

Winnaleah Irrigation Scheme Limited

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Submission on Draft Water Miscellaneous Amendments (Delegation and Industrial Water Supply) Bill 2023 provided by Winnaleah Irrigation Scheme Limited.

Winnaleah Irrigation Scheme Limited (WISL)

The WISL was established to responsibly manage the Winnaleah Irrigation Scheme for the benefit of Winnaleah irrigators, the local community and Tasmania through reliable production of high-quality agricultural produce. Prior to the Frome dam based augmentation to the scheme WISL was the Responsible Water Entity operating the irrigation scheme. Subsequent to establishment of the irrigation scheme WISL has established two electrical energy generating businesses using non consumptive water licences through the non-irrigating season. WISL also advocates for Winnaleah Irrigation Scheme irrigators. This submission has been prepared by the WISL Board as the duly authorised representatives of the 34 farming businesses using irrigation water in the Winnaleah Irrigation District.

Issues

Irrigation Clauses Act 1973 Section 46 amendment

This proposed amendment is supported by WISL as by-laws should reflect the values and wishes of irrigators within an irrigation district so as “one size does not fit all”.

Irrigation Company Act 2011 Section 7 amendment

Addition of the proposed paragraphs are supported as all businesses should be operated effectively and efficiently and in accordance with sound commercial practice. Whilst this statement implies value for money is a component of sound commercial practice WISL believes this should be stated explicitly.

Water Management Act 1999 Part 10A Delegation of Administration of Irrigation District

WISL believes there is a long-standing Government commitment to enable irrigators within an irrigation district to self-manage their irrigation scheme as was once the case with Winnaleah prior to development of the Frome dam augmentation. Given this commitment WISL had the expectation that this draft Bill would actively facilitate this process rather than as it appears, to centralise management of all irrigation schemes with one water entity.

The draft Bill does make provision for the water entity to delegate some of its powers perhaps to an organisation such as WISL but sec 226F provides parameters that can be easily used by the entity to refuse an application for delegation. Any loss of critical mass through delegation could be easily argued by a water entity to reduce its viability and thus increase its costs to other irrigation districts not seeking any such delegations. An irrigation district seeking delegation and thus self-management may demonstrate that such can increase efficiencies and effectiveness of its irrigation scheme but this via provisions of the

draft Bill would seemingly be of less importance than supporting the water entity. In the view of WISL this provision will make it impossible to achieve any such delegation and thus self-management.

It is suggested the draft Bill should include provision for the efficiencies to an individual irrigation district seeking delegations for self-management that ensure such efficiencies are taken account of in considering any such application for delegation and that diseconomies to the water entity cannot override economies to an individual irrigation district achievable through delegation.

S226F(2) allows the water entity to make and amend guidelines regarding delegation which in effect means it can set the rules so as none of its functions are delegated.

WISL does not support this proposed amendment as it essentially closes all avenues for self-management of irrigation districts whilst appearing to support delegation.

WISL fully supports the need to effectively and efficiently manage irrigation districts including maintaining their physical assets but does not believe or support the model that this can only be achieved through centralised governance.

WISL is of the opinion that the draft Bill does not include an ability of a delegation applicant to appeal a decision made by a water entity based on technical information. Technical information could include economies associated with operating an irrigation district by a delegate relative to those achievable by the water entity. Value for money for an irrigation district should be included as a fundamental principle for assessing a delegation application. Whilst procedural fairness and natural justice are important and must be upheld, they cannot be the only criterion on which a delegation appeal is based unless the aim is to ensure self-preservation of the water entity.