



New South Wales

Constitution Amendment (Water Accountability and Transparency) Bill 2020

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Constitution (Disclosures by Members) Regulation 1983* (the **Regulation**) as follows—

- (a) to require Members of Parliament to publicly disclose their interests in water access licences, share components of water access licences and contractual rights to receive water from irrigation corporations,
- (b) to require Members of Parliament to publicly lodge returns disclosing water trading activity within 14 days of becoming a party to the activity,
- (c) to provide for the compilation and maintenance of registers of water trading returns by the Clerks of the Legislative Council and the Legislative Assembly,
- (d) to make consequential amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Constitution (Disclosures by Members) Regulation 1983

Schedule 1[5] inserts proposed clause 8A in the Regulation. The proposed clause requires a Member of Parliament to disclose in a primary return and an ordinary return, with limited exceptions, the water access licence number and share component of each water access licence in which the Member has an interest and the nature of that interest. The proposed clause also requires a Member to disclose each right to receive water from an irrigation corporation under a water supply contract or other contract to which the Member was a party at specified times and the nature of the Member's interest in each right. If the Member has an ABN that is connected with an interest requiring disclosure, the proposed clause requires the Member to disclose the Member's ABN. **Schedule 1[1], [2], [4] and [12]–[19]** make consequential amendments.

Schedule 1[3] inserts proposed clause 6C in the Regulation. The proposed clause requires a Member of Parliament, within 14 days of becoming a party to water trading activity, to lodge with the Clerk of the House in which the Member sits a return (referred to as a ***water trading return***) in relation to that activity. ***Water trading activity*** is defined in **Schedule 1[1]** to mean specified dealings with water access licences and water allocations under the *Water Management Act 2000* and dispositions of property that affect a person's right to receive water from an irrigation corporation under a water supply contract or other contract. The proposed clause requires a water trading return to include information about the date, purpose and nature of the water trading activity, the impact of the activity on (or creation by the activity of) any water interests required to be disclosed by the Member under proposed clause 8A, and details of any financial benefit to the Member resulting from the activity.

Schedule 1[6] inserts proposed clause 18A in the Regulation. The proposed clause requires the Clerks of the Legislative Council and the Legislative Assembly to compile and maintain registers in respect of the water trading returns lodged by Members pursuant to proposed clause 6C. **Schedule 1[1] and [7]–[11]** make consequential amendments.