

FIRST PRINT

## HAY IRRIGATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Water Administration Bill 1986.

The object of this Bill is to amend the Hay Irrigation Act 1902—

- (a) as a consequence of the constitution by the proposed Water Administration Act 1986 of the Water Administration Ministerial Corporation ("the Ministerial Corporation") and its replacement of the Water Resources Commission;
- (b) to make further provision with respect to water rates and charges; and
- (c) to increase penalties.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that, with minor exceptions, the proposed Act will commence at the same time as the proposed Water Administration Act 1986.

Clause 3 is a formal provision that gives effect to the amendments specified in Schedules 1 and 2.

Clause 4 provides for the transition to the Ministerial Corporation of responsibility for past actions under the Hay Irrigation Act 1902 of its predecessors and the Minister that still had effect immediately before the commencement of the proposed Act.

Schedule 1, items (12) (f) and (13) (d) excepted, amends the Hay Irrigation Act 1902 in a manner consequential upon the enactment of the proposed Water Administration Act 1986.

Schedule 1 (12) (f) provides for amounts of unpaid rates, charges and interest to be a charge on the land and recoverable as a debt.

Schedule 1 (13) (d) enables by-laws to be made in relation to the charging of interest and the discontinuance of water supply if an amount of rates, charges or interest is unpaid.

Schedule 2 increases penalties.

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# HAY IRRIGATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 57, 1902
4. Saving

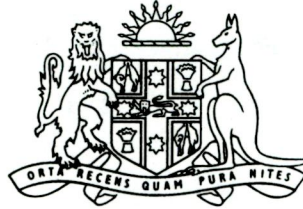
SCHEDULE 1—AMENDMENTS TO THE HAY IRRIGATION ACT 1902  
SCHEDULE 2—AMENDMENTS TO THE HAY IRRIGATION ACT 1902  
RELATING TO PENALTIES

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# HAY IRRIGATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

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## A BILL FOR

An Act to amend the Hay Irrigation Act 1902 as a consequence of the enactment of the Water Administration Act 1986; to make further provision with respect to rates and charges, and to increase penalties, under the Hay Irrigation Act 1902; and for other purposes.

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*Hay Irrigation (Amendment) 1986*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**5 Short title**

**1.** This Act may be cited as the "Hay Irrigation (Amendment) Act 1986".

**Commencement**

**2. (1)** Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

**(2)** Except as provided by subsection (1), this Act shall commence on the commencement of the Water Administration Act 1986.

**Amendment of Act No. 57, 1902**

**3.** The Hay Irrigation Act 1902 is amended in the manner set forth in  
15 Schedules 1 and 2.

**Saving**

**4.** If anything done under the Hay Irrigation Act 1902 before the commencement of this Act by the Minister or a predecessor of the Water Administration Ministerial Corporation—

20 (a) still had effect immediately before that commencement; and

(b) could have been done by the Water Administration Ministerial Corporation if this Act and the Water Administration Act 1986 had been in force when it was done,

it has effect on and after that commencement and as if it had been done by  
25 the Water Administration Ministerial Corporation.

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## SCHEDULE 1

(Sec. 3)

## AMENDMENTS TO THE HAY IRRIGATION ACT 1902

- (1) Section 5 (**Interpretation**)—
- 5 (a) Definition of “Commission”—  
Omit the definition.
- (b) Definitions of “Irrigated lot”, “Irrigation area”—  
Omit “Commission” wherever occurring, insert instead  
“Ministerial Corporation”.
- 10 (c) Definition of “Ministerial Corporation”—  
After the definition of “Justice”, insert:  
“Ministerial Corporation” means the Water Administration  
Ministerial Corporation constituted by the Water  
Administration Act 1986.
- 15 (2) Section 6 (**Administration of Act**)—
- (a) Omit “Commission” where firstly occurring, insert instead  
“Ministerial Corporation”.
- (b) Omit “Water Resources Commission Act, 1976”, insert instead  
“Water Administration Act 1986”.
- 20 (3) Section 11 (**Property vested in the Ministerial Corporation**)—
- (a) Section 11 (1)—  
Omit “Commission” where firstly occurring, insert instead  
“Ministerial Corporation”.
- (b) Section 11 (1) (a)—  
25 Omit “Commission at the commencement of section 19 of the  
Water Resources Commission Act, 1976”, insert instead  
“Ministerial Corporation at the commencement of the Water  
Administration Act 1986”.
- (c) Section 11 (1) (a)—  
30 Omit “Minister”, insert instead “Ministerial Corporation”.

