

[REDACTED]
[REDACTED]
Mudgee [REDACTED]
[REDACTED]

IPART (NOW prices review submission)

As I am a small farmer struggling with debt I wish to make the following comments regarding NOW charges and attitude to those who pay to support them.

- Fees should be reduced dramatically for those not using water for irrigation. Currently I have to pay the same fees if I use my water or not and if I don't pay then I am told my wells have to be filled in.
- These wells are my own infrastructure and no public money has been used to construct or maintain them unlike major dams on regulated rivers which do have to be built, maintained and managed with public money.
- Although not a pricing issue, NOW is very difficult to deal with, not returning phone calls or correspondence and refusing to explain their accounts and sending accounts with no explanation of their content.
- Penalties threatened for the unauthorised use of water are extreme to say the least. An individual such as myself is threatened with a penalty of up to \$247500, and \$66000 a day (this fine does not fit the crime). These threats are made with every letter received from NOW

Please find attached letters written over the years explaining my frustration

- Post your statutory declaration form. When applying online the address is given at the end of the form you print. When completing a hard copy statutory declaration form the address is given in the letter.

During the time your reasons for the delay in applying are being considered, the expired approval is no longer in force and you no longer have a right to use the relevant water supply work or to use water.

However, if the requirements are met and the reasons for the delay are accepted, the approval will be extended until a decision is made on the application.

What happens if the holder of an approval has changed or contact details have changed?

If the holder of an approval has changed, the records of the NSW Office of Water will need to be updated with the details of the new holder before an online application can be made. Phone 1800 353 104 to provide details of a change in approval holder **before** applying online. If you have not provided information on a change in approval holder before starting your online application you will not be able to complete your application.

If you are applying manually phone 1800 353 104 to provide information on a change in approval holder and an updated hard copy application form will be posted to you.

If there is no change in the approval holder but some contact details have changed you will be able to complete your online application or your hard copy application form. Phone 1800 353 104 to provide information on any changes in contact details.

What if the type, size or location of the work/s associated with an approval have changed?

If you apply online to extend an approval and respond 'No' to any of the options associated with the question 'Is the type, size or location of work(s) the same?' you can complete your online application. You can also complete the hard copy application form. However, after you submit your application the Office of Water will contact you to provide advice on how to apply to amend your approval.

Offences apply for using a water supply work or using water other than as authorised by an approval.

What if the purpose or location of water use associated with an approval have changed?

If you apply online to extend an approval and respond 'No' to any of the options associated with the question 'Is the purpose and location of water use the same?' you can complete your online application. You can also complete the hard copy application form. However, after you submit your application the Office of Water will contact you to provide advice on how to apply to amend your approval.

Offences apply for using a water supply work or using water other than as authorised by an approval.

Warning – penalties for unauthorised use of water and / or a water supply work

A person may be committing an offence under the *Water Management Act 2000* if they continue to use water and/or any water supply work after their approval has expired.

The maximum penalty for such offences is:

- in the case of a corporation, \$1,100,000 and, in the case of a continuing offence, a further penalty of \$132,000 for each day the offence continues; and,
- in any other case, \$247,500 and, in the case of a continuing offence, a further penalty of \$66,000 for each day the offence continues.

The expiry of an approval may have other consequences. For example, State Water is unable to accept a water order where the water access licence nominates an approval that has expired.

More information

Find out more about water licensing and compliance at www.water.nsw.gov.au

Then I asked to speak to her manager and was told she was not available but she would ring me. At the time of writing I am still waiting. I note that the extra fee has provision for credit card payment.

I have also enclosed a copy of the Statutory Declaration dated 16.3.15 sent back to OOW.

The amount of money concerned here may seem trivial to some (especially to those paid to sit in an office and administer these fees for an industry that did not exist very long ago) however it is an accumulation of these costs (I can name many others) that are destroying agriculture. Does the fine of \$247 500 plus \$66 000 a day really fit the crime for merely watering my stock?

