THE PARLIAMENTARY JOINT STANDING COMMITTEE ON SUBORDINATE LEGISLATION MET IN HENTY HOUSE, LAUNCESTON, ON WEDNESDAY 8 JULY 2020

#### INQUIRY INTO WINNALEAH IRRIGATION DISTRICT BY-LAWS 2019

MR ALAN DAVENPORT MANAGING DIRECTOR AND MR LESTER RAINBOW, BOARD MEMBER, WINNALEAH IRRIGATION SCHEME LTD WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** (Mr Tucker - Temporary Chair) - Welcome to the Public Hearings of the Joint Standing Committee on Subordinate Legislation Inquiry into the Winnaleah Irrigation District By-Laws 2019. I introduce you to Nic Street, Meg Webb, and Alison Standen.

We are taking sworn evidence and I ask you make the Statutory Declaration.

All evidence taken at this hearing is protected by parliamentary privilege. I remind you any comments you make outside the hearing may not be afforded such privilege. A copy of the information for witnesses is available if you have not read it or not aware of the process. The evidence you present is being recorded and the *Hansard* will be published on the committee website when it becomes available.

The procedure we intend to follow today is: first you will be provided with opportunity to provide an overview regarding the by-laws. Following that the committee will address questions to you. We are seeking information specifically relating to the by-laws.

In the event a witness moves into evidence that may be best heard in camera we suggest the witness request to the committee to consider hearing evidence in private. I remind you this is a public hearing and of information provided to you in the *Information for Witness* sheets. However, if you are at all concerned about the nature or appropriateness of any evidence you want to provide to the committee you can ask we hear that evidence in camera. The committee will consider your request and make a determination on whether to receive that information in private or public. Please advise us if at any time you may wish to have a such a request to the committee.

Do you want to provide us with a statement to start?

**Mr DAVENPORT** - It would be a lot easier if we really understood how this inquiry has come about because we are confused. While there are some issues with our by-laws, I think there are issues with a lot of by-laws for a lot of irrigation schemes around the state. Our by-laws have somehow, surprisingly, been red-flagged and we have had no information or communication in the lead up to this point.

If we want to go back and do a bit of history about our scheme, I think you have a little of it from TI a couple of weeks ago. We took on self-management of the Winnaleah Irrigation Scheme from the Rivers and Water Supply Commission back in 2004 when the original by-laws were implemented. Those by-laws stood us in quite good stead through the period where we were managing. I do not want to go over too much old ground, but TI took on the position of responsible water entity of the Winnaleah Irrigation Scheme during the augmentation period with the expectation of two things - probably three things. The key was we would re-take the position of

responsible water entity on the completion of the augmentation and they would maintain the scheme by-laws unless they were rescinded or amended.

The by-laws that we had at that time were rescinded or not renewed without our knowledge -

Mr RAINBOW - In 2012.

**Mr DAVENPORT** - In 2012. So, they had basically expired and the scheme had been operating without by-laws until it came to our attention in, I think, 2016, when we started doing work to try to remedy that anomaly. Our understanding was - and I'm pretty confident it still applies - is that to actually operate under the Water Management Act and Irrigation Clauses Act by-laws were a pretty handy thing. Because otherwise we have really no ability to operate. So, there was some urgency about that, but it has been a painful process getting to this point.

I do not know how much more of an introduction you need, but I would really rather just answer the questions you want to ask.

**CHAIR** - I will start by saying we are the Subordinate Legislation Committee and we do inquiries on all sorts of things that come to us. We have to look at all the legislation and if someone brings up they want an inquiry into the legislation that is when an inquiry starts. I do not think there was anything sinister if that is what you are thinking with this. There are a number of inquiries we have done lately. Everyone around the table would probably agree it has been fairly hectic and if we did not have to do this one I would probably be more than happy, to be honest with you.

Do you want to start with some questions, Alison?

Ms STANDEN - No.

**CHAIR** - Anyone else? All right then. Do you want to talk a little bit about the Winnaleah Irrigation - the pricing, the excess water? Go back to the original by-laws.

**Mr DAVENPORT** - The by-laws require a pricing structure, but not a fixed price. I think when we set up the original by-laws with the government solicitor on the Rivers and Water Supply Commission's side and our lawyer who was John [inaudible] at the time working on our behalf and there was no requirement to specify water pricing. You might put in a structure or a mechanism for water pricing, but if you put in an actual water price it ages pretty easily and just does not make sense. From every reading I can do, and I am not a lawyer, there is no actual requirement to put a price into a set of by-laws.