*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

(d) Section 11 (2)—

Omit “Commission”, insert instead “Ministerial Corporation”.

(4) Section 13 (**Power of the Ministerial Corporation**)—

(a) Section 13 (1), (3)—

5 Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.

(b) Section 13 (1) (e)—

Omit “under such regulations as to quantity as the Minister may sanction”.

10 (c) Section 13 (2)—

Omit the subsection.

(5) Section 14 (**Compensation for damage done by the Ministerial Corporation**)—

15 (a) Omit “Whenever any person employed by the Commission, while in the execution of his duties,”, insert instead “If, in the exercise or performance of a power, authority, duty or function of the Ministerial Corporation, a person”.

(b) Omit “Commission” where lastly occurring, insert instead “Ministerial Corporation”.

20 (6) Sections 16, 17, 18 (4), 19, 20, 22, 42, 43, 44—

Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.

(7) Section 17A (**Restrictions as to assigns of holdings**)—

(a) Section 17A (1), (2), (3) (a), (4) (a), (6), (7) (b), (8), (9)—

25 Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.

(b) Section 17A (4)—

Omit “Minister” wherever occurring, insert instead “Ministerial Corporation”.



*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

- (c) Section 17A (4) (b)—  
Omit “his”, insert instead “a”.
- (d) Section 17A (4) (b)—  
Omit “and shall be carried into effect by the Commission”.
- 5 (e) Section 17A (5)—  
Omit “the Commission,” wherever occurring.
- (f) Section 17A (5)—  
Omit “Minister” wherever occurring, insert instead “Ministerial Corporation”.
- 10 (g) Section 17A (10) (a), (b)—  
Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.
- (h) Section 17A (10) (c)—  
Omit “Commission”, insert instead “Ministerial Corporation or  
15 its predecessors”.
- (i) Section 17A (11)—  
Omit “Commission” where firstly occurring, insert instead  
“Ministerial Corporation”.
- (j) Section 17A (11)—  
Omit “Commission” where secondly occurring, insert instead  
20 “Ministerial Corporation or its predecessors”.
- (k) Section 17A (11)—  
Omit “Irrigation and Water (Amendment) Act, 1964”, insert  
instead “Water Administration Act 1986”.

*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*(8) Section 21 (**When water insufficient, Ministerial Corporation may supply proportionally and is not liable for any inability to supply**)—

## (a) Section 21 (1)—

5 Omit “Commission” wherever occurring, insert instead  
“Ministerial Corporation”.

## (b) Section 21 (2)—

Omit “Commission” where firstly occurring, insert instead  
“Ministerial Corporation”.

## (c) Section 21 (2)—

10 Omit “where it has been determined by the Minister that the  
Commission has been without wilful default or negligence upon  
its part unable to supply such water”.

(9) Section 23 (**Right-of-way for water**)—

## (a) Section 23 (1), (2), (4)—

15 Omit “Commission” wherever occurring, insert instead  
“Ministerial Corporation”.

## (b) Section 23 (2)—

Omit “. on the recommendation of the Minister.”.

## (c) Section 23 (2)—

20 Omit “Minister” where secondly occurring, insert instead  
“Ministerial Corporation”.

(10) Section 25 (**Construction of works on roads, etc.**)—

## (a) Section 25 (1)–(3), (4) (b), (c)—

25 Omit “Commission” wherever occurring, insert instead  
“Ministerial Corporation”.

## (b) Section 25 (4) (a)—

Omit “Irrigation and Water (Amendment) Act, 1943”, insert  
instead “Water Administration Act 1986”.

