

Submission
No 1

**INQUIRY INTO CONSTITUTION AMENDMENT (WATER
ACCOUNTABILITY AND TRANSPARENCY) BILL 2020
AND THE PROVISIONS OF THE WATER MANAGEMENT
AMENDMENT (TRANSPARENCY OF WATER RIGHTS)
BILL 2020 AND THE WATER MANAGEMENT
AMENDMENT (WATER ALLOCATIONS - DROUGHT
INFORMATION) BILL 2020**

Name: Mr Brian Stevens

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Submission to Portfolio Committee 4, on:

Inquiry into the provisions of the Constitution Amendment (Water Accountability and Transparency) Bill 2020, the provisions of the Water Management Amendment (Transparency of Water Rights) Bill 2020 and the Water Management Amendment (Water Allocations – Drought Information) Bill 2020

Brian Phillip John Stevens

My Background

I am a private citizen, in this context not representing any organisation. However, I served as the secretary of the Darling River Action Group (DRAG) based in Broken Hill, Menindee and Wilcannia, having members in other areas, from 2003 to 2012. In 2012 after the passing of the Murray Darling Basin Plan, DRAG was wound up. Subsequently a new Darling River Action Group has emerged on Facebook – I am not an office holder of this new group. I am a member of the Inland Rivers Network, but not their spokesperson. I have been fighting for a better outcome for the Darling River and against the ongoing mismanagement of the northern rivers since 2003.

Summary of My Submission

1. It is in the interests of Members of Parliament to have their water investments made public, in order to limit the libellous social media posts that I see nearly every day concerning politicians voting for their own interests in imagined enormous water holdings. At the same time transparency concerning politicians' water holdings will improve public trust, currently at an all-time low concerning water matters.
2. Also in the interests of public trust, there should be an up-to-date register of water ownership, readily accessible to the public. Why should water ownership be secret? Secrecy only breeds suspicion and rumour.
3. The drought of record must reflect reality. There have been two worst droughts after 2004. They cannot be ignored by a bunch of ostriches sitting in Macquarie St Sydney. If general security water holders get less water, that is because there **is** less water, and the water has been sold to corporate almond farmers. If general security users are the priority, do something to redress the balance, but do not pretend that droughts between 2004 and 2020 did not happen.

Water Management Amendment (Transparency of Water Rights) Bill 2020 b2020-044.d06

Introduced by Banasiak

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 Water Management Act 2000 (the Act), the Water Management (General) Regulation 2018 (the Water Regulation), the Constitution Act 1902 and the Constitution (Disclosures by Members) Regulation 1983 as follows— (a) to facilitate public access to information relating to water access licences (within the meaning of the Act) and recorded in the Water Access Licence Register established by the Act (the Access Register), (b) to impose requirements relating to maintaining and updating the Access Register, (c) to provide for the independent audit of the Access Register, (d) to impose requirements relating to the information to be provided in applications for water access licences, (e) to require the public disclosure of interests in water access licences held by Members of Parliament and the spouses of Members of Parliament, (f) to make other consequential amendments, (g) to insert provisions of a transitional nature consequent on the enactment of the proposed Act.

This bill introduced by Banasiak MLC is perfectly logical; it is in the public interest and in the interests of NSW Parliament. At present Members of Parliament are not compelled to make public their financial interests in water. Helen Dalton MP has voluntarily revealed her substantial water interests. It is about time the rest of you did the same, if you have water interests. The residents of western New South Wales see the rivers and lakes running dry after being filled by the 2016 floods and they want to know where the water has gone. Given that this damage to the rivers is at least in part the result of water being pumped for irrigation, many suspect that the MPs who make the rules are the same people who are benefiting. Much of this suspicion is unwarranted and only continues due to the secrecy involved in water ownership. For the sake of MPs' own reputations and for the sake of public trust, MPs should reveal their water assets, just as they are compelled to do with other financial assets.

Similarly, all of the owners of bulk water should be public information. At present it is easy for extremists to whip up fear and create rumours about the ownership of water in the Murray Darling Basin. This is very damaging to social cohesion and to trust in Government and the secrecy may be hiding some genuine corruption.

In this digital age, all water transactions are recorded digitally, so the maintenance of a register of water ownership is relatively easy.

