

NORTH ESK IRRIGATION DISTRICT BY-LAWS 2020

Tasmanian Irrigation Pty Ltd, with the approval of the Minister and the consent of the Governor, makes the following by-laws under section 46 of the *Irrigation Clauses Act 1973* for the purposes of that Act.

PART 1 – PRELIMINARY

1. Short title

These by-laws may be cited as the *North Esk Irrigation District By-laws 2020*.

2. Commencement

These by-laws take effect upon their publication in the *Gazette*.

3. Interpretation

In these by-laws –

Act means the *Irrigation Clauses Act 1973*;

applicant means the person applying for a meter to be tested under clause 12;

farm water access plan means a farm water access plan approved by the undertakers under clause 7;

irrigation district means the North Esk Irrigation District appointed, named and defined under section 176 of the *Water Management Act 1999* by notice

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Part 1 – Preliminary

published in the *Gazette* on
29 February 2016;

meter means a meter affixed by the
undertakers in accordance with Part V of
the Act;

supply agreement means an agreement,
between –

- (a) the undertakers; and
- (b) a person –

which sets out the terms and conditions
on which the undertakers will supply
water in the irrigation district to the
person.

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Part 2 – Supply of Water

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PART 2 – SUPPLY OF WATER**4. Terms and conditions of supply**

- (1) Subject to clause 5, during an irrigation season, if the right to a supply of water in the irrigation district is under the system of irrigation rights, a person and his or her successors must take that water –
 - (a) in accordance with a farm water access plan applying to the land in the irrigation district in respect of which the water is taken; and
 - (b) if a supply agreement –
 - (i) is in force, in accordance with that supply agreement; or
 - (ii) is not in force, at a time, in a quantity and at a rate of water flow determined by the undertakers.
- (2) Subject to clause 5, during a period that is not an irrigation season, if the right to a supply of water in the irrigation district is under the system of general availability, the occupiers of land in the irrigation district must take that water –
 - (a) in accordance with a farm water access plan applying to the land in the irrigation district in respect of which the water is taken; and

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Part 2 – Supply of Water

- (b) if a supply agreement –
 - (i) is in force, in accordance with that supply agreement; or
 - (ii) is not in force, at a time, in a quantity and at a rate of water flow determined by the undertakers.
- (3) If a person contravenes subclause (1) or (2), the undertakers may cut off the supply of water to the land in the irrigation district to which the contravention relates.

5. Reduction in supply of water

- (1) If for any reason the undertakers are unable to supply water in the irrigation district in accordance with clause 4, the undertakers must notify, in writing, the person who is authorised to take that water in accordance with that clause –
 - (a) that the supply of water in the irrigation district is to be reduced; and
 - (b) that the person must take the reduced supply of water in the irrigation district at a time, in a quantity and at a rate of water flow determined by the undertakers and set out in the notice; and
 - (c) that the supply of water is to be reduced in the irrigation district for a period

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determined by the undertakers and set out in the notice.

- (2) If a person to whom a notice is issued under subclause (1) contravenes that notice, the undertakers may cut off the supply of water to the land in the irrigation district to which the contravention relates.

6. Excess water – prescribed scale of charges

- (1) For section 51 of the Act, any water taken, by a person who is authorised to take a supply of water, in that part of the irrigation district that is referred to in clause 9(1)(a), in accordance with subclause (1) of clause 4, in addition to that which he or she is authorised to take under that subclause, is to be charged at a rate of \$98 for each additional megalitre, or part of a megalitre, of water so taken.
- (2) For section 51 of the Act, any water taken, by a person who is authorised to take a supply of water, in that part of the irrigation district that is referred to in clause 9(1)(b), in accordance with subclause (1) of clause 4, in addition to that which he or she is authorised to take under that subclause, is to be charged at a rate of \$116 for each additional megalitre, or part of a megalitre, of water so taken.