*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

- (c) Section 25 (4) (a)—  
Omit “on the Commission”.
- (d) Section 25 (4) (a)—  
5 Omit “Commission” where secondly occurring, insert instead  
“Ministerial Corporation”.
- (11) Section 26 (**Rent of lots**)—  
Omit the section.
- (12) Section 27 (**Power to fix rates**)—
- (a) Section 27 (1)—  
10 Omit “Subject to the sanction of the Minister the Commission”,  
insert instead “The Ministerial Corporation”.
- (b) Section 27 (3)—  
Omit “Commission”, insert instead “Ministerial Corporation”.
- (c) Section 27 (4)—  
15 Omit “lessee” wherever occurring, insert instead “owner”.
- (d) Section 27 (4)—  
Omit “, whether leased before or after the commencement of this  
Act,”.
- (e) Section 27 (4)—  
20 Omit “Commission”, insert instead “Ministerial Corporation”.
- (f) Section 27 (6), (7)—  
After section 27 (5), insert:
- (6) The amounts of—
- (a) rates payable under subsection (1) or (3); and  
25 (b) interest payable on those rates,

*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

are, until paid, a charge on the land to which they relate and may be recovered as a debt due to the Ministerial Corporation by the owner of the land for the time being.

(7) A payment made in respect of rates shall be applied first in payment of any interest borne by the rates.

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(13) Section 28 (**By-laws**)—

## (a) Section 28 (1)—

Omit “Commission”, insert instead “Ministerial Corporation”.

## (b) Section 28 (1) (b)—

10

Omit “and”.

## (c) Section 28 (1) (c)—

Omit “water.”, insert instead “water and the times and manner of their payment;”.

## (d) Section 28 (1) (d), (e)—

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After section 28 (1) (c), insert:

(d) the charging of interest on a daily basis on overdue rates (whether or not the subject of a judgment by a court) and the time and manner of payment of the interest; and

20

(e) authorising the Ministerial Corporation, if payment of rates relating to any land, or of any interest on the rates, is overdue, to withhold the supply of water to the land without affecting the liability to pay the rates and interest.

## (14) Second Schedule—

(a) Omit “Water Conservation and Irrigation”.

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(b) Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.

*Hay Irrigation (Amendment) 1986*

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## SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE HAY IRRIGATION ACT 1902 RELATING  
TO PENALTIES

