

FIRST PRINT

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 Irrigation Act 1912—

- (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; and
- (b) to make further provision with respect to water rates and charges.

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 Schedule 1.

Clause 4 provides for the transition to the Ministerial Corporation of responsibility for past actions under the Irrigation Act 1912 of its predecessors and the Minister that still had effect immediately before the commencement of the proposed Act.

Except in the case of Schedule 1 (10), (11), (12) and (17), Schedule 1 amends the Irrigation Act 1912 in a manner consequential upon the enactment of the proposed Water Administration Act 1986.

Schedule 1 (10) enables the Ministerial Corporation to discontinue the supply of water to any land in relation to which rates and charges under the Irrigation Act 1912 are overdue.

Schedule 1 (11) enables certain special charges under the Irrigation Act 1912 to be imposed in relation to a period other than the year ending on 30 June.

Schedule 1 (12)—

- (a) includes special charges among the rates and charges under the Irrigation Act 1912 for which the time of payment is prescribed by regulations;
- (b) provides for the payment of interest on overdue rates and charges under that Act; and
- (c) creates a charge over the relevant land for the amount of rates and charges owing under that Act.

Schedule 1 (17) provides a more flexible power for the making of regulations under the Irrigation Act 1912.

IRRIGATION (AMENDMENT) BILL 1986

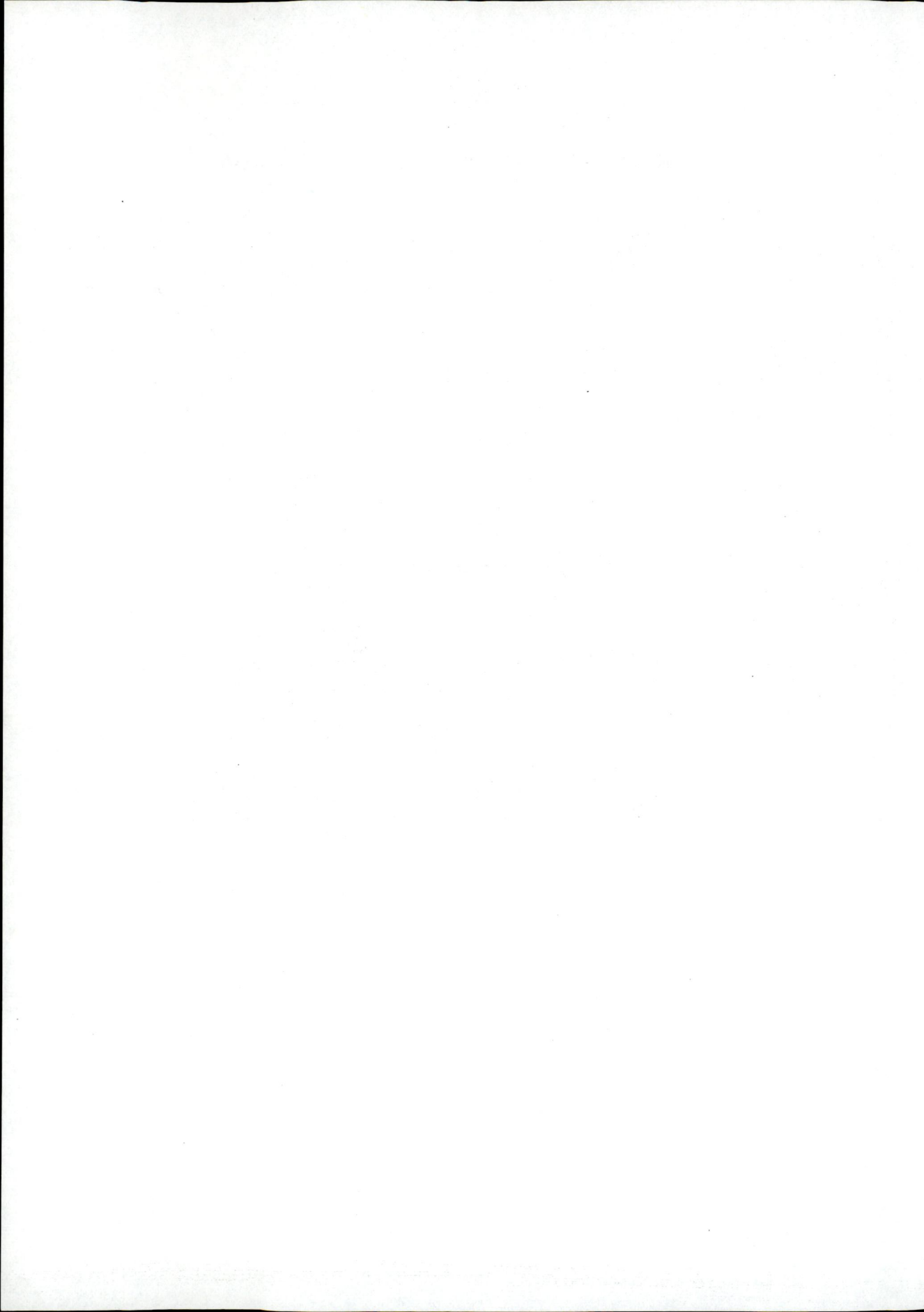
NEW SOUTH WALES



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3. Amendment of Act No. 73, 1912
4. Saving

SCHEDULE 1—AMENDMENTS TO THE IRRIGATION ACT 1912



IRRIGATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Irrigation Act 1912 as a consequence of the enactment of the Water Administration Act 1986; to make further provision under the Irrigation Act 1912 with respect to rates and charges; and for other purposes.

Irrigation (Amendment) 1986

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 "Irrigation (Amendment) Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- 10 (2) Except as provided by subsection (1), this Act shall commence on the commencement of the Water Administration Act 1986.

Amendment of Act No. 73, 1912

3. The Irrigation Act 1912 is amended in the manner set forth in Schedule 1.

15 Saving

