

## FACT SHEET

### *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Bill 2018*

Hydro Tasmania is required, under Division 2 of Part 4 of the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*, to make available to the owners of riparian tenements situated on the Lake River and the Ouse River below Waddamana and to the Lawrenny Water Trust water reasonably required for the irrigation of that land.

The obligation on Hydro Tasmania to make water available was first provided through the *Loan (Hydro Electric Commission) Act 1957*. The Loan Act provided the approval for the construction of the Poatina Power Station, which also involved reconfiguring water supply systems in and around Great Lake and the closure of Waddamana Power Station on the Ouse River. This requirement was then included in the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*.

On 6 July 2011 legislative amendments to the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995* came into force to enable the amount of “water reasonably required” to be quantified; to provide certainty in relation to the statutory nature of the water rights for the relevant landowners; and to provide the essential characteristics of a water access entitlements for consistency with the National Water Initiative.

This included providing for the amount of water to be made available to relevant landowners to be determined by agreement, or by arbitrated award if agreement could not be reached.

In determining the process for fixing the amount of water to be made available to relevant landowners a legislative drafting error became apparent.

The *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Amendment Bill 2018* will correct drafting errors in Division 2 of Part 4 of the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995* to ensure Hydro Tasmania’s on-going obligation to supply water to entitlements holders along the Lake and Ouse Rivers includes their successors and assignees (where land has been transferred) and to clarify the period during which an agreement between an entitlement holder and Hydro Tasmania could be made.