

**Submission
No 13**

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

Organisation: Cotton Australia

Date Received: 29 May 2020

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

Cotton Australia is an active member of the NSW Irrigators Council and therefore is primarily relying on its submission. However, it is Cotton Australia's view that it assumes that technically the correct procedure was followed, it is not aware of any stakeholder consultation in the immediate (say six months prior) lead up to it's introduction.

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

Cotton Australia has always been of the view that Floodplain Harvesting is a legitimate undertaking, previously allowed under the 1912 Water Act. It is also Cotton Australia's position that it has always been the intention of government to transition the regulatory control of Floodplain Harvesting to the Water Management Act 2000, and among other things issue volumetric entitlements in accordance with the Act. This same process was followed, admittedly more quickly for the full range of entitlement that were previously managed by the 1912 Act, including, but not limited to general security regulated licences, unregulated licences and groundwater licences. However, Cotton Australia is aware that some stakeholders have had the view that FPH was illegal under the Water Management Act until the new licences were issued. While this is a position not held by Cotton Australia, it does believe this Regulation takes away any uncertainty, and therefore it should continue until the volumetric licensing of Floodplain Harvesting take is completed.

Do you have any other comments on this regulation?

In some circles there appears to be a view that there is something mysterious or unethical about Floodplain Harvesting, as if it is materially different from any other form of take. Cotton Australia contends that all water forms part of the total pool, and has long as the take is appropriately regulated then the actual nature of that take is immaterial. For example, a rainfall event in two different valleys generates 200Gl of flow. In one valley it is captured into a headwater storage and underpins say a general security allocation of 50Gl. Which is then available to be used by those general security irrigators. In the other valley, the flow is not captured in a headwater storage, it spills from the river, cross a floodplain and the irrigators capture 50Gl. The result is the same.