

EXECUTIVE COUNCIL
MEETING No 1 OF 2018
MINUTE No 22

MINUTE PAPER

FOR

Her Excellency the Governor-in-Council

DEPARTMENT **PRIMARY INDUSTRIES, PARKS, WATER AND ENVIRONMENT**

SUBMITTED

23 JAN 2018

Under the provisions of the *Irrigation Clauses Act 1973* that Her Excellency the Governor-in-Council be pleased to give consent to Tasmanian Irrigation Pty Ltd to make the South East Irrigation Water District Stage 2 By-laws 2018 which regulate the supply of water for irrigation to owners or occupiers of land in the South East Irrigation Water District Stage 2.



MINISTER FOR PRIMARY INDUSTRIES AND WATER



GOVERNOR-IN-COUNCIL
APPROVES



CLERK OF THE
EXECUTIVE COUNCIL
DATE 23 JAN 2018

TASMANIA

**SOUTH EAST IRRIGATION WATER DISTRICT
STAGE 2 BY-LAWS 2018**

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SOUTH EAST IRRIGATION WATER DISTRICT STAGE 2 BY-LAWS 2018

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 *South East Irrigation Water District Stage 2 By-laws 2018*.

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 10;

irrigation district means the –

- (a) South-East Irrigation Water District Stage 2 appointed, named and defined in the *Proclamation under the Water Act 1957*, Statutory Rule 1999, No.149; and

South East Irrigation Water District Stage 2 By-laws 2018

c. 3

Part 1 – Preliminary

- (b) South East Irrigation Water District appointed, named and defined under the *Water Management Act 1999* by notice published in the *Gazette* on 27 September 2017;

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.

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) if a supply agreement is in force, in accordance with that supply agreement;
or
 - (b) if a supply agreement 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) if a supply agreement is in force, in accordance with that supply agreement;
or
 - (b) if a supply agreement 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 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

For section 51 of the Act, any water taken by a person who is authorised to take a supply of water in the irrigation district 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 \$500 for each additional megalitre, or part of a megalitre, of water so taken.

7. 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
 - (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.

PART 3 – CHARGING

8. 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
 - (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).

9. 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 7; and
 - (ii) after the closing date of an irrigation season specified in a notice under clause 7; or
- (b) at any other time that the undertakers consider appropriate.

10. 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 11; or
 - (b) refuse the application and provide the applicant with reasons for the refusal.

11. 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
 - (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.

12. Prescribed maximum error

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

13. 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 12 –
 - (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 8, is not to be adjusted.

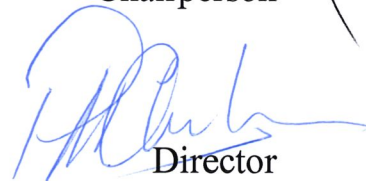
- (2) If the results of a test of a meter indicate a margin of error exceeding the maximum error prescribed under clause 12 –
 - (a) the applicant is not required to pay the costs incurred in testing the meter; and
 - (b) the account of the applicant is to be adjusted proportionally to the ratio of the margin of error.

South East Irrigation Water District Stage 2 By-laws 2018

These by-laws were made by Tasmanian Irrigation Pty Ltd at a meeting held on 8th Jan 2018



Chairperson



Director

These by-laws were consented to by me in Executive Council on 20 JAN 2018



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 South-East Irrigation Water District Stage 2 and the South East Irrigation Water District.