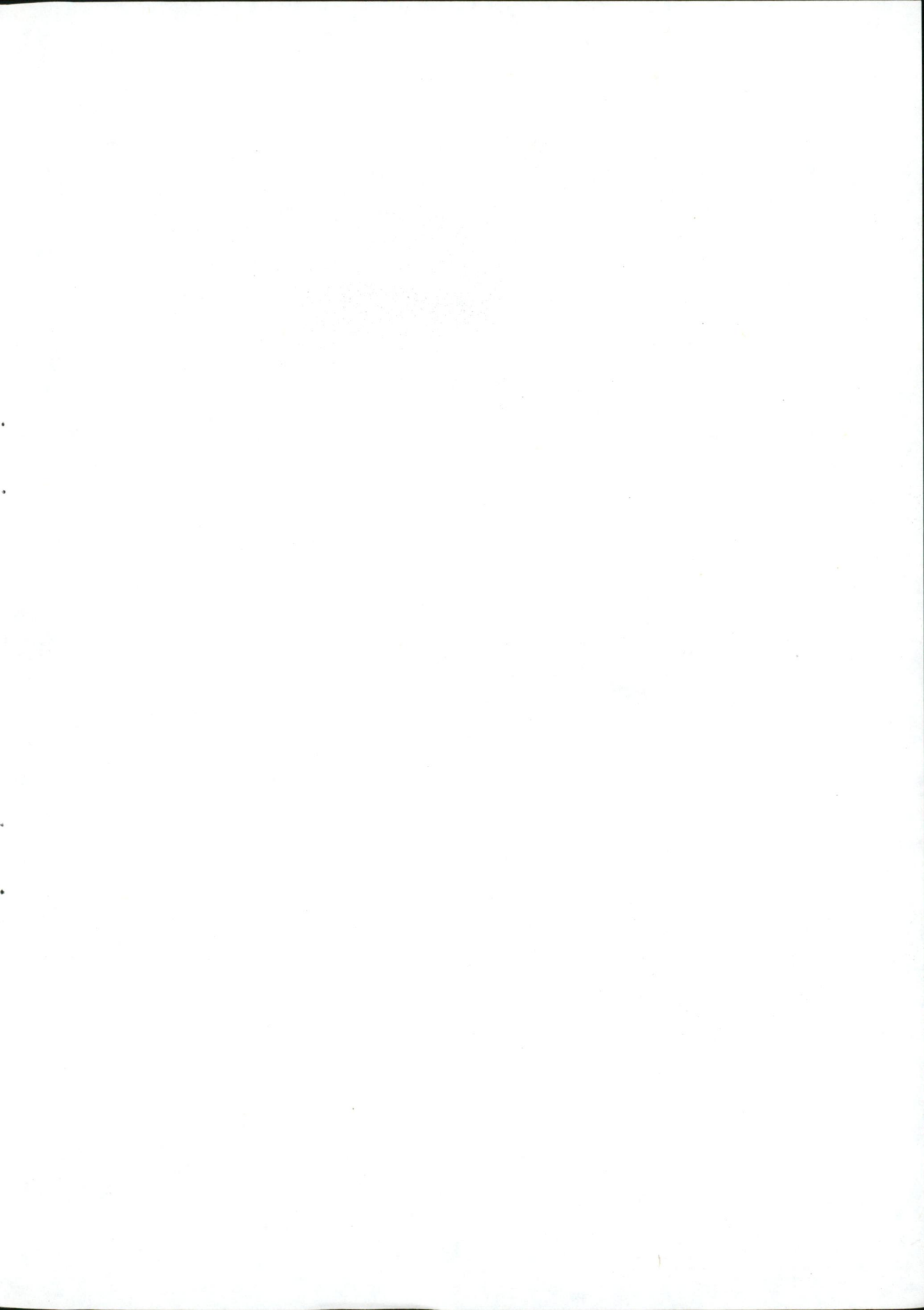
- 5 (1) Section 28 (**By-laws**)—  
Section 28 (2)—  
Omit "\$200", insert instead "\$1,000".
- (2) Section 42 (**Obstructing persons acting under authority of the Ministerial Corporation**)—  
10 Omit "one hundred dollars", insert instead "\$1,000".
- (3) Section 43 (**Penalties for trespass**)—  
Omit "one hundred dollars", insert instead "\$1,000".
- (4) Section 44 (**Wilful injury to works**)—  
Omit "five hundred dollars", insert instead "\$4,000".
- 15 (5) Section 45 (**Waste of water**)—  
Omit "fifty dollars", insert instead "\$1,000".

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986









# HAY IRRIGATION (AMENDMENT) ACT 1986 No. 198

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 57, 1902
4. Saving

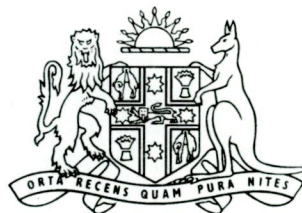
SCHEDULE 1—AMENDMENTS TO THE HAY IRRIGATION ACT 1902  
SCHEDULE 2—AMENDMENTS TO THE HAY IRRIGATION ACT 1902  
RELATING TO PENALTIES

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# HAY IRRIGATION (AMENDMENT) ACT 1986 No. 198

NEW SOUTH WALES



## Act No. 198, 1986

An Act to amend the Hay Irrigation Act 1902 as a consequence of the enactment of the Water Administration Act 1986; to make further provision with respect to rates and charges, and to increase penalties, under the Hay Irrigation Act 1902; and for other purposes. [Assented to 18 December 1986]

*Hay Irrigation (Amendment) 1986*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Hay Irrigation (Amendment) Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Water Administration Act 1986.

