



Intergovernment Agreement for the Paroo River

between

New South Wales
and
Queensland

Dated the 18th of July 2003

Agreement

between

Queensland

and

New South Wales

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Paroo River Intergovernmental Agreement

An agreement made the 18th of July 2003

between:

New South Wales

and

Queensland

Recitals:

- A.** The Paroo River Catchment has within its boundaries areas of national and international ecological and environmental significance, areas of high economic worth from activities such as pastoralism and tourism and areas of social, cultural and heritage value, the sustainable management of which depends upon the continued health of the Paroo River system within Queensland and New South Wales (as defined in the Australian National Map Drainage Divisions and Basins and including its catchment, floodplains, lakes, wetlands and overflow channels).
- B.** Management of the Paroo River Agreement Area which will best serve the object of sustainable management requires a joint cooperative approach between the States of Queensland and New South Wales.
- C.** The provisions of this Agreement are consistent with the Council of Australian Governments' National Water Reform Framework, the Murray-Darling Basin Agreement and the Border Catchments Memorandum of Understanding.

The parties agree as follows:

Part I - Application and Interpretation

Application

- 1.1 This Agreement applies to that area of the Paroo River catchment (the Agreement Area) encompassing portions of Queensland and New South Wales, as depicted in Schedule 1 of this Agreement, including within that area the river system and associated catchments, floodplains, overflow channels, lakes, wetlands and sub-artesian waters dependent on surface flows:

Definitions

- 1.2 In this Agreement save where inconsistent with the context:
 - “**Biodiversity**” means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.
 - “**Border Catchments Ministerial Forum**” means the group of Ministers of the Crown of the States constituted under the Border Catchments Memorandum of Understanding or its future replacement.
 - “**Ecological Sustainability**” means using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained and quality of life for both present and future generations is increased.
 - “**Ecosystem**” means a dynamic combination of plant, animal and micro-organism species and communities and their non-living environment and the ecological processes between them interacting as a functional unit.
 - “**Paroo River Agreement Area**” means the area referred to in clause 1.1 to which the Agreement applies.

“Management Plan” means a plan or other document of a State that has been adopted by the Border Catchments Ministerial Forum.

“Natural resources” means water, soil, the atmosphere, plants, animals and micro-organisms that maintain and form components of ecosystems.

“Principles” means the guiding principles referred to in Part III.

“Policy” means a course or line of action developed or adopted and pursued by the Border Catchments Ministerial Forum for the purpose of implementing this Agreement.

“Strategy” means a course or line of action developed or adopted and pursued by the Border Catchments Ministerial Forum for the purpose of implementing a Policy.

“Sustainable management” means the management of biodiversity and health of natural ecosystems, including watercourses, floodplains, lakes, springs, wetlands and sub-artesian aquifers dependent on surface flows so they are protected from degradation, according to the principles of ecologically sustainable development and in recognition of the interests of Aboriginal people and others that depend on the water for their livelihoods.

Interpretation

1.3 In this Agreement, unless the context otherwise requires:

- (a) a reference to any law or legislation or legislative provision includes any statutory modification or re-enactment of, or legislative provision substituted for, and any subordinate legislation issued under, that legislation or legislative provision;
- (b) a reference to a Recital, Clause or Schedule is to a recital, clause or schedule in this Agreement;
- (c) a reference to a person includes a corporation, partnership, joint venture, association, authority, trust, or body politic;
- (d) the singular includes the plural and vice versa

- (e) a reference to any gender includes the other gender;
 - (f) a reference to any agreement or document is to that agreement or document (and, where applicable, any of its provisions) as amended, novated, supplemented or replaced from time to time; and
 - (g) a reference to “amendment” includes addition, alteration, deletion, extension, modification and variation.
- 1.4 In this Agreement, headings are for convenience of reference only and do not affect interpretation.
- 1.5 In the interpretation of a provision of this Agreement, a construction that would promote the purpose or object underlying the Agreement (whether or not that purpose or object is expressly stated in the Agreement) will be preferred to a construction that would not promote that purpose or object.
- 1.6 Questions of interpretation of this Agreement are to be raised in the Border Catchments Ministerial Forum.

Part II - Purpose and Objectives

Vision

- 2.1 By recognising the unique character of the Paroo River, its river flows, floodplains and catchment, the people of New South Wales, Queensland and Australia will ensure it continues to provide spiritual connection, ecological diversity and integrity and economic sustenance for future generations.

