves would be implemented and what water assessments would be undertaken to inform decision making, to ensure sustainability of the resources.

Twenty-four submitters expressed support for the proposal, 12 of which raised the need for a comprehensive water resource assessment and a fit-for-purpose groundwater model to inform water resource management decisions in the future. There was also strong sentiment that the technical assessments were required before any allocations could be made from reserves.

Overall, 7 submitters mentioned Humans Rights, with 3 of these concerned that people’s right to water would be impacted by the establishment of these reserves and that favour was being given to one group over the broader community. One submission advocated for protection of Human Rights, and a further 4 submissions made positive comment regarding the Human Rights of the Quandamooka People being advanced.

The role of QYAC in the management of these reserves was mentioned in some submissions with a range of views that both supported and did not support QYAC’s role in water management.

One request for an extension to the submission deadline was received with leeway provided for this submission to be sent in late as long as it was received by close of business on 27 October 2023. A late submission was not received.

# Considerations

Submissions were reviewed and categorised by issue. Table 2 identifies these issues and explains how they were addressed by the department in making recommendations or responses.

**Table 2: Submission issues considerations and recommendations/responses**

Issue	Consideration	Recommendation/response
Some submitters questioned the jurisdiction of the Queensland Government to establish the unallocated water reserves	The Water Act provides the framework for the management water on behalf of Queenslanders. It is within the Ministers powers to make this inclusion of a reserve in the Regulation under section 39 of the Water Act and section 15 of the Regulation.	There are other examples across Queensland where 'Indigenous Reserves' have been made using water plans as the instrument. These include Cape York in far north Queensland, the Fitzroy River Basin near Rockhampton and the Mary River Basin near Gympie. More information on the department's role as a regulator and the work undertaken through water plans can be found at the department's website <a href="http://www.rdmw.qld.gov.au">www.rdmw.qld.gov.au</a> <sup>1</sup> .
Some submitters queried the proposal's alignment with Human Rights	A Human Rights Impact Assessment was undertaken to consider the potential impacts of making this amendment to the Regulation. The proposal recognises the existing water rights already help many people and organisations on Minjerribah. The science assessments being undertaken are a key tool for ensuring any licences granted from the unallocated water reserves do not impact existing water rights.	A Human Rights Compatibility Statement has been undertaken. This statement is available at the Queensland Government legislation webpage : <a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a> <sup>2</sup> . The rights of people to take or interfere with water for cultural activities, stock and domestic use, or for commercial activities under existing authorisations are not impacted.
Concerns that the proposal prioritises cultural and environmental protection over potential economic development opportunities	Under the proposal, there is a significant volume of water set aside for economic opportunities. At more than 30,000 megalitres, this presents a good opportunity for the Quandamooka People and the broader community to benefit.	Reserve volume of 61,190 Megalitres has been split into 2 equal reserves to ensure a balance between social, economic, environmental and cultural outcomes. The natural values of Minjerribah is a draw card for tourism and therefore returning water to country has cultural and environmental benefit, as well as local tourism benefit.
Concerns were raised about the ongoing role of QYAC in water management	QYAC is an advocate for sustainability and has demonstrated a commitment to the health of country by seeking half of the total reserve volume to be set aside for that purpose. Any volumes of water granted for extraction and development will be subject to sustainable management under the Water Act with conditions imposed as required to manage and mitigate any risks.	The proposal enables water licences to be granted to QYAC, on behalf of Quandamooka People, as a prescribed Entity under the Regulation. The department will continue to uphold its obligations to manage water sustainably as it works with QYAC to implement these water reserves and consider future water management opportunities.

<sup>1</sup> <https://www.rdmw.qld.gov.au/water/regulatory-role>

<sup>2</sup> <https://www.legislation.qld.gov.au/view/html/published/hrc/sl-2023-0173#sl-2023-0173>

Issue	Consideration	Recommendation/response
<p>Concerns that the reserves will impact on existing water users.</p> <p>Water availability, climate change impacts, sustainability.</p>	<p>Existing water rights and users are unaffected by the proposed reserves. The unallocated water reserve volumes proposed reflect the volumes previously held on the island for mining activities that have now ceased. Half of the volume previously held for those activities is proposed to be returned for the health of country. Of the remaining half, any new licences from the reserves will await the outcomes of new science assessments being undertaken to inform those decisions and any conditions that mitigate local impacts.</p>	<p>The water resource assessment and groundwater model development being undertaken now will be important science to inform local allocation and management decisions in a way that protects the ecological and cultural values of the island and does not impact existing water users. This science assessments will also be important to guide other water management arrangements like monitoring.</p>
<p>Some submitters would have liked more time to consider the proposal</p>	<p>The public consultation followed a period of consultation direct with QYAC as the Native Title Party responsible for representing the interests of the Quandamooka People.</p> <p>Letters were sent to targeted stakeholders, including QYAC, Seqwater, Redlands Regional Council. A briefing was held with the Water Engagement Forum (a forum of State-wide peak body representative organisations).</p> <p>Submissions were received up to an including 20 October 2023 with 29 submissions received.</p>	<p>There is no minimum or mandatory consultation requirement or period for consultation under the Water Regulation. However, targeted engagement was considered appropriate given the narrow and very specific nature of the proposal.</p>
<p>Urban water supplies and future urban water demand</p>	<p>Water service providers and entities continue servicing customers utilising their existing licences. These are not impacted by the creation of reserves and the proposal does not change who is responsible for supplying and planning for the continuity of these services.</p>	<p>Seqwater's Water Security Program 2023 (WSP2023) sets out a 30-year plan to ensure the continued high levels of water security for Southeast Queenslanders are maintained. The WSP2023 focuses on desalination expansion and opportunities for the Western Corridor Recycled Water Scheme to offset Grid demand through industry and agricultural use.</p>

# Recommendations

After considering the issues raised during consultation, it is recommended that the amendments to Water Regulation proceed with the proposal to establish reserves as described below:

<b>Location and type of water</b>	North Stradbroke Island (Minjerribah). That is: <ul style="list-style-type: none"> <li>• underground water from the North Stradbroke Island underground water area on plan AP10067</li> <li>• water in a watercourse, lake or spring on Minjerribah.</li> </ul>
<b>Annual volume and purpose</b>	61,190 megalitres (total). That is: <ul style="list-style-type: none"> <li>• <b>30,595 megalitres</b> for the social or economic benefit of the Quandamooka people on Minjerribah</li> <li>• <b>30,595 megalitres</b> to support the water-related cultural, spiritual, and environment values on Minjerribah.</li> </ul>

Amending the Regulation to provide First Nations reserves aligns with the purposes of the Water Act, by providing a framework for the planning, sustainable management, use and allocation of water on Minjerribah. It is also consistent with the Water Act requirement to consider First Nations Peoples' cultural values and uses of water. That is, the purpose of the reserves recognises the deep cultural connection the Quandamooka People have with the lands and waters of Minjerribah, and that future water management is significantly enhanced by the inclusion of traditional custodian knowledge. This was strongly supported by most submitters.

The implementation of these reserves will include finalising water assessments and a fit-for-purpose groundwater model that will help inform future decision making about allocating and managing water. The department and QYAC have already commenced working collaboratively to deliver this important work. Key stakeholders will be presented with further opportunities to engage with the department and QYAC during the implementation phase.

An assessment has determined that the proposal is compatible with the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society based on dignity, equality, and freedom.

The making of these reserves implements key actions from the Minjerribah Water Management Action Plan endorsed by the Minjerribah Ministerial Forum in 2018.

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