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## The Water Miscellaneous Amendments (Delegation and Industrial Water Supply) Act 2023

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# What is the Water Miscellaneous Amendments Act?





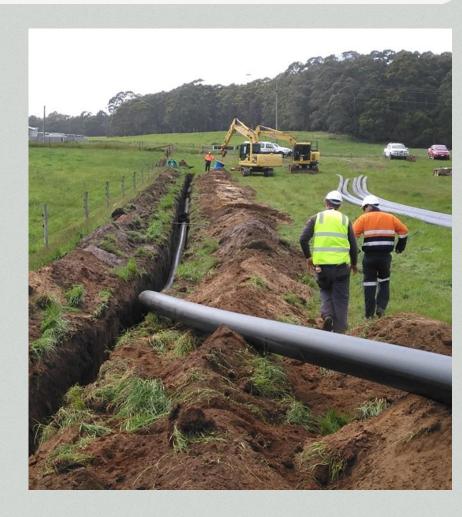
Two fundamental purposes:

- Allow Tasmanian Irrigation to supply industrial water for hydrogen production.
- Facilitate delegation of powers and functions to irrigator groups where feasible and appropriate.

### Why is the Act needed?



- State Government policy is to allow community management where feasible and appropriate.
- Original legislation restricted options to delegate powers and functions to other bodies.



### Overview of WMA Act



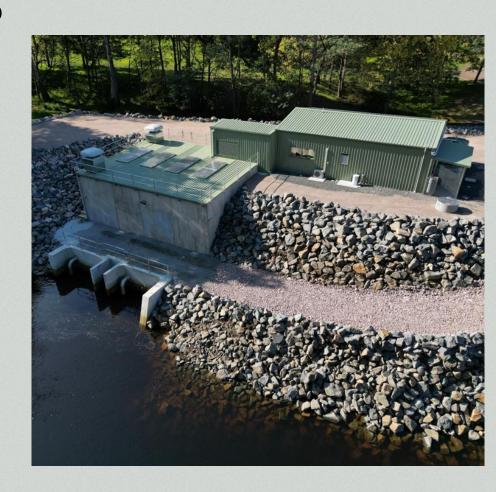
The Act allows groups to **apply** to have powers and functions delegated to them, except:

- The power to make bylaws
- The power of delegation

#### The Act does not facilitate:

- The sale of assets
- Transfer of the RWE status

Tasmanian Irrigation remains the RWE and Asset Owner.



### Overview of WMA Act



The Act requires that in making a delegation, the interests of the Government, Tasmanian Irrigation, irrigation scheme participants, local communities and the environment are safeguarded.



### Consultation



#### Tasmanian Irrigation is:

- required to develop processes and systems to implement the WMA Act
- undertaking consultation on approach and draft documents:
  - Guideline for Applicants
  - Application Form
  - Application process flow chart



### Consultation



#### Stage 1: May – June

- Inform
  - What the Act is
  - What it does and does not allow
- Seek feedback
  - Are the draft documents understandable?
  - Is the content appropriate?
  - Are the processes outlined clear and appropriate?
  - Is the information requested clear and appropriate?
  - Has anything been missed?



### Consultation



#### **Stage 2: August - September**

- Summary of Stage 1 feedback provided
- Seek feedback
  - Feedback from Stage 1 will inform drafting of final documents
  - Feedback sought in Stage 2 on the final drafts, material issues only

At conclusion of Stage 2, documents submitted to Tasmanian Irrigation Board for approval.



### Consultation process



- Publicly launch consultation 3 May
- Promote in media and social media
- Write to entitlement holders and key stakeholders
- Series of irrigator meetings in May
- Series of stakeholder meetings
  - TasFarmers
  - NRE Tas
- Provide information on website
- Seek written and other forms of feedback





### What is Community Management?



Enables local groups of irrigators to take over responsibility for:

- Operations and maintenance
- Administration of schemes



### What is Community Management?



#### This can include:

- Use, maintenance, upgrade, refurbishment or renewal of assets
- Setting annual fixed and variable prices
- Transfer of a water licence
- Customer interaction including metering, trading and billing
- Water extraction, storage and delivery
- Reporting, including:
  - Annual reporting
  - Environmental audits
  - Audits of asset condition
- Maintenance of maps and registers



### Requirements of the Applicant



#### The Applicant:

- Must be a body corporate under the Corporations Act, or a prescribed body
- Must provide as a minimum:
  - Governance model
  - Statement of capacity to perform the functions requested
  - Statement of estimated and quantified costs / benefits of delegation
  - Dispute settling process
- Must prove 80% support of scheme participants.





### Requirements on Tas Irrigation





#### TI is required to:

- Develop systems, applications processes and forms
- Publish information to assist applicants including:
  - Guidelines
  - Application Form
  - Information on the application process
- Assess application and determine if there is a positive case for delegation.
- Implement and monitor the delegation to ensure assets are managed, services provided to standard, benefits are achieved ongoing.

### Requirements on Tas Irrigation



Tasmanian Irrigation must make a delegation unless it would:

- Substantially reduce the viability or capacity of Tasmanian Irrigation.
- Expose Tasmanian Irrigation or the Crown to significant liabilities.
- Result in a substantial increase in costs to Tasmanian Irrigation in relation to another Irrigation District/s it manages.
- Result in a substantial increase in costs to:
  - Another irrigation entity;
  - A Responsible Water Entity; or
  - A regulated entity within the meaning of the Water and Sewerage Industry Act 2008.



### Other Controls in the WMA Act



Other reasons why Tasmanian Irrigation may not make a delegation:

- The proposed governance model is not sufficient and/or practicable.
- The delegation would constitute a substantial risk to the interests of one or more Irrigation District participants.
- The delegation would constitute a substantial risk to:
  - The safety of a person;
  - o Property; or
  - The environment.



### Proposed application process



#### Delegation is an Application and Acceptance process.

#### 1. Applicant reviews guidelines, completes application

- Complete checklist and sign attestations
- Supply required supporting information
- Pay Application fee
- Tasmanian Irrigation forms Evaluation Committee
- Assess application
- Seek additional information (if required)
- Develop recommendation for review and endorsement by CEO
- Submit analysis and recommendation to Tasmanian Irrigation Board

#### 2. Tasmanian Irrigation Board can:

- Approve
- Approve with conditions
- Not approve

#### 3. Applicant can appeal the decision (with justification) to:

- Tasmanian Irrigation Board
- Minister for Primary Industries and Water
- Tasmanian Civil and Administrative Tribunal



### Model For Delegation



Approved Applicant enters contract with Tasmanian Irrigation:

- Operations and Maintenance; or
- Asset Lease.

Form of contract will depend on scope of delegations sought.





### How to provide feedback



- 1. In person during information and consultation sessions
- 2. Using the form on our website
- 3. By mail <a href="mailto:com.au">consultation@tasirrigation.com.au</a>
- 4. By post to PO Box 84, Evandale, Tasmania, 7212

Feedback Closes 21 June 2024



### Key dates (subject to change...)



May: Irrigator information and consultation sessions

June/July: Feedback incorporated into Guidelines and Application Form documents.

**August:** Consultation on final draft documents; development of contractual documents.

**September:** Final documents submitted to the Tasmanian Irrigation Board for approval.

October: Launch of application process.



### Questions







### Thank You



