

Guideline for Demonstrating Support for Self-Management Applications

1. Purpose

This Guideline sets out Tasmanian Irrigation's requirements and process for demonstrating the necessary support of Irrigation District Participants for applications for delegation to Self-Management of an Irrigation District. The Guideline is not an exhaustive overview of all the requirements necessary to assess an application for Self-Management.

This guideline is issued by Tasmanian Irrigation in accordance with sections 226C(2)(d)(i) and 226E(2) of the *Water Management Act 1999* (Tas) (the Act). This Guideline may be amended to reflect legislative or governance requirements.

2. Scope

This Guideline applies to any Eligible Body seeking to demonstrate, in writing, the support of at least 80 per cent of Irrigation District Participants, required as part of an application for Self-Management of an Irrigation District, under section 226E(1)(c) of the Act.

3. Who can apply for Self-Management delegation?

Section 226C(1) of the Act states that an Eligible Body may apply for a delegation of any, or all, of the functions of an Irrigation Entity (Tasmanian irrigation).

Section 226A of the Act defines an Eligible Body as:

- A body corporate under the Corporations Act; or
- A prescribed body.

4. Approved Methodology

Prior to polling, the Eligible Body must first submit to Tasmanian Irrigation for approval, the proposed methodology to poll Irrigation District Participants. Pre-approval of the methodology helps to ensure a smooth polling process.

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The methodology must address the following as a minimum:

- **Independence** – The methodology must explain how the process will be administered, overseen and verified. The Act does not require the use of an external electoral authority. However, the Eligible Body should, where appropriate, engage an independent third party to administer, oversee or verify the process to ensure transparency, procedural integrity and confidence in the outcome.
- **Privacy** – The methodology must comply with the *Personal Information Protection Act 2004* (Tas) and any other applicable privacy laws. It must explain how a participant's personal information will be collected, used, stored, disclosed, retained and discarded.
- **Verification** – The methodology must ensure that indications of support are made in writing, attributable and auditable. It must address participant identification, rights, voting entitlements and verification of the outcome.
- **Process** – The methodology must identify all eligible Irrigation District Participants, provide sufficient information for participants to understand what they are voting on including the functions that are been requested to delegate, any commercial, water security or operational risks, and allow participants to have sufficient time to consider the information and place their vote.

5. Irrigation District Participants

For the purposes of this Guideline, an Irrigation District Participant has the meaning given in section 226A of the Act and includes:

- a person who is a landowner or occupier of land within the Irrigation District; and
- a person who owns or holds rights relating to the Irrigation District, including rights conferred by a contract to supply water for industrial use under the *Irrigation Clauses Act 1973* (Tas).

These categories operate separately, meaning that a person need only satisfy one criterion, but may satisfy both.

A “right” includes any legal right to take or receive water, including irrigation rights, stock and domestic rights and contractual supply rights. Unlawful taking of water is excluded.

Tasmanian Irrigation may only supply water in accordance with its statutory powers. Supply must correspond to a permitted purpose under the *Irrigation Clauses Act 1973* (Tas), including irrigation, domestic use, industrial use or other permitted statutory purposes.

6. Identification of Irrigation District Participants

Landowners and occupiers within the Irrigation District are entitled to vote, including where irrigation rights have been issued by Tasmanian Irrigation or another entity.

Subject to the *Personal Information Protection Act 2004* (Tas) and any other applicable privacy laws, Tasmanian Irrigation may assist the Eligible Body to identify Irrigation District Participants using Tasmanian Irrigation's Water Entitlement Register.

The statutory definition of Irrigation District Participants prevails and any information provided by Tasmanian Irrigation must be supplemented where necessary by the Eligible Body to identify all relevant Irrigation District Participants, including landowners and occupiers.

7. How many votes does each participant have?

General voting principles

Voting entitlements arise from section 226E(4) of the Act and Regulations 15 and 16. For the purposes of this Guideline:

- each Irrigation District Participant is entitled to vote in accordance with the Act and the Regulations;
- each right held by an Irrigation District Participant is treated as an irrigation right for voting purposes;
- an Irrigation District Participant who holds multiple rights may exercise a separate vote in respect of each right, subject to the Regulations; and
- an Irrigation District Participant who is both a landowner or occupier and a holder of other rights may exercise voting entitlements arising from each capacity.

Joint, common and corporate holdings

Where joint holdings, rights in common and corporate participants exist, voting entitlements attach to rights (not persons) and are to be exercised as follows:

- **Joint holdings and rights in common** - one vote per right, exercised by a single nominee who is not eligible to exercise a vote in their own right.
- **Corporations** - all votes must be exercised by a single nominee who is not eligible to exercise a vote in their own right;
- **Consistency** - a nominee must exercise all votes for that holder; and

- **Multiple rights** - each right carries a separate vote, and must be exercised by the same nominee.

8. Assessment

Tasmanian Irrigation will assess whether the 80 per cent support threshold is met in accordance with the Act. Any eligible Irrigation District Participants that do not vote, will be considered as not supporting the proposed application for Self-Management.

Tasmanian Irrigation is the final decision-maker in relation to eligibility, rights characterisation and voting entitlements, subject to the Act.