

**Submission
No 12**

**INQUIRY INTO IMPACT AND IMPLEMENTATION OF
THE WATER MANAGEMENT (GENERAL) AMENDMENT
(EXEMPTIONS FOR FLOODPLAIN HARVESTING)
REGULATION 2020**

Organisation: Border Rivers Food and Fibre

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What is your view on the way the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 was implemented?

We have understood that the exemption has been intended for many years as it was first flagged in the 2013 update of the Floodplain Harvesting Policy. It was generally understood that this was a temporary interim measure that would allow the standardisation of the management of Floodplain Harvesting (FPH) as a permitted form of extraction, as was committed to by Minister Nathan Rees in July 2008 when he initially announced the NSW Government's Floodplain Harvesting Policy. We have long been frustrated by the lack of progress of FPH policy implementation as successive governments delayed starting the project due to funding being sought from the Commonwealth. Unfortunately, it was left until early February this year, as rain was falling and flows became apparent, that it was finally rushed into place. This was done without any meaningful consultation and communication, as the Department has always said they would do. This then created some confusion in the minds of some, especially those unfamiliar with the policy and its history. We have been assured by Ministers since 2008 that FPH remained a legal permitted activity under the NSW Water Act 1912 but that not all regions were managed in the same way and that the implementation of the FPH policy would standardise the management across NSW, starting with the 5 northern NSW valleys, but eventually covering the entire state, as the practice occurs in all regions across the state. The legal basis stems from the Part 8 and Part 2 authorisations of works under the 1912 Act. It is important that the Committee understands that many applications for these Part 2 and Part 8 authorisations remained un-processed by the NSW department until 2018 when NRAR took over the responsibility for them and finalised them. Some of these applications dated back to the 1980's so were sitting in a Department filing cabinet for more than 30 years, such was the low level of priority put on them. The implementation of Floodplain Management Plans were the first major step and we understand they have mostly been completed but not all have been gazetted. The licensing phase is the final step in the implementation process which requires the same standards of measurement and accounting as all other water licences under the Water Management Act 2000. This process of implementation (management Plans and Licensing) is the same as occurred with other classes of water licences when they were transitioned from the 1912 Act to the 2000 Act. The High/General Security licences were made a higher priority and were done first as they are the most common classes of license and had the greatest risk attached to them. FPH has always been the lowest risk and therefore lowest priority.

What is your view on the impact of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020?

The impact of the Exemption on the NSW Border Rivers was that it created the ability for NSW to place a S.324 restriction on FPH, under the 2000 Act, for the first time ever. It was explained to us that this was because our Floodplain Management Plan had yet to be formally gazetted and so we had remained under the auspices of the 1912 Act. We understand the intent of the embargoes was to provide water to downstream communities both in our own valley and beyond, who had, or were about to, exhausted their town water supplies. We understood and fully supported the provision of critical human needs and other higher priority water to those areas, as per our Water Sharing Plan, due to the exceptional drought conditions that have prevailed for several years. So, locally the impact of the Exemption was that our water-users were prevented from taking water that they have always legally accessed for the last 40 years. The outcomes of the S.324 restrictions are still being assessed and are the subject of another parliamentary inquiry as we understand it, but the NSW Border Rivers General Security is

currently on 0% allocation while the Lower Darling has a 30% allocation on their General Security entitlements and all critical human needs, domestic water supplies, environmental requirements and higher priority needs have all been met. We have no issue with other regions having their share of the available water resource, as long as it is done fairly and equitably.

POTENTIAL IMPACT OF DISALLOWANCE MOTION We understand that if the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 were to be disallowed, it would mean that we would still be managed under the 1912 Act and the rules and regulations that we have functioned under for the last 40 years. This would mean that it would not be possible for any further S.324 embargoes to be placed on NSW Border Rivers water-users, should that be deemed necessary by the Minister.

Do you have any other comments on this regulation?

It is apparent that this Inquiry is being used for the purely political purpose of demonising the practice of Floodplain Harvesting in an amateurish attempt to make trouble in a distant electorate to curry favour in their own. It is this kind of thinking that creates conspiracy theories & leads otherwise sensible individuals to believe that Covid-19 is spread by 5G phones. If the Committee is serious about understanding the long-standing practice of Floodplain Harvesting, approved by both sides of government for the last 40 years, then we strongly encourage you to visit those communities where it is endemic & talk with the farmers & their dependent communities about the importance of it. We submit that a failure to do so gives the Committee insufficient capacity to pass any judgement on the practice whatsoever.