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SUBMISSION TO
THE NSW DEPARTMENT OF INDUSTRY WATER
ON
THE NSW WATER METERING FRAMEWORK

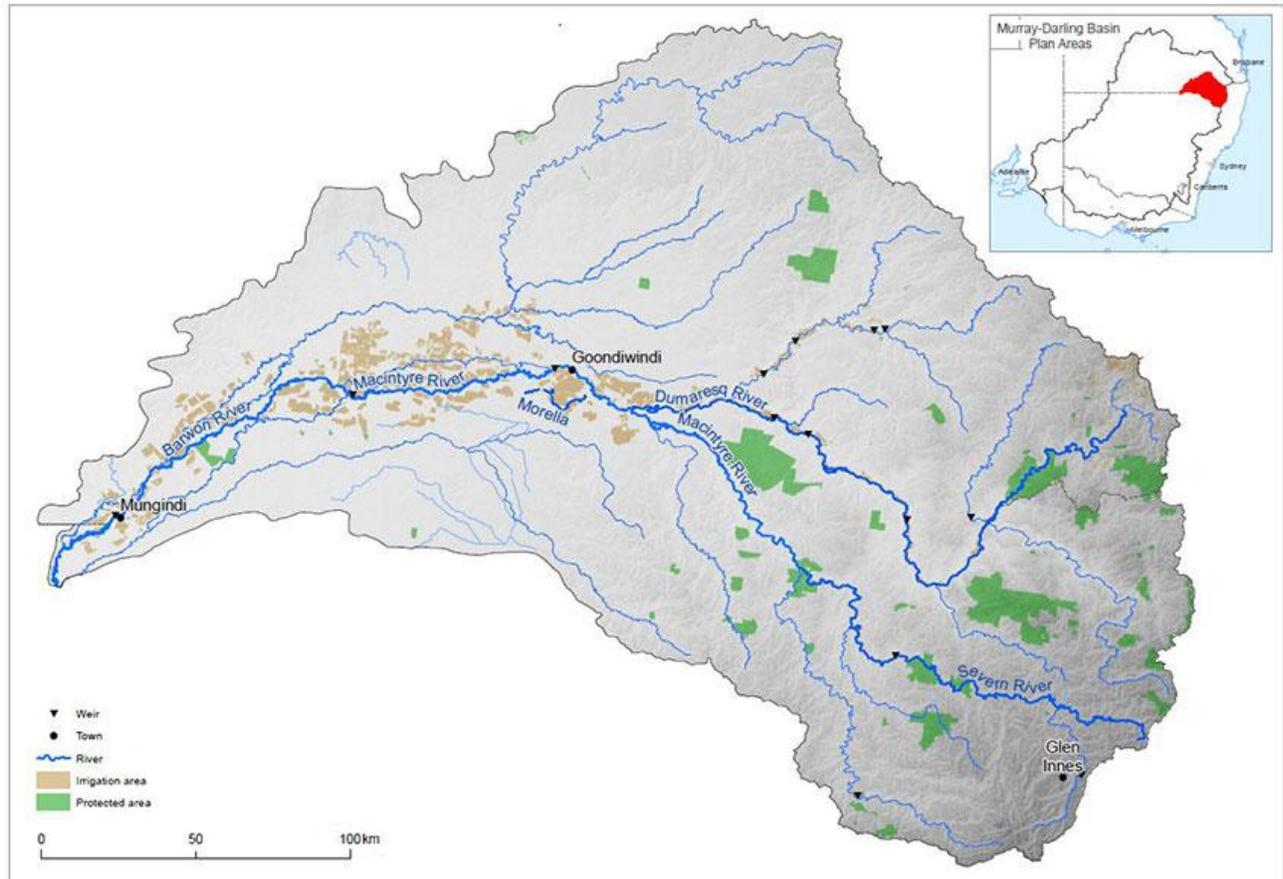
SUBMISSION DUE BY 11.59PM SUNDAY SEPTEMBER 30TH 2018

Prepared by
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INTRODUCTION

Border Rivers Food and Fibre (BRFF) represents the water users and entitlement-holders of the Border Rivers region of southern Queensland and northern New South Wales. These water-users responsibly utilise the water resources of the Macintyre Brook, the Dumaresq, Macintyre, Severn, Weir and Barwon River systems and the Eastern Recharge Zone of the Great Artesian Basin. Production from irrigated agriculture includes vegetables, nuts, dairy, citrus, wine-grapes, herbs, stone-fruit, hay, cereals, coarse grains and cotton. Irrigated agriculture contributes nearly \$1 Billion (farm gate) to the local economy in good years.



