

Hon David Littleproud MP
Minister for Agriculture and Water Resources
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Dear Minister

DENIAL OF PROCEDURAL FAIRNESS FOR FOOD PRODUCERS IN MANJIMUP WA

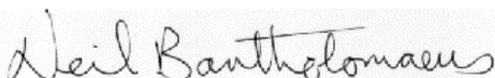
We write to provide for your information the attached letter to the Premier of Western Australia on 'DENIAL OF PROCEDURAL FAIRNESS FOR FOOD PRODUCERS IN MANJIMUP', regarding closure of access to self-supply water to favour the Southern Forests Irrigation Scheme, which is the subject of an application for \$40 million under the National Water Infrastructure Development Fund.

Without over repeating the content of the letter to the Premier, the key facts are:

- The applicable *Warren-Donnelly surface water allocation plan* (2012) is an administrative non-statutory plan which applies to over 500 water licences associated with 48 gigalitres of self-supply water held in 'farm dams' and used for food production. The water licences are generally held by 'farming families' and the value of food produced is \$127 million and growing, being twice the value of production of the subsidised Ord River Irrigation Scheme.
- The *water allocation plan* at page 31 says '*Consideration of future large scale irrigation schemes is beyond the scope of this allocation plan.*'. Despite this the State Government is reallocating 15 gigalitres of water away from privately funded self-supply to the scheme seeking Federal funding.
- The State Government has not revised the *water allocation plan* and issued it for stakeholder comment, thus denying procedural fairness to water self-supply users, who are the majority.
- Farmers who want to restructure from (eg) potato or apple production to avocados or black truffle are denied their water rights to construct privately funded dams this summer to commence planting.
- If the Federal government funds the Southern Forests Irrigation Scheme, there will be no water available from the scheme until after June 2021, yet farmers are being blocked from private investment in self-supply water now. Private investment in water self-supply and plantings should not be held up for three years. This is causing serious harm to the local economy.
- The Southern Forests Irrigation Scheme is seeking \$40 million in Federal funding under the National Water Infrastructure Development Fund. The '*Guidance notes for National Water Initiative requirements*' state: "(*NWI Clause 25-57*): *Consideration of projects should be prioritised to areas where there are statutory based water plans in place*". There is no statutory based water plan for the Warren and Donnelly River catchments from which the Southern Forests Irrigation Scheme is presently conducting 'water sales', without a licensed water allocation under the *Rights in Water and Irrigation Act* (1914) or licence under the *Water Services Act* (2012).
- The provisions for statutory water resource management plans in the *Rights in Water and Irrigation Act* (1914) have been ignored by successive State Governments since they were enacted in 2000, and the State Government has not appointed a Water Resources Council provided for in 2008 amendments to the *Water Agencies (Powers) Act* (1984). The effect of ignoring this statutory framework is to deny formal consultation with stakeholders at peak and local level. It is active denial of procedural fairness through maladministration of legislation.

We trust the Minister will consider the important matters we raise, and we seek your assistance to gain relief for self-supply water users from these denials of procedural fairness.

Yours sincerely



Neil Bartholomaeus, Convener, Manjimup and Pemberton Landowners

(Attachment)