**Amendment of Act No. 57, 1902**

3. The Hay Irrigation Act 1902 is amended in the manner set forth in Schedules 1 and 2.

**Saving**

4. If anything done under the Hay Irrigation Act 1902 before the commencement of this Act by the Minister or a predecessor of the Water Administration Ministerial Corporation—

- (a) still had effect immediately before that commencement; and
- (b) could have been done by the Water Administration Ministerial Corporation if this Act and the Water Administration Act 1986 had been in force when it was done,

it has effect on and after that commencement and as if it had been done by the Water Administration Ministerial Corporation.

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## SCHEDULE 1

(Sec. 3)

## AMENDMENTS TO THE HAY IRRIGATION ACT 1902

(1) Section 5 (**Interpretation**)—

## (a) Definition of “Commission”—

Omit the definition.

## (b) Definitions of “Irrigated lot”, “Irrigation area”—

Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.

## (c) Definition of “Ministerial Corporation”—

After the definition of “Justice”, insert:

“Ministerial Corporation” means the Water Administration  
Ministerial Corporation constituted by the Water  
Administration Act 1986.

(2) Section 6 (**Administration of Act**)—

## (a) Omit “Commission” where firstly occurring, insert instead “Ministerial Corporation”.

## (b) Omit “Water Resources Commission Act, 1976”, insert instead “Water Administration Act 1986”.

(3) Section 11 (**Property vested in the Ministerial Corporation**)—

## (a) Section 11 (1)—

Omit “Commission” where firstly occurring, insert instead “Ministerial Corporation”.

## (b) Section 11 (1) (a)—

Omit “Commission at the commencement of section 19 of the Water Resources Commission Act, 1976”, insert instead “Ministerial Corporation at the commencement of the Water Administration Act 1986”.

## (c) Section 11 (1) (a)—

Omit “Minister”, insert instead “Ministerial Corporation”.

*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

- (d) Section 11 (2)—  
Omit “Commission”, insert instead “Ministerial Corporation”.
- (4) Section 13 (**Power of the Ministerial Corporation**)—
- (a) Section 13 (1), (3)—  
Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.
- (b) Section 13 (1) (e)—  
Omit “under such regulations as to quantity as the Minister may sanction”.
- (c) Section 13 (2)—  
Omit the subsection.
- (5) Section 14 (**Compensation for damage done by the Ministerial Corporation**)—
- (a) Omit “Whenever any person employed by the Commission, while in the execution of his duties,” insert instead “If, in the exercise or performance of a power, authority, duty or function of the Ministerial Corporation, a person”.
- (b) Omit “Commission” where lastly occurring, insert instead “Ministerial Corporation”.
- (6) Sections 16, 17, 18 (4), 19, 20, 22, 42, 43, 44—  
Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.
- (7) Section 17A (**Restrictions as to assigns of holdings**)—
- (a) Section 17A (1), (2), (3) (a), (4) (a), (6), (7) (b), (8), (9)—  
Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.
- (b) Section 17A (4)—  
Omit “Minister” wherever occurring, insert instead “Ministerial Corporation”.

*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

- (c) Section 17A (4) (b)—  
Omit “his”, insert instead “a”.
- (d) Section 17A (4) (b)—  
Omit “and shall be carried into effect by the Commission”.
- (e) Section 17A (5)—  
Omit “the Commission,” wherever occurring.
- (f) Section 17A (5)—  
Omit “Minister” wherever occurring, insert instead “Ministerial Corporation”.
- (g) Section 17A (10) (a), (b)—  
Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.
- (h) Section 17A (10) (c)—  
Omit “Commission”, insert instead “Ministerial Corporation or its predecessors”.
- (i) Section 17A (11)—  
Omit “Commission” where firstly occurring, insert instead “Ministerial Corporation”.
- (j) Section 17A (11)—  
Omit “Commission” where secondly occurring, insert instead “Ministerial Corporation or its predecessors”.
- (k) Section 17A (11)—  
Omit “Irrigation and Water (Amendment) Act, 1964”, insert instead “Water Administration Act 1986”.

