

The Shooters Fishers and Farmers Party have no problem with trying to regulate the northern and southern basins of the Murray Darling.

What we have a problem with is a National Party member holding this portfolio.

The Nationals have consistently proven they are fundamentally incapable of negotiating fair outcomes regarding the Murray-Darling, and what's more, they have proven they are deeply incapable of negotiating any outcome for any water-based issue.

The Nationals have failed the water portfolio.

Make no mistake, the drama they are creating around floodplain harvesting has allowed Minister Pavey to get away with inconceivable neglect of rural and regional irrigation communities.

Let's not forget that it was not the Minister for water, but volunteer groups that prevented communities devastated by drought from evacuating their towns.

It is this Government policy that priced water so high that it holds back communities from reaching their full agricultural potential.

"Mum and dad farmers" have had to shut down their operations because their general supply is locked up in dams and guarded by the National Party.

This Minister is throwing up the 'smoke and mirrors' of flood plain harvesting and diverting attention away from all she has done wrong.

To assume all is well elsewhere in the Murray darling is simply untrue.

There is a fundamental issue of trust in what this Minister says. In fact, the Nationals history of water management in NSW has been mired in controversy.

Even if good regulations were presented, people would doubt her truthfulness. In the interests of irrigation communities, this Minister must be replaced immediately and the grubby hands of the National Party must be permanently excluded from water management.

While she thinks she creates division between the North and South as a diversion, what she is really doing is drawing attention to the need for someone, outside of the National Party, to start afresh with the water portfolio and negotiate real and equitable outcomes for both the Northern and Southern Basins, something she has been completely incapable and/or unwilling to do.

This water debate has been ongoing since Federation. The SFF recognise what it requires to get it right, it's time this Government did too.

We met with the Premier and Deputy Premier on 18 June 2020 and handed them our Compact with New South Wales.

If they bothered to read that Compact they would have found within its pages is the SFF 10 Point Action Plan on Water.

Point six relates to floodplain harvesting and it states:

*The NSW Government should halt future floodplain harvesting plans and conduct robust scientific assessments of impacts, and clear definitions of the different types of floodplain harvesting. Once this is done, the government must use satellite technology to measure and properly regulate the different forms of floodplain harvesting.*

Doing these things and consulting with the SFF on an issue that is relevant to our electorates could have ensured these regulations got across the line.

They chose not to.

They have not been robust in their consultation and they have again failed to get it right.

This disallowance is not saying no to regulation. It is saying these are not good enough, go back and try again.

Go back and draft something that works for everyone. That is your job.

Never before have the two seats directly involved, Barwon and Murray, been held by a party that is not in the pocket of large donors or the National Party.

The SFF is in a very privileged position and we plan to use that to benefit both of electorates, and the NSW community in general.

It is in the interest of many to keep these two electorates at odds with each other.

Particularly, the National Party. And frankly, National Party tactics are the only transparent thing about them.

This is not the way forward.

I wrote to the Minister for Water and Housing as early as November last year to engage in discussions and negotiations about how to bring equitable outcomes to the north and south.

That request was responded to in February 2021 and we subsequently had one meeting where we advised the Minister that she needed to engage with the irrigators in the southern basin directly. A list of claims was tabled.

Further, we also advised the Minister that legislation for water should not be done by regulation, but should be brought to the parliament as substantive legislation for debate, and amendment if necessary.

It appears she took no heed of this advice to engage with the southern basin irrigators as well as northern basin irritators and be dealing with open hands and good will to all sides.

There is a lot more to the current situation than just simple regulations to be promulgated by this Minister regarding Flood Plain Harvesting and she knows it.

Unfortunately, there are many people in this debate, including the Minister, who thrive on mistruths and anger. They use the emotion in this debate to further their own political ends.

If this Government were indeed serious about regulating flows in the Murray Darling Basin, we would have a piece of legislation before us that could be negotiated, debated, amended and passed equitably.

But instead of bringing on legislation, we have the brute and blunt force of regulations shoved down our throats yet again from a Government that cannot govern in any other way.

To bring on these regulations now is a poor partial solution that should be struck down.

There needs to be fairness and equality across the valleys – north and south.

That is what the SFF were seeking when we wrote to the Minister, but instead we get nothing.

This is the second attempt by this Government to force through regulations that do not work for all those that are impacted.

The danger with governing by regulation is that once it can no longer be disallowed, it can't be changed by the elected Members of Parliament.