Equally, when there is no actual overall price to mark your excess water price off, so, to pick a price, the \$130, which was under what we had been charging for excess water without any communication or discussion -

**CHAIR** - What were you originally charging?

**Mr DAVENPORT** - We were charging \$140 a megalitre for excess water. In the Irrigation Clauses Act there is a requirement excess water be calculated and not unfairly differentiated against the actual price of water. But, we actually did calculations on the cost of having the capital tied up, the requirement that you continually pay for your base irrigation right, and figured the double price. It was not just a number we dragged out of thin air.

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I know TI is charging \$250 for other rights and then they still question why there was a number of them. The quantum is not the issue. The quantum should not be in there. The mechanism needs to be in there on how it is calculated if it is the requirement.

If our lives can be written almost however you like, the important part is that you comply with the Irrigation Clauses Act and achieve the outcomes that are in that act. The aims of the act and the requirements of the by-laws are clearly stated in the Irrigation Clauses Act. When I say 'clearly stated', there are a couple of things where you might have to bounce back to the Local Government Act 1993 and the Water Management Act 1999.

There are some conflicts, which is probably how this sort of anomaly comes about. For all I can see, there is no requirement to have an excess water price fixed into your by-laws - and quite the opposite is actually a silly thing to do.

**CHAIR** - What you are saying is there is no calculation to work this figure out, because in other by-laws there is an excess water charge on other things, we have heard. What you are saying is there is no actual calculation of how this figure is worked out. Is that correct?

Mr DAVENPORT - We certainly haven't been part of it, and we have been administering what is going on, on behalf of TI. How the OPC could come up with a figure without communicating with the people who are delivering the service is unusual, and hard for me to understand.

**CHAIR** - With water access plans in Winnaleah, does every farmer have one of these?

Mr DAVENPORT - No.

**Mr RAINBOW** - Back in 2010 when the scheme was augmented, we had two 'colours' of water, if you want to use that term. We had the existing Cascade scheme which, again, was a 1985 product that was put together, and we have the Frome Dam, which is part of it.

When all the laws changed, to a certain extent, and Farm Water Access Plans (FarmWAPs) became part of it for federal funding, it meant that we had to go through the FarmWAP ideal. Our issue became that farmers who had water out of the Cascade and didn't purchase water out of the Frome, but were still using the same pipelines and the same outlets, didn't have to have a FarmWAP applied to their farm.

When you come forward another step from that - so they didn't actually need them on the Cascade, but they needed them on the Frome - then we are trying to marry two schemes down the one pipeline, and all of a sudden it became an issue about how and what to do. Are they governed by objectives like zone flow measuring in litres per second of take through a pipeline? How do we put all of that together?

I think you can understand as a board, at the stage when the RWE handed back over to TI - sorry, it was not called TI then; I think it was originally TIDB when Jock and John met with us - we were contemplating how all this was going to work.

Well, today, we still do not know how this is going to work, to a certain extent. That is why we have pushed back a little on the by-laws. In 2016, I think, we saw the first set of by-laws come across the Winnaleah Irrigation Scheme for us to participate with TI. I remember having a meeting

with our, then, solicitor at Shields Heritage, discussing how we could still protect the rights of the original members from 1985, who did not have any participation into the Frome scheme, without this new governance - as in FarmWAPs, zone flow, et cetera.

We had to work with that and try to manage our way through so that it is all the one 'colour' water.

**Mr DAVENPORT** - We have not got TI there yet, I noticed in the evidence from TI the other day. We take some responsibility for this, because as we say, we tried to protect our original right-holders from having to complete Farm Water Access Plans, which was a cost and then an ongoing audit burden.

Under the act, the only reason the Frome people needed them was because the scheme had been funded federally - even though you cannot tell which water is which once it gets into the pipeline. So mechanically, people with Cascade rights would actually be using Frome water.

Probably eight months ago, we went to TI and said we need to get Farm Water Access Plans across every property on the scheme, because it takes a risk out of the business, and is not going to be a high expense, and it is the best thing to do in the long term.

The other part that I guess was a bit disappointing about TI's evidence the other day was that they were talking about zone flows not applying to the Cascade water. Well, they do. They always have in various forms. The old policies and procedures manual that was operated by the Rivers and Water Supply Commission and then modified and handed on for us to use as the responsible water entity had flow management structures within it. They were different. They were on daily takes of seven litres a second, but the mechanism that TI has been using is the only one that is appropriate to operate a modern irrigation scheme with the methods that we use.

