



LEGISLATIVE COUNCIL

REGULATION COMMITTEE

8 July 2020

Russell Johnston  
Executive Officer, NSW Department Planning, Industry and Environment  
Natural Resources Access Regulator

D20/30061

By email:

Dear Mr Johnston,

**Inquiry into the impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020**

As you are aware, the Regulation Committee is currently undertaking an inquiry into the impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020. The committee membership and terms of reference are attached.

The committee held a virtual hearing on Thursday 2 July 2020, during which a number of witnesses gave evidence regarding the role of the Natural Resources Access Regulator (NRAR) in the formulation of Exemptions for Floodplain Harvesting Regulation. The transcript for this hearing has been attached, with relevant sections highlighted for your reference.

The committee has attached a question for your attention, to which a response would be appreciated by **Wednesday 22 July 2020**. Noting the number of witnesses who referred to NRAR, we also invite you to respond to any issues raised in the hearing in this time.

If you require further information about this matter please contact Ms Laura Ismay, Principal Council Officer – Committees on 9230 2282.

Kind regards

A handwritten signature in black ink that reads 'Michael Veitch'.

Mr Mick Veitch MLC  
**Committee Chair**



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**Question for Natural Resources Access Regulator (NRAR)**

1. Was NRAR consulted about the Exemptions for Floodplain Harvesting Regulation and s.324 Order?
  - a. If so, when and how many times did this consultation occur?
  - b. What was the impact on NRAR's work/activities of the introduction of the Regulation and s 324 Order?

## **Additional questions for NRAR from Regulation Committee**

1. Was it the view of NRAR that without an exemption regulation that floodplain harvesting would not have been legal and may be subject to enforcement actions?
2. Did NRAR commission any internal or external legal advice in relation to their position? If so, would this advice be able to be provided under privilege?
3. What role, if any, did NRAR play in the drafting of the exemption regulation?
4. Noting the public comments about the Minister for Water about NRAR's involvement at the time, what role, if any, did NRAR play, in assessing the volume of water taken during the temporary exemption order periods?
  - a. What advice did NRAR provide to either the Minister or DPIE in regards to the volume of take?
5. What role, if any, did NRAR play in assessing the validity of reports of infrastructure damage that were in part the trigger for the temporary exemption orders?
  - a. What advice did NRAR provide to either the Minister or DPIE in regards to report of infrastructure damage?
6. Are there any investigation currently ongoing in regards to floodplain harvesting take from the February 2020 event?
  - a. If so, how many?