Briefing Paper

NSW Water Management Act Amendment Bill

101119

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Introduction

NSW Irrigators' Council (NSWIC) represents more than 12,000 irrigation farmers across NSW. These irrigators access regulated, unregulated and groundwater systems. Our members include valley water user associations, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries.

This document represents the views of the members of NSWIC. However each member reserves the right to independent policy on issues that directly relate to their areas of operation, or expertise, or any other issues that they may deem relevant.

The Bill

The Government has failed to consult with the industry over changes to the very foundation of water access licenses. NSWIC, its Members, those that it seeks to represent and the communities that our businesses support were not provided with draft legislation prior to it being tabled in the Parliament.

NSWIC understands that the Bill aims to address four matters;

1. Reconfiguration of the governance of Private Irrigation Districts;
2. Enabling of trade in Special Purpose Access Licenses (industrial, stock and domestic water licenses);
3. Enabling of the Commonwealth-funded metering program; and
4. To impose penalties for water related offences.

NSWIC does not necessarily agree or disagree with any of these aims.

NSWIC does not necessarily agree or disagree with the means suggested in the Bill to achieve any of these aims.

Neither NSWIC nor any other stakeholder has been provided with remotely sufficient opportunity to consider the wide ranging ramifications of the Bill.

The Bill is some 99 pages in length. It seeks to amend multiple sections of the *Act*. It will fundamentally affect the way in which water is governed and managed in NSW.

It is clearly a matter worthy of consideration, discussion and debate.

It is a subject far too important to ram through the Parliament in 2 weeks, without prior consultation.

NSWIC and its Members need to take, consider and respond to legal advice. The timeframes available to do that are grossly insufficient.

Justification for Unnecessary Haste

The Government has failed to provide reason – let alone adequate reason – for the unseemly haste and lack of consideration for those affected.

NSWIC has only been provided one reason – that Commonwealth funding for a metering program is "at risk" in the absence of these changes.

We have contacted Minister Burke to confirm this scenario. On Friday afternoon (19 November), his office advised that they were not aware of the legislation or the issue of its timeframe. They have undertaken to provide a formal response on Monday.

In our view, it is disingenuous to suggest that the Commonwealth will withdraw from such a program. The Commonwealth has clearly committed to a program of water recovery through infrastructure investment.

Further, if this were, indeed, the only timeframe requirement, NSWIC legitimately asks why massive further changes are contemplated in this Bill.

Recommendation

Time must be provided for stakeholders *and the Parliament* to understand the changes proposed, to comment on the changes proposed and to consider any potential unintended consequences.

The Government has not made adequate provision for consideration and now asks Parliament to compound that deficiency by rushing the legislative process.

If the Government will not act reasonably by withdrawing or deferring the Bill, the Parliament must react by rejecting this Bill.

It would be right and proper for the Parliament to consider this Bill at a later time with a full opportunity for consideration of the matters raised with the benefit of stakeholder input.

Whilst recognising the political timeframe that the current Parliament faces, NSWIC submits that political timeframes are anathema to good policy outcomes. It is the responsibility of Parliament – and each of its Members – to ensure good policy outcomes. The Government's political timeframes should not and must not be taken into account.

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