

**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**

**Organisation:** Australian Floodplain Association

**Date Received:** 5 July 2020

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# AUSTRALIAN FLOODPLAIN ASSOCIATION

*Healthy Rivers - Healthy Communities*

**Sarah Moles,  
Secretary AFA,  
33 Mailmans Rd, North Branch, Qld 4370**

Hon Mark Banasiak MLC  
Committee Chair  
Portfolio Committee No. 4 - Industry  
Upper House Committees  
Legislative Council  
Parliament of New South Wales  
Macquarie St,  
Sydney, NSW, 2000

**By email to:** [portfoliocommittee4@parliament.nsw.gov.au](mailto:portfoliocommittee4@parliament.nsw.gov.au)

5<sup>th</sup> July 2020

Dear Mr Banasiak,

The Australian Floodplain Association (AFA) is a non-government organisation, established in 2006. It represents floodplain and wetland landowners and their communities who depend on healthy rivers, floodplains and wetlands. Its membership resides predominantly within the Northern Murray-Darling Basin and includes floodplain graziers, community groups and shire councils.

The AFA is pleased to accept the invitation to comment on the

- Water Management Amendment (Water Allocations—Drought Information) Bill 2020
- Water Management Amendment (Transparency of Water Rights) Bill 2020
- Constitution Amendment (Water Accountability and Transparency) Bill 2020

Regarding the *Water Management Amendment (Water Allocations—Drought Information) Bill 2020*, we are supportive of this Bill as it is abundantly clear that climate change is already having an impact on water availability and security and hence on the health of our riverine ecosystems.

Drought reserves are a crucial issue for many of our members – which include river communities throughout the Northern Basin but particularly on the Barwon Darling and Lower Darling rivers and those supplied via the Menindee Lakes System. Recent events have underscored the need for transparent rules underpinning an open, accountable and evidence-based process to determine an appropriate drought reserve allocation.

With regard to the Water Management Amendment (Transparency of Water Rights) Bill 2020, the AFA is strongly in favour of greater transparency in all aspects of water management. It is our view that trust in governments' management of water is at a very low ebb and cannot be rebuilt without transparent decision-making processes being implemented across all levels of government.

We are pleased to note this Bill proposes to improve public access to water information including ownership, licence information, works approvals, extraction data and trading information. Ideally, this should be available in real-time.

We draw your attention to this recent media article highlighting issues and concerns with water trading and potential market manipulation.

<https://www.thesaturdaypaper.com.au/news/politics/2020/07/04/govt-tight-lipped-accc-murray-darling-basin-water-report/159378480010062>

Our legal advice is that the proposed amendments described in Schedule 2 are to be supported.

With respect to the *Constitution Amendment (Water Accountability and Transparency) Bill 2020*, we are generally supportive of the amendments set out in Schedule 1. However, we do not agree that personal information should be withheld from the water register – as per our comments above. This is particularly important where MPs hold water rights and entitlements.

Finally, we endorse the comments to your Inquiry made by the Environmental Defenders Office of NSW and refer you to that submission for more detailed legal comment.

Thank you again for the invitation to make a submission.

Yours sincerely,

Sarah Moles  
Secretary.