

**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:** Namoi Water

**Date Received:** 7 July 2020

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## Submission

Namoi Water supports transparency of information to the public, the current registers allow for sufficient capacity to determine water licence holders and trades.

### Portfolio Committee – Industry inquiry and report on;

#### a) **The provisions of the Constitution Amendment (Water Accountability and Transparency) bill 2020**

The bill appears to provide clarity on the requirement of members of Parliament to publicly disclose their interest in water. The bill also provides that notice of trading of water by members of the Parliament is to be registered and lodged. Given the potential for an increase in water licence holdings by individuals this is a sensible addition to the disclosure provisions.

b) **the provisions of the Water Management Amendment (Transparency of Water Rights) Bill 2020**, and  
The Bill provides for a public register with an electronic search facility, on a publicly available website and this is to be available on payment of a fee.

Namoi Water is confused as to the need for this bill as it appears to be largely consistent with the current registers already available and we cannot see a reason for the bill to be put forward in its current form. There is already a public register and it currently operates within the requirements of the Water Management Act 2000. The requirement for updating the register is a function of the dealing form and is the responsibility of Water NSW, the register is currently updated upon completion of trades. We do not consider that an audit of the register is necessary given the dealing provisions within the act clearly provide for this function now. The information provided on an application is already included on the register and inclusion of other more sensitive information such as location could potentially result in a breach of privacy arising from data mining from the site similar to the Aussie farms map. Parliament is already required to disclose water licences, we support this being transparent as per the above bill.

### Schedule 1.

- (1) Namoi Water is confused as to the need for this bill as it appears to be largely consistent with the current registers already available and we cannot see a reason for the bill to be put forward in its current form.
- (2) An audit of the access register is unnecessary, dealings are recorded on the current public register in a timely manner as required.
- (3) Namoi Water does not support the General Register becoming a public register, we do not support this proposed section.
- (4) Namoi Water supports the current process requiring a search to be undertaken as per Section 71H.
- (5) 71I – correction and amendment of the register  
It is the role of Water NSW to collect and maintain information in the required form as per the dealing. Updating the access register is done upon completion of a dealing. Namoi Water considers the addition of (2) to be redundant.
- (6) 71J – public access to information in Access register



The main difference we can determine is that this bill removes the right of the Minister to restrict access to the register. We would submit given the sensitivity of the information this authority is likely to be an appropriate authority for a Minister. We suggest the current sections remain relevant.

Namoi Water cannot see the functionality of this bill when compared to the existing arrangement. We would contend the risk of publicly available searches allows for an Aussie farms style manipulation of data, it could also lead to perverse outcomes in terms of water trading and financial lending to the detriment of water users and the community. It would lead to a change in behaviour in terms of licence holdings moving to obscure trading entities to maintain privacy leading to unnecessary complexity.

How does the bill affect those individual licences within an irrigation corporation?

- (7) A search function is currently available through the register at a cost of approximately \$15-30 per individual search it provides information including licence holder, address, WAL, 90AL etc this information is sufficient and the process of the search is consistent across government sectors such as land titles.

The bill provides that the fee may be charged of a period of time for searchers or in relation to individual search or on another basis. Namoi Water asserts this is currently available now with the correct certification process required for this type of information.

- (8) We consider the current register provides this information in an appropriate form.

#### General comment

The public register provides, the Wal, licence number, licence conditions, trades, total extractions and available water determinations. Through the three registered providers the public can make an application to search the register, this provides WAL, licence holder and licence details following payment for a fee. This is the same function proposed by this bill. In relation to Schedule 1A, trades are all currently recorded and the provision of additional information such as that on the approved form for the licence application potentially provides the gateway for the Aussie farms style map to be generated as online tools can mine the register for information through computer programming and upload this to websites potentially generating information to be used against individuals creating perverse outcomes.

- c) The Water Management Amendment (Water Allocations—Drought Information) Bill 2020.

The NSW Department did an assessment of the impacts associated with changing the drought of record following the Millennium drought. At that time the Millennium drought was a new drought of record for the southern valleys only.

The department used the Lachlan as the 'case study' for this assessment. The modelling work indicated that following the Millennium drought if the department simply increased storage reserves to continue to guarantee higher priority licences (ie, domestic and stock, local water utilities, and High Security) their full allocation it would have significant impacts on general security allocations (over 13% on average and up to 25% in some years).



This would trigger a call from general security users to open up the existing bulk sharing arrangements between HS and GS in the southern valley WSPs. In the Murrumbidgee these bulk sharing arrangements have historically been enormously contentious.

In the northern basin and in particular the Namoi this is not an issue at that stage because the Millennium drought did not result in a new drought of record, and even with a new drought of record this is probably not an issue because the amount of high priority licence entitlement compared to general security entitlement is relatively small.

The drought of record was fixed as at the commencement of the first WSP for most valleys which preserves the bulk sharing rules between HS and GS as agreed to at the commencement of the first WSPs.

It is our understanding the Department intend to further assess the impacts of changing storage reserves incrementally for each valley and consider how sensitive general security allocations would be to various levels of change and how impacts might be shared between HS and GS (with d&s and LWU still being guaranteed their full allocation). We would suggest that this is a far better approach.

Water security needs a holistic approach to include assessment of infrastructure, water sharing plan rules, climate trends and the most appropriate opportunity for this to be assessed is through the Regional Water strategies if they are undertaken with appropriate community consultation.