4. If anything that, before the commencement of this Act, was done under the Irrigation Act 1912 by the Minister administering that Act or a predecessor of the Water Administration Ministerial Corporation—
- (a) still had effect immediately before that commencement; and
- 20 (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 as if it had been done by the Water Administration Ministerial Corporation.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE IRRIGATION ACT 1912

(1) Section 3 (**Interpretation**)—

5 (a) Definition of “Commission”—

Omit the definition.

(b) Definition of “Ministerial Corporation”—

After the definition of “Irrigation area”, insert:

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

(2) Section 5G (**Power to acquire land**)—

(a) Section 5G (1)—

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

15 (b) Section 5G (5) (j)—

Omit “or the Commission”.

(3) Section 6 (**Constitution of irrigation areas**)—

(a) Section 6 (1)—

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

(b) Section 6 (1)—

25 Omit “Commission for such terms and upon such conditions as
the Minister may approve”, insert instead “Ministerial
Corporation for such terms and upon such conditions as it thinks
fit”.

(c) Section 6 (4)—

Omit “in the Minister pursuant to section 5G”, insert instead
“under section 5G as from time to time in force”.

*Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE IRRIGATION ACT 1912—*continued*

- (4) Section 7 (**Setting land apart as irrigation farms**)—
 Section 7 (1)—
 Omit “Minister” wherever occurring, insert instead “Ministerial Corporation”.
- 5 (5) Section 7A (**Number and price of water rights where farm subdivided, etc.**)—
 (a) Section 7A (1)—
 Before “additional” where firstly occurring, insert “the Ministerial Corporation provides”.
- 10 (b) Section 7A (1)—
 Omit “are provided by the Commission, the Minister”, insert instead “, the Ministerial Corporation”.
- (c) Section 7A (1) (d)—
 Omit “Minister”, insert instead “Ministerial Corporation”.
- 15 (6) Section 7C (**Alteration of number of water rights**)—
 (a) Section 7C (1)—
 Omit “Minister”, insert instead “Ministerial Corporation”.
- (b) Section 7C (2)—
 Omit “Minister” where firstly occurring, insert instead
 20 “Ministerial Corporation”.
- (c) Section 7C (2)—
 Omit “Minister may, if in his opinion”, insert instead “Ministerial Corporation may, if it is of the opinion that”.
- (d) Section 7C (2)—
 25 Omit “by the Minister”.
- (e) Section 7C (2)—
 Omit “of the Minister”.

*Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE IRRIGATION ACT 1912—*continued*(7) Section 8BA (**Sinking of bores or wells, etc., on payment therefor being made in advance**)—

Section 8BA (4)—

5 Omit “shall issue a certificate certifying”, insert instead
“Ministerial Corporation shall certify”.

(8) Section 11E (**Reappraisal of purchase money and rentals**)—

Section 11E (3) (a), (c)—

Omit “Commission” wherever occurring, insert instead
“Department of Water Resources”.

10 (9) Section 11G (**Reserves for public purposes**)—

(a) Section 11G (1), (3)—

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

(b) Section 11G (2)—

15 Omit “Minister for the time being administering this Act”, insert
instead “Ministerial Corporation”.

(10) Section 12 (**Water rights**)—

(a) Section 12 (1A)—

After section 12 (1), insert:

20 (1A) While any part of water rates and charges relating to any
land, or any interest that has accrued on them, is due and unpaid,
the Ministerial Corporation may, without affecting the liability to
pay the rates, charges or interest, discontinue until payment has
been made the supply of water to the land.

25 (b) Section 12 (2)—

After “unless”, insert “(except where the supply has been
discontinued under subsection (1A))”.

(11) Section 13A (**Supply of water during hours of daylight**)—

Omit subsection (4).

*Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE IRRIGATION ACT 1912—*continued*(12) Section 15 (**Rate or charge for water**)—

(a) Section 15 (1)—

After “charge” where secondly occurring, insert “(including the special charge imposed under section 13A)”.

5 (b) Section 15 (2B)—

After section 15 (2A), insert:

10 (2B) Interest under subsection (2) on the amount due for a rate or charge accrues on a daily basis and is payable even if judgment for the amount has been given by a court, and any payment made in respect of such a rate or charge shall be applied first in payment of all accrued interest.

(c) Section 15 (3)—

Omit the subsection, insert instead:

15 (3) Any rate or charge, or interest on a rate or charge, that is due and unpaid is a charge on the land to which it relates and is recoverable as a debt due to the Ministerial Corporation by the occupier of the land for the time being.

(13) Section 18 (**Collection of rents, etc.**)—

Section 18 (3)—

20 Omit “Resources Commission”, insert instead “Administration”.

(14) Section 20A (**Sale of lands not required**)—

(a) Omit “Minister” where firstly and lastly occurring, insert instead “Ministerial Corporation”.

(b) Omit “him”, insert instead “the Ministerial Corporation”.

25 (c) Omit “or in the Commission”.

(15) Section 22 (**Vesting of railways or tramways in the State Rail Authority**)—

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

Irrigation (Amendment) 1986

SCHEDULE 1—*continued*AMENDMENTS TO THE IRRIGATION ACT 1912—*continued*(16) Section 26 (**General regulations**)—

Omit “Commission may, with the approval of the Governor,”,
insert instead “Governor may”.

(17) Section 28 (**Regulations**)—

5 Section 28 (1A)—

After section 28 (1), insert:

(1A) A provision of a regulation made under this Act may—

- (a) apply generally or be limited in its application by reference
to specified exceptions or factors;
- 10 (b) apply differently according to different factors of a
specified kind; or
- (c) authorise any matter or thing to be from time to time
determined, applied or regulated by a specified person or
body,

15 or may do any combination of those things.