With water so integral to communities, agriculture and the environment, the whole of Parliament should be involved in the debate, and should have the ability to amend a bill to improve it.

I acknowledge the frustration felt by communities in the Northern and Southern basin that the NSW Government has dragged the chain on this, but if they want to see change in this area, they need to engage properly, and with the support and efforts of the SFF.

It is evident throughout this whole process that the Minister has not adequately engaged with the Member for Murray.

The Government has had years to conduct a thorough and proper consultation with all stakeholders.

These regulations are not all bad, but are clearly one sided.

These regulations look after the Nationals and their mates in the northern basin and completely disregard the southern basin claims for equity.

NRAR are hopelessly compromised and politically no longer in a position to be in charge of supervising and policing water take and regulation in general.

We need a new independent regulation.

I will go into some short detail as to why we do and don't like these regulations.

*The Water Management (General) Amendment (Exemption for Rainfall-runoff Collection) Regulation 2021* exempts rainfall run-off from needing a licence or being measured.

What is not mentioned is a proper explanation as to how one is supposed to distinguish rainfall run-off from licenced take from floodplains.

*The Water Management (General) Amendment (Floodplain Harvesting Access Licences) Regulation 2021* allows for the creation of floodplain harvesting licences by reference to existing unregulated river licences or groundwater licences.

The volume of the new licence is based on maximum irrigated areas between 1993 and 1999 and the crop conversion rate. The irrigated area has been increased by DPIE, and in some cases, has been more than doubled.

This needs to be brought back to the legislated Murray-Darling Cap which was the level of development on 1 July 1994, before extensive development commenced and water was diverted from its natural course.

Why? Because what is before us is unsustainable for the lower basin and these regulations are supposed to serve both the upper and lower basins, they don't.

Real consultation would have resulted in a negotiated position. Not all for one and none for the rest.

Finally, the *Water Management (General) Amendment (Floodplain Harvesting Measurement) Regulation 2021* which provides for measurement via point-of-intake and telemetric metering.

Point-of-intake metering is a significant problem because it relies on the manual recording of water in and out of storages.

Although this regulation requires a qualified third party to check point-of-intake, there are no controls proposed to ensure the recording and reporting is correct.

Water must be accurately measured in real time, that system must be tamper proof. The only way to do that is through telemetry meters, and information can then be recorded accurately and immediately.

This is what the SFF demanded in our 10 Point Plan for Water – that the Government must use satellite technology to measure and properly regulate the different forms of floodplain harvesting.

When there is a breach there must be significant consequences in place to act as a deterrent. When you consider how easy it would be to take advantage of the manual reporting system a significant deterrent is required.

Which brings me to the greatest injustice of all which lies in this regulation.

The arbitrary powers of the Minister.

This is far too much power vested in an individual Minister in a portfolio that she has already proven incapable of handling with transparency and equality or fairness.

This we cannot agree to. And because you are forcing it through as regulation, we cannot amend it. So, you will not get this power Minister.

Like I said, it is not all bad.

There is no doubt that regulation is required to reduce, licence and measure floodplain harvesting.

In a letter from the NSW Irrigators Council they highlight what are extremely important and valid points.

That these reforms have been nearly two decades in the making and reform has long had the support of everybody. A significant amount of the taxpayer dollars has been spent to design the policy.

We cannot have floodplain harvesting go on unregulated and uncontrolled.

It is of no benefit to all involved. It does not benefit the environment or all users of water.

By regulating properly, we will have transparency and accountability for all forms of floodplain harvesting.

I note that the NSW Irrigators Council also recognise the need that all sources of water use should be compliant with the 1994 Cap.

The SFF is committed to seeing all forms of take metered and under CAP. That is why the Member of Barwon attempted to work with the Water Minister in pursuit of this commitment.

The way we can step around any issues and a lack of trust around flood plain harvesting is to implement end of valley flow targets, properly policed by a new governing body, and control by a non-National Party Water Minister

These regulations do not do that.

I want to make it clear that this is not a vote on supporting flood plain harvesting or not as it has been framed. This is about bringing the practice of flood plain harvesting under modern law so it may be metered and compliance may be enforced. These regulations fail this test.

It is about holding this National Party Minister to account for playing favourites and not engaging with all stake holders.

Calling the Member for Murray names won't and can't substitute for accountability that my party will bring to water regulation and law.