We have been saying for several years that it is now all one pool of water that needs to be managed together. You can't have one irrigator on the line being treated differently from another irrigator on the line.

**Mr RAINBOW** - Bearing in mind we have 34 irrigator members, or 34 irrigators with rights, as in entities, and 11 of them didn't participate in the Frome scheme. They weren't all big users or small users; they are users in our network. So we were trying to find a way to look after those members originally, for them to not be disadvantaged. A Farm Water Access Plan costs -

**Mr DAVENPORT** - I think it was several thousand dollars originally, and that was subsidised down to that, but the ongoing reporting requirement was something we were trying to protect people from if they only had small rights as well, so you have to describe where the water was used, and keep records as well.

**CHAIR** - Coming back to your point with TI, with the board set-up, from memory the minister told us it was six on the board but on the website you have seven. You have an independent chair -

**Mr DAVENPORT** - We've had independent chairs from time to time. Our first chairman was semi-independent. We used John Beswick as our initial chairman after self-management started. We have had two other independent chairs, Owen Hoffman and Hugh Christie. Basically, we got them when they left TI to try to maintain continuity in getting work done with TI, because TI has been very hard. We have stuff on agendas with them that has been sitting there for years.

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**CHAIR** - With that independent chairman, do you expect to replace that independent chairman shortly or not?

**Mr DAVENPORT** - Not at this point.

**CHAIR** - You have that absent with TI?

**Mr DAVENPORT** - It is not an absent. It is an option. We have operated for many years with an irrigator chairman.

**Mr RAINBOW** - So the number of directors will be not less five, and no more than seven, as per the constitution.

**Mr DAVENPORT** - We have only had independent chairs, if you count John Beswick, for four years since 2002.

**Ms STANDEN** - I was going to go back to the Farm Water Access Plans. As a non-farmer, could you explain to me what a Farm Water Access Plan is, and why it costs several thousand dollars? What is involved in developing one?

**Mr DAVENPORT** - Farm Water Access Plans are largely about environmental protection. So it is an EPBC requirement for federal funding. Basically, it is the cost of getting a consultant out to do an assessment on your property -

**Mr RAINBOW** - Assess what is irrigatable land, and non-irrigatable land, then at the end - the audit process may happen. There are two farms picked each year by TI. They then turn up and have a look and go through the practices, the land that is being turned over.

For example, my farm has never been audited, but I don't turn any ground over either in the last 15 years. But cropping ground is turned over, the excess runoff into waterways, soil testing, all those sorts of things that need to be adhered to.

**Mr DAVENPORT** - There is also a potential effect on wildlife habitat and things like that. Wildlife corridors, if you are knocking down trees to put in centre pivots and things like that, they can show up on a plan. It does not mean it is not going to be approved.

From our experience with them so far, broadly, we have some pretty experienced irrigators. Water is relatively expensive to use. People tend not to waste it and, in the audits, so far completed there has not been any red flags jump out. Which is good but that is why we did not want to embed a cost into everybody's businesses ongoing.

**Mr STREET** - To follow on, Alison, the 11 in the original scheme you said did not have those access plans, do they now have them, or they still do not have them?

Mr DAVENPORT - I think we have six now.

**Mr RAINBOW** - Oh, no, I think there might be a couple more than that. I do not know that any of those 11 have actually got -

**Mr DAVENPORT** - But I could run through each individual and go through their actual farm operations and why it is a relevant point. Generally small users.

**Mr STREET** - Is it just a peace-of-mind issue for the other irrigators in the scheme if your neighbouring property has an access plan?

**Mr DAVENPORT** - No, absolutely not. It is a peace-of-mind issue for the scheme operation to make sure, because the farm water access plans get audited and so do their implementation. So, if we complete a transfer accidentally from somebody who has a Farm Water Access Plan transfer that water onto a property that does not have it, this exposes us to getting our knuckles smacked.

Mr STREET - Right.

**Mr DAVENPORT** - It also means those trades can happen without any impost. So you are making optimum use of your water resource.