This document represents the views of the members of BRFF, though individuals are entitled to their own views relating to their own circumstances.

BRFF is also a member of the NSW Irrigators Council and National Irrigators Council. Whilst generally endorsing their views, we maintain the right to hold independent positions when appropriate.

- We demand robust metering and compliance systems to protect our property rights.
- Recent events have shown that it has been government's short-comings in failing to enforce it's own compliance measures that have created this crisis, but it is we, the stakeholders, that are being asked to pay for the changes required as a result. We implore the NSW Government to establish a framework that is cost-effective and fit for purpose and does not incriminate people doing the right thing.
- Timing of delivery of changes – unrealistic time-frames have been committed-to. Suggest a review & amendments where necessary. DoI Water need to be wary of creating a commercial bonanza for installers by allocating unrealistic timeframes for rollout.
- DoI Water need to make clear exactly what requirements are to be met in what timeframes, detailing the size of the task and how rollout can be achieved in the timeframe. There are issues around the capacity of meter suppliers and approved validators to actually do the amount of work that will be required in the time allowed. Need to have a Plan B for what happens if they can't.
- There will be those captured in this framework that the Government has said it doesn't want to capture – those with small capacity extractions and low risk water sources. Greater consideration needs to be given to these 'small' and 'micro' irrigators who pose no risk and cannot afford a 'Rolls Royce' metering system.
- There is room for proactive measures to be built into metering framework that will avoid inadvertent breaches and will aid in management of water resources for all interested parties.

Consultation questions:

1. Is it easy for you to determine whether your work(s) meet the threshold? If not, why not?

Generally, yes, but it will be the small and micro irrigators in the marginal areas around the thresholds proposed that will be the 'grey area'. There will always be exceptions to the intended thresholds that will need to be assessed individually and a decision made about whether exemptions apply or not. There must be a moratorium period granted, of up to 5 years, so that those innocently conducting their businesses are not made into criminal by virtue of a regulation change and so they can be sorted out.

The thresholds are simplistic, but this approach fails to adequately consider the range of installations in existence.

There are instances where Works Approvals have a volume specified but the equipment installed is not capable of taking that volume.

There are also installations where cumulative diameters are in pace that can take nowhere near the volume of a single pump of the same diameter.

Other similar examples exist but there is no clear way for these anomalies to be sorted out without individuals being in breach of the law.
2. Which option for multiple works is preferred, and why? a. Should meters be required where there is more than one work (where at least one is below the threshold)? or b. Should meters only be required if the cumulative capacity of the works is equivalent to the infrastructure size thresholds?

Neither option considers the actual capacity to extract but relies on the 'potential' or 'licensed' capacity. Meters should not be required for these small users who are not already required to have meters.

The framework does not address temporary pump installations, such as exist in the unregulated systems in the upstream areas of the Border Rivers, such as the Mole River. Similar to the NSW Coastal users, these small capacity works are often removed to storage between seasons and when the river comes up. It is unrealistic to expect these water-users to have to comply to the same requirements as the larger downstream water-users, who already have meters. The cost of

compliance would put many of these small water-users out of business. These water-users currently are not required to have meters installed, typically take less than 30ML/year and their water use is for opportunistic irrigation of some hay or small crops. While their works may be above the cumulative thresholds suggested by DoI Water, they spend more time stored in a shed than installed on the river and even when in place, spend little time actually in use.

We suggest that an alternative threshold be developed, or exemptions created, to ensure that these small users remain protected.

Our suggestion is that works extracting less than 30ML/year be granted an exemption from having to install a meter, if captured by the other proposed thresholds in the framework. If they are still to be required to install a meter then they should be able to utilise lower standard units that are less expensive, to achieve compliance.

3. Are there any other types of water take that should be exempt from the metering requirements and why?

We support the exemption of Floodplain Harvesting from mandatory metering as it is more practical to measure that form of extraction by methods as proposed in the Healthy Floodplains program. It is far more effective to account for FPH at a single collective point than the multiple points of ingress as occurs during a flood.

There must be allowance made for the trading of water from across the state border, for this to continue and for the accounting and compliance be made simple to understand and comply with.