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Part 2 – Supply of Water

7. Farm water access plans

- (1) The undertakers may request, in writing, a person to prepare a farm water access plan for land within the irrigation district.
- (2) A person to whom a request is made under subclause (1) may prepare a farm water access plan, for land within the irrigation district, that states the conditions that apply to the taking of water on the land in that irrigation district.
- (3) In preparing a farm water access plan under subclause (2), a person must have regard to managing the environmental impact of the taking of the water on the land in the irrigation district.
- (4) As soon as practicable after a person has prepared a farm water access plan under subclause (2), the person is to provide the plan to the undertakers.
- (5) The undertakers may approve a farm water access plan provided under subclause (4), if the undertakers consider it appropriate to do so.

8. Notice of irrigation seasons

- (1) The undertakers, by notice published in a local newspaper circulating in the irrigation district, are to specify –
 - (a) the commencement date of an irrigation season; or
 - (b) the closing date of an irrigation season; or

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Part 2 – Supply of Water

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- (c) both the commencement date of an irrigation season and the closing date of that season.
- (2) A notice under subclause (1) is to be published –
- (a) if the notice specifies the commencement date of an irrigation season, not later than 7 days before that commencement date; or
 - (b) if the notice specifies the closing date of an irrigation season, not later than 7 days before that closing date; or
 - (c) if the notice specifies both the commencement date, and the closing date, of an irrigation season, not later than 7 days before that commencement date.

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Part 3 – Charging

PART 3 – CHARGING**9. Parts of irrigation district in which rates of payment have effect**

- (1) For section 48(2) of the Act, the irrigation district is divided into the following parts:
 - (a) that part of the irrigation district that is supplied with water from the North Esk Pump Station;
 - (b) that part of the irrigation district that is supplied with water from the Logan Pump Station.
- (2) The parts of the irrigation district that are referred to in subclause (1) are shown on Plan 10809 in the Central Plan Register, a reduced copy of which is set out, by way of illustration only, in Schedule 1 to these by-laws.

10. Accounts

- (1) The undertakers may issue an account to a person supplied with water in accordance with clause 4 –
 - (a) at any interval that the undertakers consider appropriate; and
 - (b) specifying the amount payable for rates and charges in relation to that water; and

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- (c) specifying any amount of interest determined in accordance with subclause (3).
- (2) A person issued with an account under subclause (1) is to pay the rates and charges, and any interest on those rates and charges, specified in the account –
- (a) on the day specified in the account; or
 - (b) on demand by the undertakers, if no day is specified in the account.
- (3) The undertakers may from time to time determine, and specify in an account issued under subclause (1), the interest rate that applies to an amount payable for rates and charges that has not been paid in accordance with subclause (2).

11. Reading of meters

The undertakers are to cause a meter to be read –

- (a) as soon as practicable –
 - (i) before the commencement date of an irrigation season specified in a notice under clause 8; and
 - (ii) after the closing date of an irrigation season specified in a notice under clause 8; or
- (b) at any other time that the undertakers consider appropriate.

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Part 3 – Charging

12. Application for testing of meters

- (1) A person supplied with water in accordance with clause 4 may apply, in writing, to the undertakers for a meter to be tested.
- (2) On receipt of an application under subclause (1), the undertakers may –
 - (a) grant the application and arrange for the meter to be tested in accordance with clause 13; or
 - (b) refuse the application and provide the applicant with reasons for the refusal.

13. Testing of meters

- (1) If the applicant consents to the testing of a meter by a person employed by the undertakers for that purpose –
 - (a) the meter is to be tested by that person; and
 - (b) that person is to forward a copy of the test results to the applicant and to the undertakers as soon as practicable after the meter is tested.
- (2) If the applicant does not consent to the testing of a meter by a person employed by the undertakers for that purpose –
 - (a) the meter is to be tested by a suitably qualified person not employed by the undertakers; and

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- (b) that person is to forward a copy of the test results to the applicant and to the undertakers as soon as practicable after the meter is tested.

14. Prescribed maximum error

For section 38(2) of the Act, the prescribed maximum error is 5%.