Ms WEBB - I might step back a little bit more broadly, if that is alright? You mentioned earlier the questions around the fixed price on the excess water that is built into the by-laws and how that came about. When we had our previous hearing, we heard there does not necessarily appear to be a good explanation for how that price was arrived at. We were assured it was to be functioning for cost recovery purposes. Not necessarily to be punitive, or to be disincentivising people away from excess water use. In your view, would this represent cost recovery at this point in time, to charge that ballpark amount?

**Mr DAVENPORT** - It has ended up very close to what we were charging, what we calculated. But it should not be in the by-laws.

Ms WEBB - But it may not represent that five years from now, or for the duration of the by-laws.

**Mr DAVENPORT** - No, that is right.

**Mr RAINBOW** - Right water in five years' time may well and truly be greater than that.

**Mr DAVENPORT** - Our costs of being associated with TI are getting more and more expensive. So, our water prices are going to be going up. It would be normal for our excess water price to maintain a similar gap, either on a proportional or on an actual cost basis. As we have said, we have worked out, with advice, what we should be charging to be as fair as we can be, and make sure we both control the costs of our right water and reflect the value of the investment that people have made in that.

**Ms WEBB** - Did you then have something to propose that could be in the by-laws as some sort of equation, or method, to set the price without putting a specific price in there?

Mr DAVENPORT - Oh, we could.

**Ms WEBB** - So, it is something you think could be put forward as an amendment, or as a variation to these by-laws?

- **Mr DAVENPORT** It could. I do not know whether it is needed, but I would very much rather see that than a fixed price. So, a methodology calculated on the investment costs in the water right and some risk costs would make -
- Ms WEBB Are you familiar with whether the other by-laws for other areas that relate to irrigation schemes would have a fixed cost in there in this way, or some other method for calculating?
- **Mr DAVENPORT** I have only looked up a couple of them and that complies with what TI told you in their presentation, which I think was \$250 a megalitre. There is no explanation within the by-laws for it.
- Ms WEBB The explanation received in the hearing related to the fact that it varied, potentially, across different areas due to the fact that cost recovery costs would vary in different areas and therefore it might be more here or less there.
- **Mr DAVENPORT** An example of that might be, our scheme operates pretty well at the flow rates it operates at. To go into very much excess you are likely to be putting the scheme under more pressure. This means if you are running pumps and things, your whole scheme requires more support, so you are actually adding a cost across the whole scheme.
- **Mr RAINBOW** Until we are past 120 days, nobody should be in excess water if they have obliged to their zone flow over those days. For example, if you had 100 megalitres of water and you had it at 120 megs over 120 days, it is pretty easy to work out. It is just a divisible number. Unless there has been an unforeseen blowout in their piping or something like that we have to have a differentiation in pricing as you will see between right water and excess water, or else there would be no stopping -
  - **Mr STREET** There is no punishment, no disincentive to abuse the system.
- **Mr RAINBOW** Punishment is not a terminology and it is illegal according to the act, because it can only be applied with demerit points and things like that.
- **Mr DAVENPORT** The disincentive is the cost and at least if there is a cost, it helps defray the cost of the management of the scheme to offset the effect of it.
- **Mr RAINBOW** If somebody is taking excess water before that 120 days, then somebody else's zone flow has been compromised.
- **Mr STREET** Outside of the fixed cost in these by-laws for excess water, is there any other issue with the by-laws from your point of view? Any issue of contention you want to put on the record?
- **Mr RAINBOW** If you had asked us in 2016, yes, there was. Now that you are asking us in 2020, no there is not.
- **Mr STREET** The concerns you had four years ago from the first draft of by-laws that were presented to you, have been rectified with this?

**Mr RAINBOW** - We believe so.

**Mr DAVENPORT -** There is nothing in there that worries us. We want them to be perfect but they are thorough.

**Mr RAINBOW** - It is the wording of 'and/or', so and/or can apply to Cascade and/or Frome. We are reasonably comfortable. When we started to challenge in 2016 - it has taken four years - we have actually got there to what is looking after our members and TI, as the RWE will now take on the responsibility of encouraging those 11 non-water excess plan users and encourage them to be getting the plans done.

Mr DAVENPORT - We have considered persisting with the costs of completing those plans for people as a scheme ourselves. It is a relatively small amount of money. We have invested a lot of time and money over the years in trying to make the scheme run better. TI has been a clunky instrument and it is not always their own fault. Water management is a complex business. It is probably unfortunate they did not engage with the local communities or a little bit more intensely than they did, particularly with the ones that had experience in managing water. That said, they have a complex boost to manage.

