

**NSW IRRIGATORS SAY GOVERNMENT MUST URGENTLY ACT TO  
PROTECT WATER RIGHTS  
(21/06/2018)**

The NSW Irrigators Council (NSWIC) is insisting that the State Government urgently act to limit the power of Water Ministers to implement cease to pump orders on irrigators under far reaching powers that will allow the Government to stop irrigators extracting water if the Minister deems that any flow is for 'environmental purposes'.

Irrigators are strongly critical of the wording of the amendment to the Water Management Act passed yesterday, because it will give the Water Minister almost unlimited power to designate any flow as being for the environment and could diminish irrigator water rights without compensation or appeal.

NSWIC said that the effect of the broader powers detailed in the Water Management Amendment Bill 2018 will allow the Minister to work around the valley Water Sharing Plans that contain established rules by which water is shared between the environment, urban and industrial users, and irrigators - which underpin irrigators' property rights over water.

NSWIC CEO Mark McKenzie said these powers are now so broad that they open the Act up to misuse by future Governments.

"The protection of environmental flows is important. We absolutely support the protection of environmental flows whenever environmental water held by Government is released from storages.

Clearly that water is designated for the environment.

However, this legislation will allow the Water Minister of the day to go much further and stop irrigators from using water they are currently able to access under their Water Sharing Plans, even when some of the flow in the rivers is from rainfall events and tributary inflows below the dams which would normally be shared between irrigators, the community and the environment."

"This could have very far reaching and financially damaging impacts on irrigation enterprises and on the value of irrigators' water licences if a Water Minister began to regularly use this power to prevent irrigators from extracting water they are legally licensed and entitled to under their valley Water Sharing Plan. Implementing cease to pump orders should never be done lightly, because peoples' property rights are at stake, but this new legislation does not prevent the Government from doing so without a formal and transparent process that justifies the measure.

The Water Minister's powers over protection of flows designated for 'environmental purposes' must be codified to prevent the misuse of the legislation, and the State Government must move to urgently prevent this happening in the future," Mr McKenzie said.

NSWIC said there was deep concern within the irrigation sector that the NSW Government has effectively ceded primacy to environmental water despite repeated assurances by both the State and Federal Governments that licensed water for irrigation would have equal standing in the water management hierarchy with water purchased by Government for the environment.

NSWIC is critical that the Water Management Amendment Bill was rushed through Parliament without adequate consultation with industry, or sufficient consideration of how its broader powers could impact on irrigators' property rights.

The Council is insisting that the Department of Industry be formally instructed by Regional Water Minister, Niall Blair, to better consult with irrigators over the new regulations designed to drive the Government's Water Reform Action Plan. ENDS.

For further information:

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Approved RS / TN