

MEDIA RELEASE

Disallowance doesn't disallow floodplain harvesting, but disallows better regulation

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Disallowance doesn't make floodplain harvesting illegal, it just leaves it under old-fashioned legislation passed in 1912, 50 years before the first cotton crop was picked in NSW.

NSW Irrigators' Council CEO Claire Miller said the Floodplain Harvesting Exemption Regulation – disallowed in the Legislative Council in Parliament tonight – is a transitional step towards implementing the NSW Healthy Floodplains Policy to license and meter approved floodplain harvesting by July 2021.

“This regulation is just a step toward finally licensing and better metering floodplain harvesting - how could that be a bad thing?” Ms Miller said.

“We want full licensing and metering for floodplain harvesting as soon as possible. This regulation is a step on the way – 1 July 2021 can't come fast enough to put an end to the confusion.”

The regulation is a transitional measure to bring the regulation of floodplain harvesting out of the 1912 Water Act, and into the more recent Water Management Act 2000.

“It is not as simple as making it legal or illegal. The debate is about two options: leaving floodplain harvesting allowed under an Act written in 1912, or taking the next step to regulating all water take under modern laws.

“Irrigated agriculture wants a modern legislative framework. We don't understand politicians who want water management turned back to 1912 legislation. It's almost like they don't want the problem solved.”

Licensing and regulation will limit water take, including floodplain harvesting, to the lower of the 1993-94 Cap or Long Term Annual Average Extraction Levels (LTAAEL) under NSW water sharing plans.

“NSWIC told the Parliamentary Inquiry we need change to better regulate floodplain harvesting under modern rules, and now the rules are here, but some politicians aren't prepared to accept change.”

The need for this regulation was flagged in 2013 as a necessary administrative step. Unfortunately though, as the First Flush Independent Panel noted, it was introduced at the last

minute before an extreme weather event; this caused confusion about its purpose.

Last week, a data error by the NSW Department of Planning, Industry and Environment caused significant angst and confusion, by stating the water take from the Barwon-Darling in 2019-20, a severe drought year, was almost double the actual figure of 237GL.

“Anyone who knows anything about water could look at the figures and see that it was simply impossible for water take in 2019-20, an extreme drought year, to be higher than in 2016-17, the last flood year.”

The Department explained in a statement that the water use dashboard updates “are automated using the latest usage information available and final meter reads entered by WaterNSW. The latest update incorrectly added 2019-20 usage figures for each valley rather than replacing the previous figures, doubling usage amounts”.

“It’s just not good enough,” said Ms Miller. “Our industry has been working hard to build our reputation and social licence, including by making information on water usage clear and transparent, and here we are being let down by a Government Department that mistakenly doubled the figures”.

“That is a significant error.”

Whilst the DPIE figures were incorrect, the figures on the WaterNSW register – the agency actually responsible for monitoring water take – were correct.

“We’re pleased the Department has taken responsibility for its mistake, and we hope all are made aware of the error so the correct and accurate figures are used in future.”