Constitution Amendment (Water Accountability and Transparency) Bill 2020 b2020-059.d11

Introduced by Pavey

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

The bill introduced by Pavey MLC only requires MPs to declare their water assets. I support the declaration of MPs' water assets for the reasons stated in relation to the Banasiak bill. However, the Pavey bill does not go far enough, still keeping all of the other water holdings virtually secret from the public. Currently the public has very limited access to the water registry, to the extent that it is extremely expensive and time-consuming to search for multiple water owners, in fact impossible to do a large-scale search. This secrecy needs to end. This bill is not about protecting mum and dad farmers, it is about protecting large Australian and foreign agribusinesses.

Water Management Amendment (Water Allocations—Drought Information) Bill 2020 b2020-060.d04

Introduced by Veitch

Explanatory note This explanatory note relates to this Bill as introduced into Parliament. Overview of Bill The object of this Bill is to provide that the determination of the lowest inflows into a water source under a management plan under the Water Management Act 2000 is to be made by reference to all flow information held by the Department of Planning, Industry and Environment, and not merely flow information held by the Department on the making of the management plan (or at any other particular time). Schedule 2 to the Water Management Amendment Act 2014 made amendments to the provisions of several management plans to limit the information to which reference could be made in such a determination, and this Bill reverses the effect of those amendments.

Drought of Record Fiasco

The bill introduced by Veitch MLC relates to the "Drought of Record" to be used in Water Sharing Plans for all of the inland rivers of New South Wales. At present the NSW Government via Minister Pavey intends to limit the Drought of Record to pre-2004. This is a terrible lie that will have a horrible effect on the river systems, their environment, and all of

the people who depend on the rivers. In Biblical terminology it would be called an abomination. In more modern terms it amounts to legalised corruption.

How can Water Sharing Plans be set up to ignore the worst effects of the Millenium Drought that was only broken in January 2010, and the extreme drought that followed the 2016 floods?

We saw the effects of the current policy in 2019, when major and minor towns across inland NSW ran short of water, because the water that had been held in the major dams had been given out too early for irrigation.

NSW Water Policy

During my time as secretary of the Darling River Action Group the NSW Government's water policy was explained to me by a senior water bureaucrat: the policy is to empty the dams as quickly as the irrigators can use the water; this makes space for next year's rain and maximises irrigated production. The policy is suited to annual crops rather than permanent plantings. Victoria has/had a different policy, to ensure there is always enough water to maintain permanent plantings.

Effects of the NSW Water Policy

This NSW water policy is disastrous, for the following reasons:

1. It gambles with the lives and livelihoods of multitudes of NSW citizens.
2. The policy does not leave adequate drought reserves – limiting the Drought of Record to pre-2004 would ensure **inadequate** drought reserves.
3. The policy is based on the concept that annual crops do not have to be grown every year. However, the demand from agribusinesses, especially in the cotton industry is to grow a crop every year no matter what the rainfall situation. It reached the point in the most recent drought where irrigators were still being fed "carryover" water while towns, domestic supplies and the environment were missing out. This was illegal, as water for environmental purposes, human and domestic needs has legal priority in the Water Management Act over water for irrigation. Whoever authorised this should be prosecuted.
4. The policy has resulted in farmers on the NSW side of the Murray River having no water while farmers across the river still have allocations. A cause for great unrest.
5. By rapidly using up the water in the dams of the Northern Basin, none is left to flow down the Darling and into the Murray River, thus leaving all of South Australia's allocation to come out of the Murray-Murrumbidgee and disproportionately affecting the farmers in the Southern Basin.

6. There is a proposal for more dams and for raising the wall of Wyangala dam. This is supposed to drought-proof NSW. But under present policy, and ignoring the 2004-2020 droughts, these dams, like the others, will be emptied by the time a drought hits.

The Reason for the Corrupt Drought of Record Date

If the two most recent droughts are taken into account (let alone predictions for climate change), the Water Sharing Plans will be affected and it is suggested that there will be less water available for irrigation, hitting General Security water holders the hardest. We are told that this will affect food production. But cotton is not food, and almonds are not essential food.

The Solution

There is no way that Water Sharing Plans should be based on such a gross lie that the Drought of Record is pre-2004. Present priorities in NSW are the result of both Water Trading and manipulation of Government authorities by agribusinesses. The result is that the maximum available water goes to cotton and to almonds (plus other nut tree crops). Neither of these are essential foods.

Water trading was set up by economists with the aim of water going to the most profitable crops. There was no consideration of the effects on towns and regions that are not suitable for whatever crop is the most profitable.

If the NSW Government considers that production of irrigated produce other than almonds and cotton is essential for regions and/or food security, it can change the rules on water trading. The Government controls the rules relating to allocations for High Security vs General Security. The rules can be modified. Do not try to do this by lying about the drought record.