

Speak Up Campaign Inc.

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NSW Irrigators Council
c/o
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Jim Crush – Chair
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Dear NSWIC,

As you may be aware last year Speak Up coordinated the collection of 11,000 signatures calling for the NSW government to support a National Water Ownership Register. These signatures were collected in five months from people across not just the entire MDB, but outside the Basin as well. In fact I am still receiving signed petitions. As such we feel it is our duty to represent those 11,000 people.

The result of this petition was Member for Murray Helen Dalton MP presented a bill to NSW Parliament calling for an open and transparent state water register, including retrospective water ownership of politicians and their connections.

Speak Up fully support this, as there have been some policy decisions in the water space which make no sense for the environment or food production in the Southern Connected System, particularly the Murray Valley. We need complete confidence that poor policy and advocacy was due to incompetence, and not influenced by water ownership.

The fact of the matter is an open, public and transparent water register has already been legislated, however the NSW government has failed in its duty to implement that register. Please refer to the legislation below -

The NWI 2004 [2]:

1) *“31. Water access entitlements will:*

vii) Be recorded in publicly-accessible reliable water registers that foster public confidence and state unambiguously who owns the entitlement, and the nature of any encumbrances on it (paragraph 59 refers).”

2) *“Water Markets and Trading*

Actions

59. The States and Territories agree to have in place pathways by 2004, leading to full implementation by 2006, of compatible, publicly-accessible and reliable water registers of all water access entitlements and trades (both permanent and temporary) on a whole of basin or catchment basis, consistent with the principles in Schedule F. The Parties recognise that in some instances water service providers will be responsible for recording details of temporary trades.”

3) *“SCHEDULE F: GUIDELINES FOR WATER REGISTRIES*

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The Parties agree that water registers will be established in each State and Territory and will:

- 1. contain records of all water access entitlements in that jurisdiction, and trades of those entitlements, including their location;*
- 2. be of sufficient standard to achieve the characteristics of secure water access entitlements contained in the Agreement;*
- 3. contain protocols for the protection of third-party interests that:*
 - (i) require the holder of a registered security interest to be notified prior to any proposed dealings in relation to the water entitlement, and requiring the consent of such interests to any proposed transfers;*
 - (ii) allow only authorised dealings;*
 - (iii) require the registration of permanent transfers of the water entitlement and encumbrances that affect the entitlement, such as mortgages and other security interests;*
 - (iv) enable lenders to procure the registration of their interest independently of the holder of the entitlement (to ensure the rights of the entitlement-holder are sufficiently protected);*
 - (v) prioritise competing dealings;*
 - (vi) manage time lags between date of lodgement for registration and actual registration of dealings, as such time lags may affect priorities; and*
 - (vii) allow for the discharge of the security interest, in conjunction with the transfer of the entitlement to a new registered holder;*
 - (viii) ensure that lenders are only affected by a subsequently registered interest where the lender has consented to the subsequent dealing;*
 - (ix) assist in the process of identifying water specific or unregistered interests.*
- 4. be administered pursuant to certain procedures and protocols, based on land title office manuals and guidelines that exist in various States and Territories that seek to minimise transaction costs for market participants;*
- 5. be publicly accessible, preferably over the internet, and include information such as the prices of trades and the identity of entitlement holders; and*
- 6. enable resource managers to monitor and accumulate trade and water use volumes accrued under water entitlements in a separate water accounting system."*

Schedule 3 of the 2007 Water Act also legislated that a publicly accessible water register be established
"Schedule 3—Basin water market and trading objectives and principles

4. Basin water market and trading principles

(3) All trades should be recorded on a water register. Registers will be compatible, publicly accessible and reliable, recording information on a whole of catchment basis, consistent with the National Water Initiative." [3]

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We agree that personal details such as address, phone number and email should not be exposed, however water needs to be treated the same as any other asset whether it be land, shares or buildings. We feel it is our duty to make contact with peak organisations on behalf of in excess of 11,000 people who put their trust in us to ensure we are advocating strongly for the position they endorsed.

We would be grateful if you could advise us of your position on this matter and how this position was formed.

With thanks

Shelley Scoullar
Speak Up Campaign Chair
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