**IRRIGATION BILL 2009**

**Legislative Assembly, 4 March 2009, pages 1793-4**

Second Reading

**The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security):** I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard*without my reading it.

Leave granted.

A review of the *Irrigation Act 1994* and the *Renmark Irrigation Trust Act 1936* has been undertaken to ensure South Australian irrigation infrastructure management practices are consistent with the requirements of key government policy directions and related legislation and to reflect contemporary management practices.

The two Acts establish governance frameworks to provide for the irrigation of land in government and private irrigation districts within rural South Australia. In recent decades the South Australian government has progressively removed itself from the administrative affairs of district irrigators, allowing service provision to be carried out by private irrigation trusts. Significant government investment in replacing irrigation infrastructure occurred with the transition from government to private trusts. Much of this infrastructure has an 80-year lifespan.

This *Irrigation Bill 2009* repeals the *Irrigation Act 1994* and another Bill will be presented repealing the*Renmark Irrigation Trust Act 1936*.

The *Irrigation Bill 2009* includes provisions that will ensure compliance with key government policy directions including the National COAG Water Reform (1994), the National Water Initiative (2004), and the Inter-Governmental Agreement on Murray-Darling Basin Reform (2008). The Bill also ensures consistency with the *Water Act 2007* (Commonwealth) in particular, those provisions relating to water charges and the removal of obstacles to permanent trade in water.

In addition, the *Irrigation Bill 2009* provides for:

* flexibility in the management of water licences so that a trust can choose by resolution to devolve its water licence to all members of the trust;
* flexibility for individual members, enabling them to apply to the trust to transform their irrigation right into a water licence under the *Natural Resources Management Act 2004*; and
* flexibility for existing trusts to continue the management of collectively owned irrigation infrastructure and/or drainage networks, and for new trusts to be established or amalgamated in the future.

Other key features of the proposed provisions in the Bill include:

* removal of the concept of an irrigation district so that the operations and functions of an irrigation trust are based on service provision rather than land tenure;
* emphasis on the power of an irrigation trust to enter into individual service agreements or contracts for the delivery of water or drainage services;
* making explicit that an irrigation trust must not restrict permanent trade of water out of its irrigation network and that an irrigation trust must facilitate trade both within and out of a trust network, at the request of its members, and in accordance with the rules under the *Water Act 2007*;
* providing that fees and charges for water, drainage and other services provided by a trust reflect the cost of providing, maintaining, managing and operating irrigation and drainage infrastructure, subject to the rules under the *Water Act 2007*; and
* that an individual's entitlement to vote at a trust meeting is determined by an individual's connection to a trust's supply and/or drainage infrastructure as a member of the trust, unless otherwise specified in any contractual arrangements established between the two parties.

The Bill also modernises, aligns and clarifies terminology, updates penalties, updates other miscellaneous provisions, removes references to government irrigation districts, as they no longer exist, and makes a minor consequential amendment to the *Natural Resources Management Act 2004*.

As well as ensuring compliance with contemporary policy directions these provisions will enable those irrigators wishing to exit the industry in South Australia to trade their water. This is an important element in facilitating irrigator access to the Small Block Irrigator's Exit Grant Packages which have been made available by the Australian Government until 30 June 2009.

The measure is fundamental to ensuring that the management and operation of irrigation infrastructure in South Australia is well equipped to meet future challenges. The Government looks forward to the support of Parliament in the passing of this Bill.

I commend the Bill to the House.