BY AUTHORITY

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

IRRIGATION (AMENDMENT) ACT 1986 No. 199

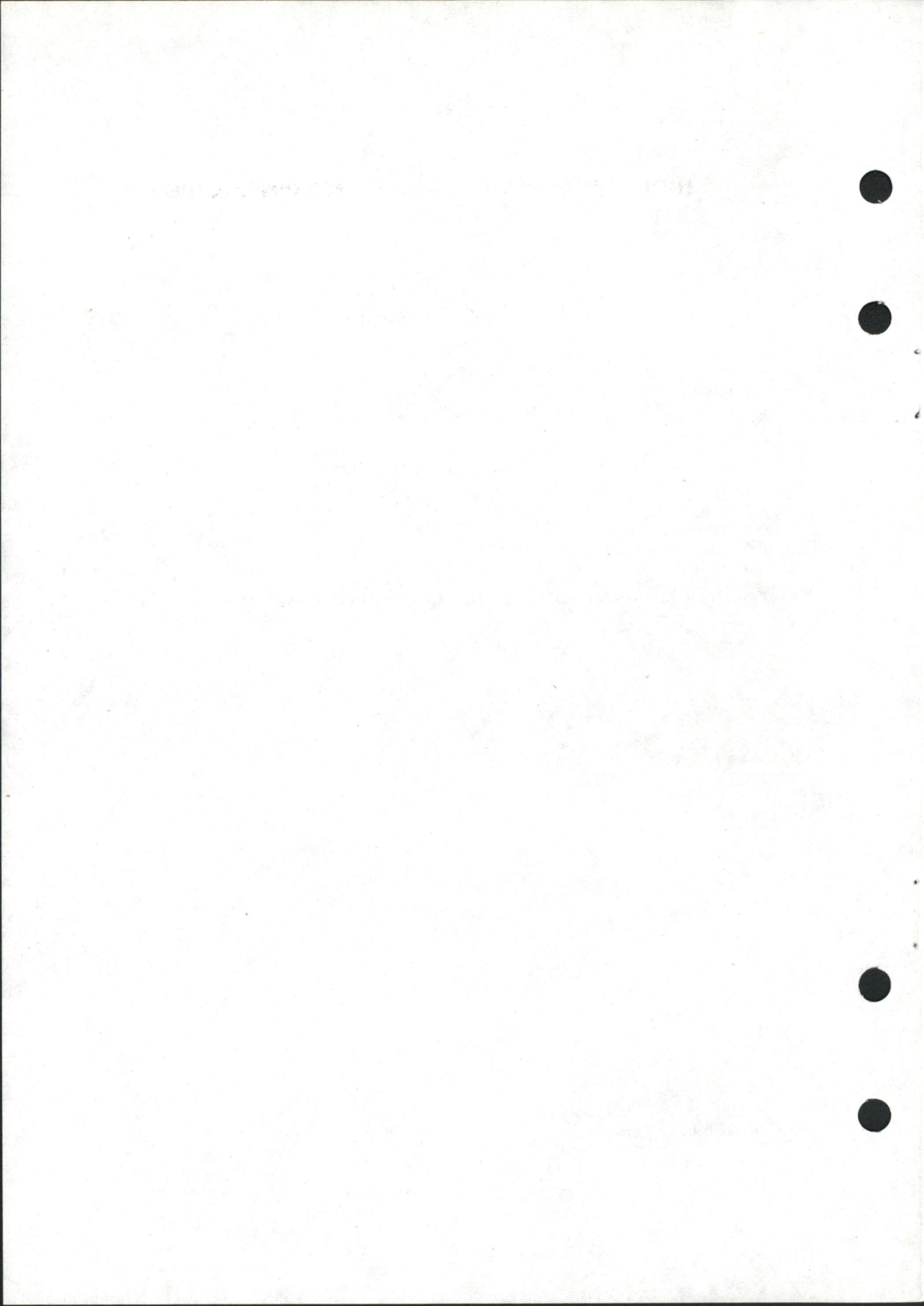
NEW SOUTH WALES



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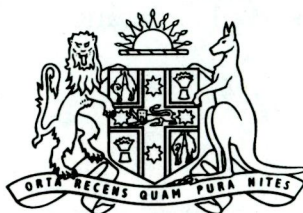
1. Short title
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SCHEDULE 1—AMENDMENTS TO THE IRRIGATION ACT 1912



IRRIGATION (AMENDMENT) ACT 1986 No. 199

NEW SOUTH WALES



Act No. 199, 1986

An Act to amend the Irrigation Act 1912 as a consequence of the enactment of the Water Administration Act 1986; to make further provision under the Irrigation Act 1912 with respect to rates and charges; and for other purposes.
[Assented to 18 December 1986]

Irrigation (Amendment) 1986

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 "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. 73, 1912

3. The Irrigation Act 1912 is amended in the manner set forth in Schedule 1.

Saving

4. If anything that, before the commencement of this Act, was done under the Irrigation Act 1912 by the Minister administering that Act 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 as if it had been done by the Water Administration Ministerial Corporation.

SCHEDULE 1

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(1) Section 3 (**Interpretation**)—

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Omit the definition.

