

What we heard about the proposed reporting rules for metered water users

This document summarises the outcomes of public consultation on the Water Management (General) Amendment (Miscellaneous) Regulation 2020, and what the NSW Government will do next to make reporting easier.

The non-urban water metering framework

The NSW Government is implementing a robust metering framework to improve the standard and coverage of non-urban water meters across NSW. The new metering rules became law in December 2018 and are rolling out in stages until 1 December 2023.

A key aim of the metering framework is to support community confidence in water management by helping us know if water is taken according to the rules. To achieve this, the government must have timely access to information about water take.

Under the current legislation, when the metering rules roll out from 1 December 2020:

- the largest surface water users must automatically transmit information about water take each day, via a secure telemetry system
- metered water users without telemetry must:
 - keep records of water take information in the 'approved form and manner'
 - receive annual meter reads from WaterNSW
- metered water users who use a single metered work to take water under **both** a licence **and** a basic landholder right or other licence exemption must also keep records of water take information in the 'approved form and manner.'

Under the current legislation, water users do not need to **report** this information to government.

Public consultation in 2020

We sought public comment on a draft Water Management (General) Amendment (Miscellaneous) Regulation 2020 (the **proposed regulation**) from 9 September to 7 October 2020.

The main goal of the proposed amendments is to make sure the government receives timely information about water take to support regulatory, policy and water planning functions.

The proposed regulation recommended that the following water users report their metered water take information to the Minister for Water, Property and Housing every month, even if no water is taken:

1. water users with a meter who use a single metered work to take water under **both** a licence **and** a basic landholder right or other licence exemption, and
2. water users with a meter but not telemetry.

What we heard

We received 42 submissions, including 20 'standard form' submissions.

We received 34 submissions from water users and bodies representing water users, including the NSW Irrigators Council. Other submissions came from representatives of mining and quarry interests, including the NSW Minerals Council, and members of the public.

We also received feedback from the independent Natural Resources Access Regulator (NRAR) and Irrigation Australia Limited (IAL), which is responsible for certifying and overseeing meter installers.

Most feedback related to the frequency of the reporting and the requirement to report, even if water is not taken:

- Most, but not all, irrigators and farmers believed that reporting every month was too onerous, particularly for 'zero take', and would be impractical for sites with multiple pumps. Many believed that quarterly reporting would be more reasonable.
- Some irrigators and farmers were concerned about the reliability of self-reported information and some of these believed that instead of self-reporting, all water users should be subject to more frequent WaterNSW meter readings or be required to use telemetry.
- NRAR indicated that it supports monthly self-reporting, but its strong preference is for universal telemetry, as this delivers the greatest benefit to all stakeholders.
- IAL also supported monthly reporting for metered water users.

Some feedback appeared to be based on a misunderstanding of the proposed amendments and the broader regulatory context. In particular, some submissions mistakenly assumed that:

- The proposed reporting requirements, and broader metering rules, would apply to water users who use a work **only** to take water as a basic landholder right. This is not the case. The rules do not apply to works used **solely** to take water under a basic landholder right.
- WaterNSW will no longer undertake physical meter readings. This is not the case. Under its operating licence, WaterNSW is required to conduct meter readings at least once a year.
- The reporting requirements will apply, even if water users have telemetry. This is not the case. The current legislation 'switches off' these requirements for water users with telemetry.

Next steps

The NSW Government thanks all stakeholders who made submissions.

The timely provision of information about metered water take to government is essential to give the community – including water users – confidence that water is being taken according to the rules.

From the submissions, it is clear that many water users are concerned about the compliance burden of reporting water take information every month, even if no water is taken.

To minimise the compliance burden, the government will change the proposed amendments so that water users do not need to report zero water take for a given period, if:

- at least 14 days before that period begins, the water user notifies WaterNSW to confirm that they do not **intend** to take water for that period
- no later than 14 days after that period ends, the water user notifies WaterNSW to confirm that they did not **actually take** water in that period.

Importantly, this will not prevent a water user from taking water during this period. However, if a water user takes water during this period, they will revert to monthly reporting requirements.

Water users can submit water take information online, although a paper-based option will also be available. Further, metered water users who do not require telemetry can avoid monthly reporting obligations and the need for an annual meter reading by voluntarily installing a telemetry device.

It is in the interests of water users who use a single work to take both licensed water **and** a basic landholder right to regularly divide out take under each right. This will help NRAR understand the legal basis for water take and will also ensure that water users are not incorrectly billed. It will also help improve the understanding of water take under basic landholder rights more generally.

The NSW Government also recognises concerns about the reliability of 'self-assessed' reporting. The monthly reporting requirements for water users without telemetry will be complemented by annual – or more frequent – meter readings by WaterNSW customer field officers.

As a next step, the government intends to make the proposed regulation, including the changes described in this report.

When the changes begin

The changes will begin on 1 March 2021 for water users with pumps 500 mm or greater. For other water users affected by these rules, the changes will come into place when the non-urban metering rules begin:

- for water users in the northern inland – 1 December 2021
- for water users in the southern inland – 1 December 2022
- for water users in the coastal region – 1 December 2023

For water users who are already required to have a meter and need to install a new or replacement meter before these rollout dates, the non-urban rules will begin when they install the meter.

The government will review the reporting requirements as part of its statutory review of the non-urban metering rules, due in 2024.

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