15. Determination of errors in operation of meters

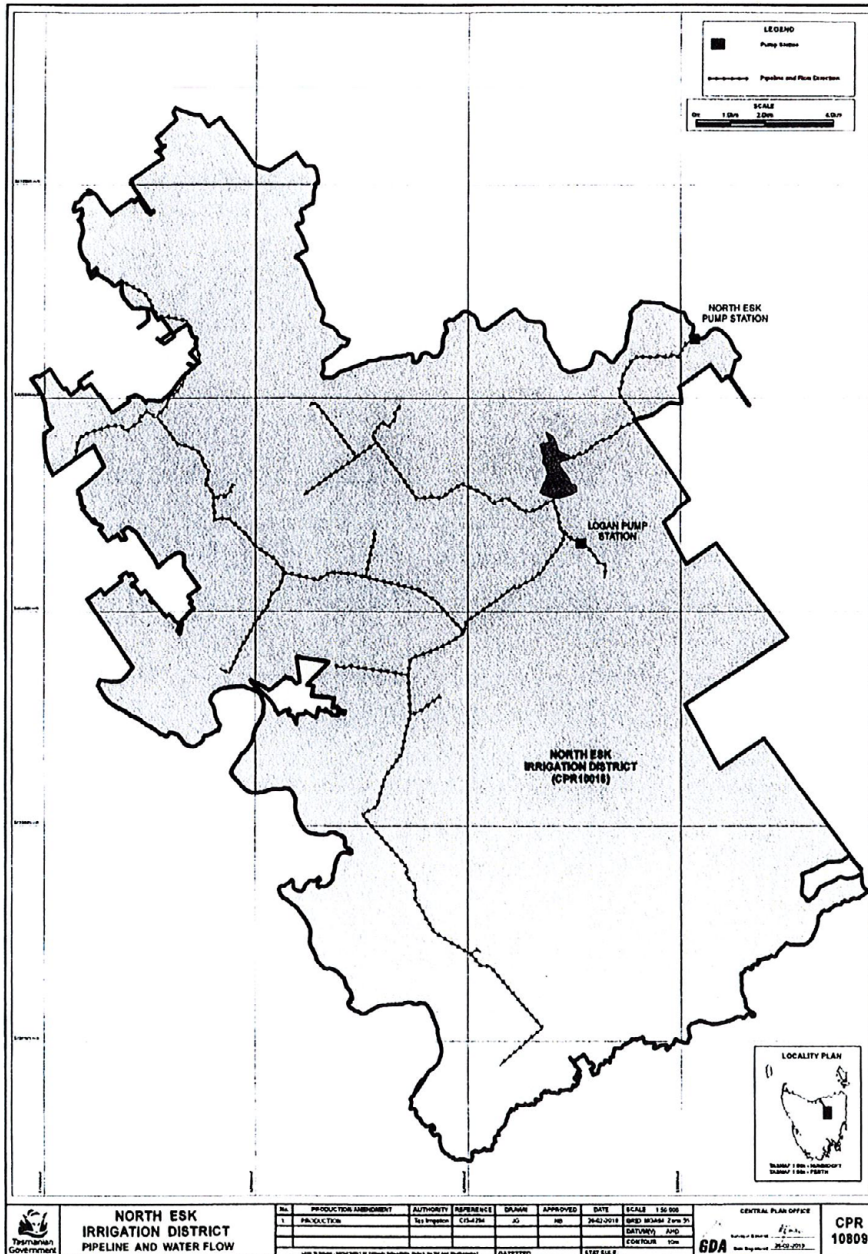
- (1) If the results of a test of a meter indicate a margin of error less than, or equal to, the maximum error prescribed under clause 14 –
 - (a) the applicant is to pay the costs incurred in testing the meter; and
 - (b) the account of the applicant, issued in accordance with clause 10, is not to be adjusted.
- (2) If the results of a test of a meter indicate a margin of error exceeding the maximum error prescribed under clause 14 –
 - (a) the applicant is not required to pay the costs incurred in testing the meter; and
 - (b) the account of the applicant is to be adjusted proportionally to the ratio of the margin of error.

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SCHEDULE 1 – PLAN

Clause 9(2)



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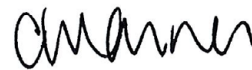
These by-laws were made by Tasmanian Irrigation Pty Ltd at a meeting held on 6 AUGUST 2020



Chairperson

Director

These by-laws were consented to by me in Executive Council on 22 DEC 2020



Governor

EXPLANATORY NOTE

(This note is not part of the by-laws)

These by-laws regulate the supply of water for irrigation to owners or occupiers of land in the North Esk Irrigation District.

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