4. Are there any barriers to implementing the proposed metering standards that should be considered?

Several:

- Capacity of manufacturers and suppliers to generate the required volume of units of hardware to fulfil requirements.
- Capacity of installers and licensed validators to install the required new meters and telemetry equipment and also to validate the existing installations by the required dates.
- We see the proposed timeframes as being aspirational and unrealistic in many respects, particularly in the absence of an audit of existing meter installations.
- We suggest that timeframes be reconsidered and adjusted to enable a sensible rollout and to avoid crisis points that are inevitable with existing timeframes.
- There is still an outstanding need for an audit of the existing meter fleet so that DoI Water know exactly how many units are going to need to be changed and by when. An Audit may show that many installations are perfectly adequate and fit for purpose as they are. Equally, it may show that nearly the entire existing meter fleet will require almost immediate replacement, which is not going to be possible in the proposed timeframes, for Government to consider a 'Plan B'. Either way, until an audit is conducted, Government is making decisions creating a material impact on many people without sufficient information, in our view. The result of this poor policy will only lead to innocent people being in breach of a new regulation through no fault of their own.
- Cost

5. What additional information should be included in the data logging and telemetry protocol?

- Government should have access to only the data required to fulfil its administration and compliance requirements and no more.
- Allowance must be made to use existing private telemetry systems and associated protocols for sharing of only the relevant data with regulators.
- It should be understood that the greater integration of meter data into existing on-farm data management systems, the greater the priority on maintain its continuity and quality.

- Consideration should be given to a 'real-time' breach notification back to the pumpsite and water-user when limits are being approached, prior to them being reached. This could be as simple as an automated text message or return signal to 'traffic light' notifications at the pumpsite itself. This proactive measure could help avoid inadvertent breaches and provide a useful education tool as well.

6. Should telemetry be installed by a duly qualified person? What qualifications should the person have? What other options should be considered?

All installations should be done to an appropriate standard by qualified installers.

Where telemetry is currently not technically possible because of lack of data service or mobile phone coverage, it must be government's responsibility to plug this gap. There will be situations where this is a very welcome addition for local landholders of all types and will also assist in the upgrade and improved density of the stream-gauging networks. It will also open up possibilities for other farm-generated data management uses in other enterprises that would not otherwise have had access to it.

7. What methods could be used to demonstrate the accuracy of existing meters in the field? Is guidance needed on the methods that can be used?

We are agnostic to the technical methods used. More important for us than the method is that the verification method must be accurate, cost-effective and adaptable to the wide variety of installations that exist. This may be problematic as the validators are asked to validate a wide variety of installations with many different pipe types, diameters, configurations, some of which will be buried underground and impossible to access.

8. What factors need to be considered and what safeguards need to be in place for the proposed transfer of government-owned meters to private ownership? What needs to happen before the transfer can occur?

Meters must be in working order, upgraded to new standards, be compliant and signed-off prior to any transfer of ownership.

9. What information and support will water users need to help select metering products and services that meet the required standards? Would you be comfortable with a third-party meter provider being responsible for the meter?

An updated ready-reckoner published on a website listing details of different specifications of pipe sizes, mandatory licence conditions and what metering equipment is currently pattern-approved and available for installation.

This where the timeframes risk impacting decisions on what equipment to install, if choice and availability to a few options, which will inevitably be very expensive.

10. Do you have any comments on any of the proposed mandatory conditions?

The requirement to keep a log book of pumping activities seems to be an unnecessary duplication of information requirements, except where they are not already required to have a meter. In this case, a log book is a valid alternative to having to install meters which will rarely be used. In all other cases, compliance should be easily verified with data-logged or telemetered information on meters, stream-gauges. This condition (clause 241) assumes guilt and seeks to have the water-user establish their innocence and to do part of the compliance work. This is a principle that we strongly oppose. The condition assumes a level of competence on farm staff that does not always exist and will likely lead to problems where a technical breach in record-keeping is found but that they were doing nothing legally wrong in regard to their water take.

Consideration should be given to getting these details as part of the water ordering process on IWAS, so that they are all provided upfront and not rely on problematic log-books.

11. What issues and data should be considered in the five-year review to assess the performance of the metering framework against its objectives?
 - Is compliance being achieved in a practical and cost-effective way?
 - What breaches have been detected and what was the nature of those breaches?
 - What has been done to avoid them occurring in future?