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

(2) Section 5G (**Power to acquire land**)—

(a) Section 5G (1)—

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

(b) Section 5G (5) (j)—

Omit “or the Commission”.

(3) Section 6 (**Constitution of irrigation areas**)—

(a) Section 6 (1)—

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

(b) Section 6 (1)—

Omit “Commission for such terms and upon such conditions as the Minister may approve”, insert instead “Ministerial Corporation for such terms and upon such conditions as it thinks fit”.

(c) Section 6 (4)—

Omit “in the Minister pursuant to section 5G”, insert instead “under section 5G as from time to time in force”.

*Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE IRRIGATION ACT 1912—*continued*(4) Section 7 (**Setting land apart as irrigation farms**)—

Section 7 (1)—

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

(5) Section 7A (**Number and price of water rights where farm subdivided, etc.**)—

(a) Section 7A (1)—

Before “additional” where firstly occurring, insert “the Ministerial Corporation provides”.

(b) Section 7A (1)—

Omit “are provided by the Commission, the Minister”, insert instead “, the Ministerial Corporation”.

(c) Section 7A (1) (d)—

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

(6) Section 7C (**Alteration of number of water rights**)—

(a) Section 7C (1)—

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

(b) Section 7C (2)—

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

(c) Section 7C (2)—

Omit “Minister may, if in his opinion”, insert instead “Ministerial Corporation may, if it is of the opinion that”.

(d) Section 7C (2)—

Omit “by the Minister”.

(e) Section 7C (2)—

Omit “of the Minister”.

*Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE IRRIGATION ACT 1912—*continued*

- (7) Section 8BA (**Sinking of bores or wells, etc., on payment therefor being made in advance**)—
- Section 8BA (4)—
- Omit “shall issue a certificate certifying”, insert instead “Ministerial Corporation shall certify”.
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- (b) Section 11G (2)—
- Omit “Minister for the time being administering this Act”, insert instead “Ministerial Corporation”.
- (10) Section 12 (**Water rights**)—
- (a) Section 12 (1A)—
- After section 12 (1), insert:
- (1A) While any part of water rates and charges relating to any land, or any interest that has accrued on them, is due and unpaid, the Ministerial Corporation may, without affecting the liability to pay the rates, charges or interest, discontinue until payment has been made the supply of water to the land.
- (b) Section 12 (2)—
- After “unless”, insert “(except where the supply has been discontinued under subsection (1A))”.
- (11) Section 13A (**Supply of water during hours of daylight**)—
- Omit subsection (4).

*Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE IRRIGATION ACT 1912—*continued*(12) Section 15 (**Rate or charge for water**)—

(a) Section 15 (1)—

After “charge” where secondly occurring, insert “(including the special charge imposed under section 13A)”.

(b) Section 15 (2B)—

After section 15 (2A), insert:

(2B) Interest under subsection (2) on the amount due for a rate or charge accrues on a daily basis and is payable even if judgment for the amount has been given by a court, and any payment made in respect of such a rate or charge shall be applied first in payment of all accrued interest.

(c) Section 15 (3)—

Omit the subsection, insert instead:

(3) Any rate or charge, or interest on a rate or charge, that is due and unpaid is a charge on the land to which it relates and is recoverable as a debt due to the Ministerial Corporation by the occupier of the land for the time being.

(13) Section 18 (**Collection of rents, etc.**)—

Section 18 (3)—

Omit “Resources Commission”, insert instead “Administration”.

(14) Section 20A (**Sale of lands not required**)—

(a) Omit “Minister” where firstly and lastly occurring, insert instead “Ministerial Corporation”.

(b) Omit “him”, insert instead “the Ministerial Corporation”.

(c) Omit “or in the Commission”.

(15) Section 22 (**Vesting of railways or tramways in the State Rail Authority**)—

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

Irrigation (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE IRRIGATION ACT 1912—*continued*

(16) Section 26 (**General regulations**)—

Omit “Commission may, with the approval of the Governor,”,
insert instead “Governor may”.

(17) Section 28 (**Regulations**)—

Section 28 (1A)—

After section 28 (1), insert:

(1A) A provision of a regulation made under this Act may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by a specified person or body,

or may do any combination of those things.