Purpose

- 2.2 The purpose of this Agreement is to provide for the development or adoption, and implementation of Policies and Strategies concerning water and related natural resources that might be affected by or might affect the management of the quantity or quality of water in the

water systems described in clause 1.1 of this Agreement, or the ecosystems of which such water is a part, in the Paroo River Agreement Area to avoid or eliminate so far as reasonably practicable adverse cross-border impacts.

Objectives

2.3 The objectives of this Agreement are:

- (a) to provide a means for the Parties to come together in good faith to achieve the purposes of the Agreement;
- (b) to define a process and context for raising and addressing water and related natural resource management issues in the Paroo River Agreement Area that have cross-border impacts, particularly those related to water quantity and quality, and flow regimes;
- (c) to provide an emphasis for this catchment under the Border Catchments Memorandum of Understanding and the Murray-Darling Basin Agreement;
- (d) to provide for the Parties to jointly promote and support the management of water and related natural resources through a cooperative approach between community, industry and other stakeholders, and all levels of government in the sustainable management of the Paroo River Agreement Area;
- (g) to encourage, promote and support management that reflects the vision as defined in clause 2.1.
- (h) to encourage and promote research and monitoring to improve understanding and support informed decision making in the Paroo River Agreement Area;
- (i) to provide for the review and, if necessary, revision of the Agreement from time to time through the Border Catchments Ministerial Forum or the Murray-Darling Basin Ministerial Council; and
- (j) to raise general public awareness of the special biodiversity and heritage values of the Paroo River Agreement Area.

Part III - Guiding Principles

- 3.1 Consideration of all issues and the making of all decisions under this Agreement will be guided by the following Principles, namely that it be acknowledged:
- (a) that the Paroo River Agreement Area has important social, environmental, economic and cultural values which need to be conserved, promoted and, where necessary, restored;
 - (b) that there are landscapes and watercourses in the Paroo River Agreement Area that are valuable for aesthetic, wilderness, cultural and tourism purposes;
 - (c) that naturally variable flow regimes and the maintenance of water quality are fundamental to the health of the aquatic ecosystems in the Paroo River Agreement Area;
 - (d) that the water requirements for ecological processes, biodiversity and ecologically significant areas within the Paroo River Agreement Area should be maintained, especially by means of flow variability and seasonality;
 - (e) that flooding throughout the catchments within the Paroo River Agreement Area is beneficial in that it makes a significant contribution to pastoral activities as well as floodplain ecosystem processes;
 - (f) that the storage and use of water both within and away from watercourses, and the storage and use of water from associated ground water, are all linked and should be considered together, and that water resources throughout catchments within the Paroo River Agreement Area should be managed on an integrated basis;
 - (j) that precautionary approaches need to be taken so as to minimise the impact on known environmental attributes, and reduce the possibility of affecting poorly understood ecological functions;

- (k) that natural resource management decisions need to be made within the context of the National Strategy for Ecologically Sustainable Development and relevant national and international obligations;
- (l) that the collective local knowledge and experience of the Paroo River Agreement Area communities are of significant value;
- (m) that the interests, perspectives and knowledge systems of the Traditional Owners be formally sought on all key matters, and be fully recognised and considered; and
- (n) that decisions need to be based on the best available scientific and technical information together with the collective local knowledge and experience of the Paroo River community, including indigenous communities.

Part IV - Roles of the Parties

Responsibilities and Interests of the States

- 4.1 The following will guide the Parties in defining the roles, responsibilities and interests of the Parties in relation to the achievement of the objectives of this Agreement. Each State will continue to have responsibility for the development and implementation of policy in relation to matters concerning the Paroo River Agreement Area which have no significant effects on the water and related natural resources of the Paroo River Agreement Area.
- 4.2 Each State will continue to have responsibility for its policy formulation and the administration of its legislation relevant to water and related natural resource management within the Paroo River Agreement Area, but in so doing will, comply with this Agreement.

- 4.3 Each State will assist in the encouragement and promotion of research and monitoring for informed decision making for the Paroo River Agreement Area, and the sharing of access to the results of such research and monitoring so far as either State may control such access.
- 4.4 Each State will consult with and involve Local Government and the Paroo River community (where relevant) in the implementation of this Agreement and the Policies and Strategies developed or adopted under it to the extent that State statutes and administrative arrangements authorise or delegate relevant responsibilities to Local Government, and in a manner which reflects the concept of partnership between the Commonwealth, State and Local Governments and the Paroo River community.

