



New South Wales

Water Management Amendment (Water Access Licence Register Reform) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Water Management Act 2000* (*the Act*) as follows—

- (a) to make amendments relating to the Water Access Licence Register,
- (b) to provide for a code of conduct for brokers,
- (c) to require annual reporting of the foreign beneficiaries of trusts that have an interest in a water access licence,
- (d) to enable regulations to be made for the establishment or adoption of a system of unique identifiers for dealings in and holders of access licences,
- (e) to make it a condition of an operating licence that an irrigation corporation must be a member of the Energy and Water Ombudsman NSW or another dispute resolution organisation prescribed by the regulations,
- (f) to provide that a consolidated register of information recorded in registers under the Act be kept and made publicly available,
- (g) to make other minor or consequential amendments.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

**Schedule 1 Amendment of Water Management Act 2000 No
92**

Schedule 1 gives effect to the object of the proposed Act.

**Schedule 2 Amendment of Water Management Amendment
Act 2018 No 31**

Schedule 2 makes a consequential amendment.



New South Wales

Water Management Amendment (Water Access Licence Register Reform) Bill 2024

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Water Management Amendment (Water Access Licence Register Reform) Bill 2024

No. , 2024

A Bill for

An Act to amend the *Water Management Act 2000* in relation to information on the water access licence register; to require holders of operating licences to be members of the Energy and Water Ombudsman NSW or a prescribed dispute resolution organisation; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Water Management Amendment (Water Access Licence Register Reform) Act 2024*.

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2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

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Schedule 1	Amendment of Water Management Act 2000 No 92	1
		2
[1]	Section 71I Correction and amendment of Access Register	3
	Insert at the end of the section—	4
	(2) The Minister must ensure the Access Register is kept up to date and, in particular, the Access Register is updated to record changes of details of access licences or holdings in access licences that are notified to the Minister or of which the Minister otherwise becomes aware.	5 6 7 8
[2]	Section 71ZB	9
	Insert at the end of Chapter 3, Part 2, Division 4—	10
71ZB	Code of conduct for brokers	11
	(1) The regulations may prescribe a code of conduct for brokers.	12
	(2) The regulations may create an offence of failing to comply with the code of conduct or a specific provision of the code of conduct (a <i>relevant offence</i>).	13 14
	(3) The Secretary may issue a public statement, in a way determined by the Secretary—	15 16
	(a) identifying a broker found guilty of a relevant offence, and	17
	(b) providing details of the commission of the relevant offence.	18
	(4) In this section—	19
	<i>broker</i> means a person who provides brokerage services to another person in return for a commission, fee or other financial benefit.	20 21
	<i>brokerage services</i> means one or more of the following services—	22
	(a) providing advice about a dealing in an access licence or holding in an access licence,	23 24
	(b) dealing in an access licence or holding in an access licence for another person,	25 26
	(c) investigating a prospective dealing in an access licence or holding in an access licence for another person,	27 28
	(d) preparing and submitting documents necessary for a dealing in an access licence or holding in an access licence for another person.	29 30
[3]	Section 87E	31
	Insert before section 88—	32
87E	Annual reporting of foreign beneficiaries	33
	(1) This section applies to an access licence held or co-held by a person in the person's capacity as a trustee of a trust.	34 35
	(2) The person must give written notice to the Minister, within 2 months after the end of each financial year, if a foreign person was a beneficiary of the trust during the financial year.	36 37 38
	Tier 3 penalty.	39
	(3) The person is not required to give notice under subsection (2) if notice of the foreign person has already been given by another trustee of the trust.	40 41
	(4) In this section—	42

<i>foreign person</i> has the same meaning as in the <i>Foreign Acquisitions and Takeovers Act 1975</i> of the Commonwealth, but does not include an Australian citizen, whether or not ordinarily resident in Australia.	1 2 3
[4] Section 88 Regulations	4
Insert after section 88(1)(a)—	5
(a1) the establishment or adoption of a system of unique identifiers for dealings in and holders of access licences, including the allocation and use of the identifiers,	6 7 8
[5] Section 88(4)	9
Insert after section 88(3)—	10
(4) The Minister must make a recommendation to the Governor for a regulation under subsection (1)(a1) within 18 months of the commencement of that provision.	11 12 13
[6] Section 123 Terms and conditions of operating licence	14
Insert after section 123(5)—	15
(5A) It is a condition of an operating licence that an irrigation corporation must be a member of the Energy and Water Ombudsman NSW (ABN 21 079 718 915) or another dispute resolution organisation prescribed by the regulations.	16 17 18
[7] Section 395AA	19
Insert before section 395A—	20
395AA Public water register	21
(1) The Minister must ensure a consolidated register of information recorded in registers under this Act is kept and made publicly available in accordance with this section (the <i>public water register</i>).	22 23 24
(2) The public water register must contain the following—	25
(a) information recorded in the following registers that is, in the Minister’s opinion, appropriate for inclusion in the public water register—	26
(i) the Access Register,	27 28
(ii) the register of available water determinations referred to in section 84,	29 30
(iii) the register of approvals referred to in section 113,	31
(b) other information that is, in the Minister’s opinion, appropriate for inclusion in the public water register,	32 33
(c) information given to the Minister under section 87E,	34
(d) other information prescribed by the regulations.	35
(3) The public water register must not contain the following—	36
(a) personal information within the meaning of the <i>Privacy and Personal Information Protection Act 1998</i> , Part 6,	37 38
(b) other information prescribed by the regulations.	39
(4) The public water register must be published on a publicly accessible website with an electronic search facility.	40 41
(5) The regulations may make further provision about the public water register.	42

[8] Section 400 Regulations	1
Insert after section 400(3)—	2
(3A) Despite subsection (3), a regulation may create an offence punishable by a penalty of not more than 100 penalty units if the offence relates to a failure to comply with a code of conduct or a specific provision of a code of conduct prescribed under section 71ZB.	3 4 5 6
[9] Schedule 9 Savings, transitional and other provisions	7
Omit clause 102.	8

**Schedule 2 Amendment of Water Management Amendment
 Act 2018 No 31**

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Schedule 1 Amendment of Water Management Act 2000 No 92

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Omit Schedule 1[26], [32], [55] and [77].

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