

Passed by both Houses



New South Wales

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

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2024*



New South Wales

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

Act No \_\_\_\_\_, 2024

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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 a prescribed dispute resolution organisation; and for related purposes.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

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

**2 Commencement**

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

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

### [1]      **Section 71I Correction and amendment of Access Register**

Insert at the end of the section—

- (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.

### [2]      **Section 71ZB**

Insert at the end of Chapter 3, Part 2, Division 4—

#### **71ZB      Code of conduct for brokers**

- (1) The regulations may prescribe a code of conduct for brokers.
- (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 *relevant offence*).
- (3) The Secretary may issue a public statement, in a way determined by the Secretary—
  - (a) identifying a broker found guilty of a relevant offence, and
  - (b) providing details of the commission of the relevant offence.
- (4) In this section—

*broker* means a person who provides brokerage services to another person in return for a commission, fee or other financial benefit.

*brokerage services* means one or more of the following services—

- (a) providing advice about a dealing in an access licence or holding in an access licence,
- (b) dealing in an access licence or holding in an access licence for another person,
- (c) investigating a prospective dealing in an access licence or holding in an access licence for another person,
- (d) preparing and submitting documents necessary for a dealing in an access licence or holding in an access licence for another person.

### [3]      **Section 87E**

Insert before section 88—

#### **87E      Annual reporting of foreign beneficiaries**

- (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.
- (2) The person must, if a foreign person was a beneficiary of the trust during a financial year, give written notice to the Minister, within 2 months after the end of the financial year, of the name and contact details of the foreign person. Tier 3 penalty.
- (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.
- (4) In this section—

*foreign person* has the same meaning as in the *Foreign Acquisitions and Takeovers Act 1975* of the Commonwealth, but does not include an Australian citizen, whether or not ordinarily resident in Australia.

**[4] Section 88 Regulations**

Insert after section 88(1)(a)—

- (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,

**[5] Section 88(4)**

Insert after section 88(3)—

- (4) The Minister must make a recommendation to the Governor for a regulation under subsection (1)(a1) as soon as reasonably practicable.

**[6] Section 123 Terms and conditions of operating licence**

Insert after section 123(5)—

- (5A) It is a condition of an operating licence that an irrigation corporation must be a member of a dispute resolution organisation prescribed by the regulations.

**[7] Section 395AA**

Insert before section 395A—

**395AA Public water register**

- (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 *public water register*).
- (2) The public water register must contain the following—
- (a) information recorded in the following registers that is, in the Minister's opinion, appropriate for inclusion in the public water register—
- (i) the Access Register,
- (ii) the register of available water determinations referred to in section 84,
- (iii) the register of approvals referred to in section 113,
- (b) other information that is, in the Minister's opinion, appropriate for inclusion in the public water register,
- (c) information given to the Minister under section 87E,
- (d) other information prescribed by the regulations.
- (3) The public water register must not contain the following—
- (a) personal information within the meaning of the *Privacy and Personal Information Protection Act 1998*, Part 6,
- (b) other information prescribed by the regulations.
- (4) The public water register must be published on a publicly accessible website with an electronic search facility.
- (5) The regulations may make further provision about the public water register.

**[8] Section 400 Regulations**

Insert after section 400(3)—

- (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.

**[9] Schedule 9 Savings, transitional and other provisions**

Omit clause 102.

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

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

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