Yours Sincerely

John Webb

[REDACTED]
[REDACTED]
Mudgee [REDACTED]
16-3-15

To The NSWFA or To Whom It May Concern;

I am writing his letter in the hope that the NSWFA may be able to get a solid commitment from the minister to investigate the Department of Primary Industries office of water (OOW). Not so long ago government bodies such as these were there to assist and advise farmers. As farmers we considered them our allies and friends to encourage farming. I consider the OOW in particular an enemy with an attitude to help send me broke and force me off the land. It is hard enough as a farmer trying to expand and keep two sons in Agriculture in an area of high land values, dealing with ongoing drought, and now another locust plague, I therefore get very annoyed at paying bills I don't believe I owe and I definitely receive nothing for, let alone the threat of a \$247 500 and \$66 000 day penalty if I am in breach of using my wells that are my own infrastructure that I built and payed for and maintain just to water my livestock.

I do also have an irrigation licence that I cannot afford to drop as I may need it in the future. I am struggling to pay the annual fees for this as I have found there is no market to sell this water on a temporary basis to offset my costs (please see letter attached written in frustration on 20.5.09 after the separation of Water from Land).

After receiving a letter from the Office of Water on the 17.11.14 stating that I needed to pay \$161.22 by the 15.1.15 I rang the OOW to see why I needed to pay this as I was already paying for a water licence that I could not afford to use. I was told they (OOW) were doing me a good turn by reducing the fees from what they were, and the fee was to give me permission for my own wells for stock and domestic as well as irrigation. I vented my opinion that these types of accounts were unjust and unreasonable and I had difficulty paying especially when I receive nothing in exchange.

On the 15.1.15 I attempted to pay the account to find I could only do it on the internet with no provision to pay by credit card or Bpay etc (I do not use the computer and ours is out of service anyway). On the morning of the 16.1.15 I went to my neighbours for them to assist me to pay the account on the internet. After bringing up the details we could only pay the higher fee of \$268.70 or nothing. I then rang the OOW and explained that I did intend to pay the original account in good faith and the reason I didn't, I was told I would be sent a manual payment form and to send an explanation letter with my cheque.

I waited until the 28.1.15 and as no payment form arrived I sent the cheque with explanation (copy enclosed) to the OOW. I noticed that the cheque was cashed on the 2.2.15 and considered that was the end of that.

On the 4.3.15 I received another letter from OOW saying my approval had expired and I needed to complete a statutory declaration and pay a higher fee to extend my approval, I immediately rang the contact number and explained that they had cashed my cheque and that I considered that meant they accepted my explanation. I was told by [REDACTED] that her manager would not allow this.

Mudge
20/5/09

The Manager
Dept of Water and Energy
Dear Sir,

As I am one who likes to pay my accounts on time even though my overdraft is bulging at the seams, I feel I must write concerning my frustration at your DWE accounts.

Firstly I must say that I cannot drop my entitlement to water as I may need it in the future, however the fact is I have not used this water for irrigation for years and when I do use it, it is only to grow feed to keep livestock alive in drought.

Your latest account states that minus \$22 plus \$118.55 equals \$515.90. Could you please explain this as it appears mathematics has changed since I went to school. This is the fourth bill I have received since August 2008 totalling \$1610.90. This is a lot of money for something I have not used and I have received nothing for.

Now I realise that your department says this is to recover part of their costs however with all due respect I found this water myself by digging many test holes and then digging a well over 20 feet deep by myself over 40 years ago with a crowbar, mattock and shovel. One well is on a block that I have purchased, however I have paid extra money for this block because of the water on it and then had to equip and deepen the well by myself, once again with no help from DWE.

Further to this I am now told that I can only harvest part of the runoff on my property or what flows through it. I was always of the belief that any damage done by floods was an act of God. It however now seems that as the DWE owns this water that they are the new God.

On the 21/2/03 my property was hit by a disastrous flash flood which drowned 400 sheep, destroyed 12kms of fencing and caused enough damage for me to have to borrow \$130 000 to repair the damage.

I respectfully consider it only fair that if you drop your bills for water I have not used, you have not found, dug a hole for, bought pumps and equipped and have never seen then I will not send you an account for the damage your water has done.

Yours Sincerely

John Webb

P.S My father and Grandfather would turn over in their graves if they knew that I was paying for water that they believed they owned by paying extra for a property near a creek