Part V - Institutional Structure

- 5.1 Consideration of issues relating to this Agreement will be under the Border Catchments Ministerial Forum or the Murray-Darling Basin Ministerial Council when the former is no longer in operation.

Part VI - Scientific and Technical Advice

- 6.1 The Border Catchments Ministerial Forum may seek scientific and technical advice relevant to this Agreement from such persons or bodies as it thinks appropriate. In particular, the Ministerial Forum may obtain scientific and/or technical advice in relation to the identification of requirements for the effective monitoring of the condition of the rivers and catchments within the Paroo River Agreement Area and the establishment of programs to meet those requirements.

Part VII - Policies and Strategies

- 7.1 The Border Catchments Ministerial Forum will, without unnecessary delay, develop or adopt Policies and Strategies for the management of the Paroo River Agreement Area in accordance with the purpose, objectives and Principles set out in this Agreement.
- 7.2 The Border Catchments Ministerial Forum may adopt management plans prepared by the States if those plans are consistent with this Agreement and with the Policies developed or adopted by the Ministerial Forum for the management of the Paroo River Agreement Area, and once adopted, such management plans prepared by the States will be treated as plans of the Ministerial Forum under this Agreement.

Content of Policies and Strategies

- 7.3 The Policies and Strategies will make provision for such matters as the Border Catchments Ministerial Forum thinks fit, including but not limited to:
- (a) objectives for water quality and river flows;
 - (b) objectives for water and related natural resource management in the Paroo River Agreement Area for the achievement of the water quality and river flow objectives;
 - (c) catchment management policies and strategies for the achievement, as far as practicable, of the water quality and river flow objectives;
 - (d) policies for dealing with relevant existing entitlements under State laws and significant water related developments; and
 - (e) research and monitoring requirements and programs to meet those requirements.

Part VIII - Ratification and Effective Date

8.1 This Agreement is subject to approval and ratification by the Premier of New South Wales and the Premier of Queensland.

Part IX - Review and Amendment

Review

- 9.1 The Border Catchments Ministerial Forum or the Murray-Darling Basin Ministerial Council when the former does not exist must cause a review of:
- (a) the operation of this Agreement; and
 - (b) the extent to which the objectives set out in Clause 2.2 of this Agreement have been achieved,
- to be undertaken after the fifth anniversary of the effective date of this Agreement, and thereafter on a ten yearly basis.
- 9.2 The Border Catchments Ministerial Forum must cause a review of all Policies and Strategies to be undertaken without unnecessary delay after the fifth anniversary of the development or adoption of them, and thereafter as necessary but in any event not less frequently than every ten years.
- 9.3 The Border Catchments Ministerial Forum must cause a review of the condition of all watercourses and catchments within the Paroo River Agreement Area to be undertaken without unnecessary delay after the effective date of this Agreement, and thereafter on a ten yearly basis.

Amendment

9.4 The Border Catchments Ministerial Forum may approve such amendments to this Agreement, including amendments to or addition of schedules to this Agreement, as the Ministerial Forum, or the Murray-Darling Basin Ministerial Council if the former no longer operates, considers desirable from time to time. The process for considering such amendments will include consultation with the community.

Part X - Funding and Accountability Arrangements

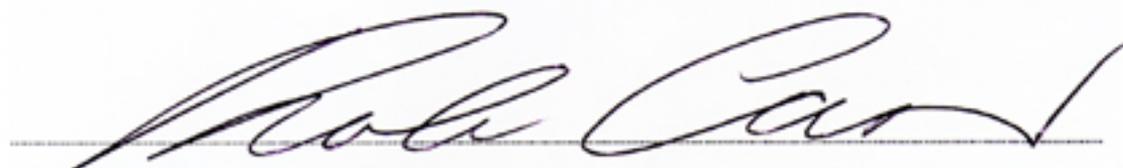
10.1 The States will make available the necessary financial and other resources for the operation of this agreement under the Border Catchments Ministerial Forum and associated institutional arrangements subject to the normal budgetary requirements within each of the States.