If there is anything to come out of this inquiry, it is the importance of the review into the Rural Water Use Strategy. How critical it is to dissect the Water Management Act and the Irrigation Clauses Act and find out the bits that are not working and modify them. We know how much irrigation development has happened over the last 20 years. While the Irrigation Schemes Act 2011 has provided some opportunities and allowed TI to operate, it probably doesn't really quite align with the other acts. There is a real body of work there that will have to be taken on, and it is not going to be an easy job.

**Ms WEBB** - In terms of the Rural Water Use Strategy, which is the position paper out for comment currently, is that something you are participating in from your group?

**Mr RAINBOW** - Alan, as the chairman of Winnaleah Irrigation Scheme and a ripple water user as well, has replied on behalf of the board.

**Ms STANDEN** - A second ago, in respect of the excess water charge, one of you gentlemen said the major concern you had was something about 'and/or'?

**Mr RAINBOW** - That is to do with Cascade and/or Frome, or Cascade and Frome as both.

We were trying to protect the members who were only Cascade users and only Cascade right-holders, who weren't participating in the federal funding money of the Frome scheme.

The wording 'and/or' isn't in there. Stephen Maycock from TI assured us, when we asked that question, that it is covered in one of the clauses there. I think it was clause 4 at that point; it may well and truly have changed. That actually protected those members.

**Mr DAVENPORT** - Basically, though, if things unpack or develop the way we hope they will, it becomes irrelevant. It is two pipelines connected into one scheme, and that is the way it needs to be operated. It is the only way it can be operated. It is ridiculous to think it can be operated another way.

**Ms STANDEN** - To be clear then, in respect to these by-laws as they are currently presented, your preference would be to remove clause 6 that applies to excess water?

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**Mr DAVENPORT** - We would remove the quantum and put in a method. But I would rather not have it.

**Ms STANDEN** - So your preference would be to remove any mention of excess water and any treatment around that - but if it were to remain an alternative -

**Mr DAVENPORT** - If there is a requirement to actually use the words 'excess water', because in the act it talks about the by-laws specifying that the water pricing needs to be calculated in a fair -

**Ms STANDEN** - To be clear, you are arguing that you don't think there is a necessity to have that clause, and so you would rather have it removed. But if it stays, you have said that it would be possible to have an alternative method of calculation of the charge, rather than a fixed charge?

Mr DAVENPORT - Yes, link it to the fixed charges.

Ms STANDEN - Has that been explored with TI? Why hasn't that been adopted?

Mr DAVENPORT - We haven't been involved in this process at all.

**Mr RAINBOW** - And we don't believe TI was involved in that process either.

Mr DAVENPORT - That came out of nowhere.

**Ms STANDEN** - So you haven't been asked, and you haven't offered an alternative solution for the development?

**Mr DAVENPORT** - When they told us about the \$130 per megalitre, TI said they didn't agree with it, but in the interests of getting the by-laws in place, would try to get it dealt with at a later time. We also, in the interests of having by-laws in place - because it is difficult to operate a scheme without them - thought it was probably prudent at the time.

**Mr STREET** - If the clause didn't exist at all, there is scope within the legislation for you to charge for excess water anyway?

**Mr DAVENPORT** - We would advertise that, prior to the start of the season, which is what we are obliged to do with our irrigation right water, and with charging of excess water.

**CHAIR** - Following on from this, we have been told that the Winnaleah Irrigation Scheme is fully allocated. Is that correct?

Mr DAVENPORT - Yes.

**CHAIR** - How much excess water do you get if it is fully allocated?

Mr DAVENPORT - It varies from year to year, not very much mostly -

**CHAIR** - Are we talking about a very small amount of water, then?

**Mr DAVENPORT** - Not always. Because we have been working so hard on getting our irrigators to comply with zone flow, if anything our irrigators have become somewhat conservative in trying to comply. This is a generalisation, because we have one or two who don't.

Generally, we have had water remaining within the scheme that people can, towards the end of the season, transfer to one another, to balance off against any excess they might want to use. So, that then doesn't become excess, it's a trading of rights

Excess tends to be relatively small amounts at the moment. Historically, though, I think the most excess we've ever sold is 1300 megalitres, or thereabouts. This is before the Frome development.

