

Water Management Amendment Bill 2018

General comments

There has been in Australia and NSW, a thorough, prolonged and arduous process of water reform. This process has resulted in the National Water Initiative, and legislation at the Federal and NSW State level. State legislation is supported by a series of Water Sharing Plans, similarly prolonged and arduous in their formulation. Water users have generally accepted these Water Sharing Plans as now standard operating procedure, with the exception of some valley specific issues, which are still being debated.

Importantly, the water reform processes to date have set the basis for water property rights and the parameters of reliability in each Valley.

The draft Exposure Bill to hand deals with water measurement, water information systems, management of environmental water and flood plain harvesting.

Why cannot these matters be dealt with under existing legislation and prevailing Water Sharing Plans?

As water entitlement holders and water users, we see a number of potential risks in the Amendment proposals;

- Existing legislation sets out and provides protection of water property rights. Any legislation moving away for the WSP as the primary management mechanism for water resources within a Valley has the potential to impact water property rights.
- Entitlement holders are protected by compensation clauses under current arrangements, if changes resulting in more than 3% to access are made. The Amendment Bill appears to override this protection.
- Section 324 changes. Amendments which permit the Minister of the day to prohibit or restrict the taking of water by entitlement holders indefinitely, when he considers it necessary for environmental reasons, rather than for a specified period when the public interest is threatened, discounts current legislation and is a threat to existing water access arrangements.
- Section 115b. The imposition of mandatory conditions on water access licenses has the potential to override the provisions of Water Sharing Plans and specifically avoid compensation.