*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

- (8) Section 21 (**When water insufficient, Ministerial Corporation may supply proportionally and is not liable for any inability to supply**)—
- (a) Section 21 (1)—  
Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.
- (b) Section 21 (2)—  
Omit “Commission” where firstly occurring, insert instead “Ministerial Corporation”.
- (c) Section 21 (2)—  
Omit “where it has been determined by the Minister that the Commission has been without wilful default or negligence upon its part unable to supply such water”.
- (9) Section 23 (**Right-of-way for water**)—
- (a) Section 23 (1), (2), (4)—  
Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.
- (b) Section 23 (2)—  
Omit “, on the recommendation of the Minister.”.
- (c) Section 23 (2)—  
Omit “Minister” where secondly occurring, insert instead “Ministerial Corporation”.
- (10) Section 25 (**Construction of works on roads, etc.**)—
- (a) Section 25 (1)–(3), (4) (b), (c)—  
Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.
- (b) Section 25 (4) (a)—  
Omit “Irrigation and Water (Amendment) Act, 1943”, insert instead “Water Administration Act 1986”.



*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

- (c) Section 25 (4) (a)—  
Omit “on the Commission”.
- (d) Section 25 (4) (a)—  
Omit “Commission” where secondly occurring, insert instead “Ministerial Corporation”.
- (11) Section 26 (**Rent of lots**)—  
Omit the section.
- (12) Section 27 (**Power to fix rates**)—
  - (a) Section 27 (1)—  
Omit “Subject to the sanction of the Minister the Commission”, insert instead “The Ministerial Corporation”.
  - (b) Section 27 (3)—  
Omit “Commission”, insert instead “Ministerial Corporation”.
  - (c) Section 27 (4)—  
Omit “lessee” wherever occurring, insert instead “owner”.
  - (d) Section 27 (4)—  
Omit “, whether leased before or after the commencement of this Act.”.
  - (e) Section 27 (4)—  
Omit “Commission”, insert instead “Ministerial Corporation”.
  - (f) Section 27 (6), (7)—  
After section 27 (5), insert:
    - (6) The amounts of—
      - (a) rates payable under subsection (1) or (3); and
      - (b) interest payable on those rates,

*Hay Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HAY IRRIGATION ACT 1902—*continued*

are, until paid, a charge on the land to which they relate and may be recovered as a debt due to the Ministerial Corporation by the owner of the land for the time being.

(7) A payment made in respect of rates shall be applied first in payment of any interest borne by the rates.

(13) Section 28 (**By-laws**)—

## (a) Section 28 (1)—

Omit “Commission”, insert instead “Ministerial Corporation”.

## (b) Section 28 (1) (b)—

Omit “and”.

## (c) Section 28 (1) (c)—

Omit “water.”, insert instead “water and the times and manner of their payment;”.

## (d) Section 28 (1) (d), (e)—

After section 28 (1) (c), insert:

(d) the charging of interest on a daily basis on overdue rates (whether or not the subject of a judgment by a court) and the time and manner of payment of the interest; and

(e) authorising the Ministerial Corporation, if payment of rates relating to any land, or of any interest on the rates, is overdue, to withhold the supply of water to the land without affecting the liability to pay the rates and interest.

## (14) Second Schedule—

(a) Omit “Water Conservation and Irrigation”.

(b) Omit “Commission” wherever occurring, insert instead “Ministerial Corporation”.

## SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE HAY IRRIGATION ACT 1902 RELATING  
TO PENALTIES(1) Section 28 (**By-laws**)—

Section 28 (2)—

Omit "\$200", insert instead "\$1,000".

(2) Section 42 (**Obstructing persons acting under authority of the Ministerial Corporation**)—

Omit "one hundred dollars", insert instead "\$1,000".

(3) Section 43 (**Penalties for trespass**)—

Omit "one hundred dollars", insert instead "\$1,000".

(4) Section 44 (**Wilful injury to works**)—

Omit "five hundred dollars", insert instead "\$4,000".

(5) Section 45 (**Waste of water**)—

Omit "fifty dollars", insert instead "\$1,000".