**CHAIR** - That's out of a 7000 megalitre scheme?

**Mr DAVENPORT** - That was out of a 3700 megalitre scheme. Sorry, 3400 megalitre scheme.

**Mr RAINBOW** -We have a 2000 megalitre surety allocation.

**CHAIR** - So, the whole scheme is only 3700 megalitres?

Mr DAVENPORT - It was 3400. We added 3700 or thereabouts, so we are now at -

Mr RAINBOW - At 6945 megalitres.

**Mr DAVENPORT** - Why it's more difficult to deliver excess, and more critical to manage flows, is because a lot of that water is fitting into the same system.

**CHAIR** - With your zone flows, that's obviously a big issue. You brought this up earlier, that the excess water would take water from someone with a zone flow. Can you explain to the committee a little bit more of what the zone flow is?

**Mr DAVENPORT** - It's a lot easier to have the whiteboard, but hard for the scribe to write it down.

Basically, if my two glasses were the two sides of the pipe, and the two lots of water were going down at a flow rate of two metres per second, or something like that, if I tried to take another lens full, it would have to go up to three metres a second, and create pressure drops. So, basically, physically the scheme has issues with it.

Historically, under the old scheme, they were using up to 1300 megalitres of excess, and using it mostly of a night time, we were getting huge pressure drops across the system. So a couple of times, on parts of our scheme, we sometimes even sucked air out of outlets. Now, that was happening under Rivers and Water Supply Commission's management. It started to slow down under our management, but was still an issue. So, they weren't implementing their flow rules, and we really didn't have an understanding of who was doing it and how much it was happening.

Over the last almost 20 years, we have been working on flow-testing pipelines, cleaning them when required, and saying we will look at how people are using water - and having a word to them when they were using at, in some cases, up to three times the flow that they were theoretically entitled to.

**CHAIR** - What you're basically saying, for the clarity of the committee, is that the people in the low-lying areas would have a lot higher pressure than the people at the top hill, who would be missing out, even though they have water allocated?

**Mr DAVENPORT** - It is not quite that simple, because it depends on line size and the amount of water being allocated. So even some who are well down the hill, if the pressure drop was being created beyond or before it, might still struggle to get the flow, or pressure that they might be able to otherwise enjoy.

We had probably two irrigators who were using regularly triple their zone flow, or what would have been their zone flow under the new model. In 2011, during the water sales process, we actually started talking about how many litres a second were going to be allocated to each outlet. Now, that should have just been implemented under the by-laws, but the by-laws disappeared.

**CHAIR** - Yes. Any other questions around the table? That brings a conclusion on the issue. Is there anything else for us, to the committee?

**Mr DAVENPORT** - I don't want to leave any question unanswered. I know it is limited to the by-laws, but if you have any questions about the scheme, ask them now, or pick up the phone, because we've been around it a bit, and we've got a bit of experience in broader water management. We are only too happy to help.

**CHAIR** - Thank you very much.

**Ms STANDEN** - I might as well ask one question. You opened by saying you don't really understand what the contention is, and why we're at the table talking about these by-laws. Are you aware of contention over the by-laws? If your main concern is over clause 6 and the excess water charge, are you aware of other concerns?

**Mr DAVENPORT** - The first we knew about this inquiry was when we got the invitation.

**Ms STANDEN** - There was one - Dr Google can be dangerous, but I did a search and have not gone back through the *Hansard* to check now, but there was a concern about electrifying lines and so on. Is that way back in the history?

**CHAIR** - That issue has nothing to do with by-laws. I have to make you aware of that. You can answer if you want.

**Mr DAVENPORT -** I am happy enough to. It showed up in your weekly time search of an article that went in there, or I had a phone call about it.

Ms STANDEN - If you were to tell me it has nothing to do with these existing by-laws -

**Mr DAVENPORT** - It has nothing to do with existing by-laws.

**Ms STANDEN** - Well, let us just leave it at that then, that is fine.

Mr DAVENPORT - It is an issue we are working on independently with TI.

**Ms STANDEN** - I am not digging for dirt or anything, gentlemen.

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**Mr RAINBOW** - There is not anything there, it is a process everybody has been working very consistently through.

**Mr DAVENPORT -** There is nothing in the operation of the scheme that we are scared to talk about. We are not ashamed of anything we have done in the last 20 years.

**CHAIR** - You should be pleased that we, as a parliamentary committee, are looking at every avenue and making sure everything is right for you.

While we finish up I remind you all evidence taken at this morning's hearing is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege. Thank you very much for coming along.

#### THE WITNESSES WITHDREW.