Part XI - General

Counterparts

11.1 This Agreement may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

Signed by:



The Premier of New South Wales

this 18th day of July 2003

in the presence of



Witness

Signed by:



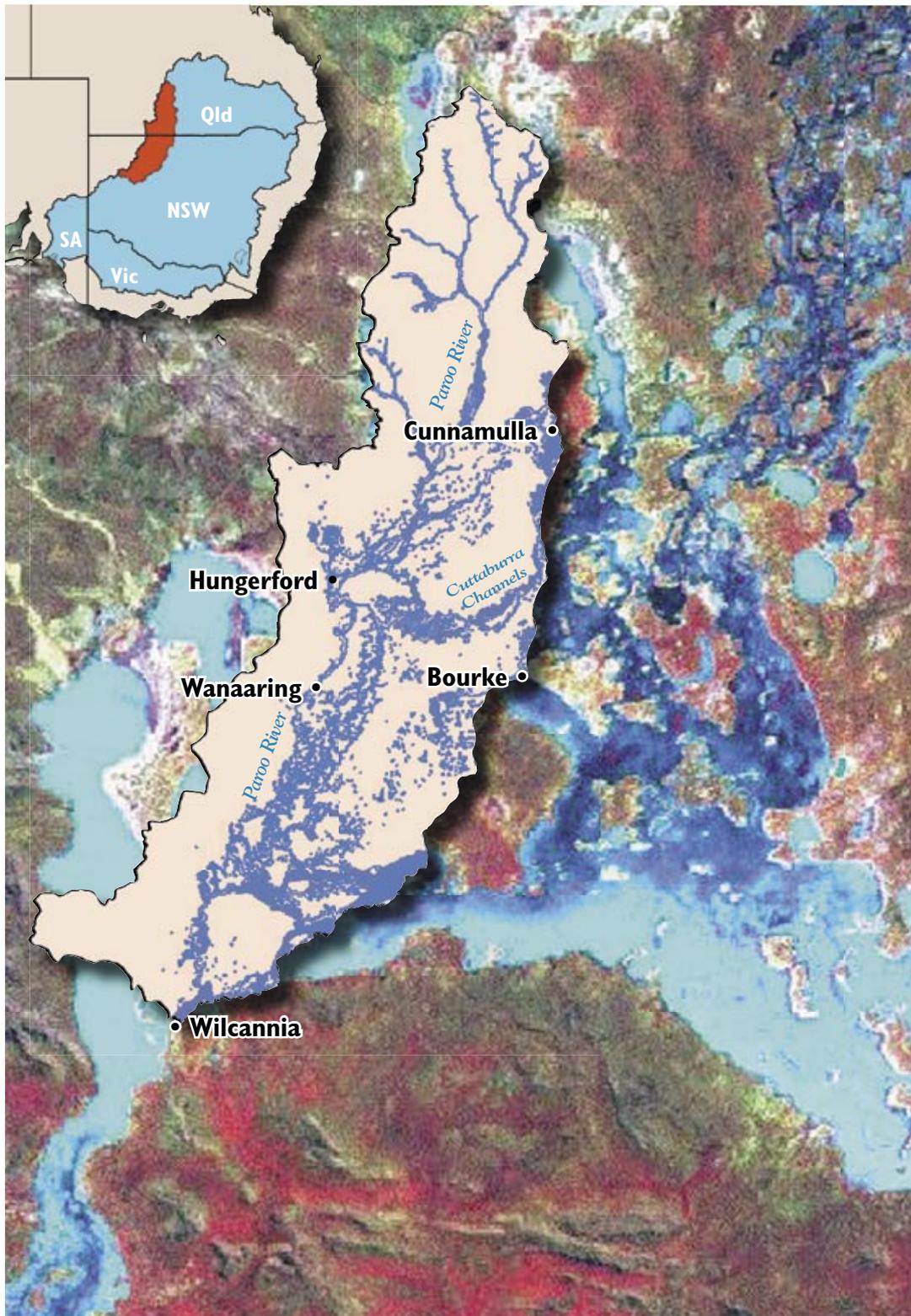
The Premier of Queensland

this 18 day of July 2003

in the presence of



Witness



Landsat satellite image of the 1990 flood of the lower Paroo River; overlaid with a map of the Paroo River catchment and its floodplains in NSW and Queensland. The Paroo catchment and the Murray-Darling Basin and the states are shown on the inset map.