



New South Wales

Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001

under the

Water Management Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

Explanatory note

The object of this Regulation is to provide for a number of matters relating to the Benerembah Irrigation District Environment Protection Trust, such as:

- (a) its area of operations, and
- (b) factors for classifying land, and
- (c) bases for levying service charges, and
- (d) payments for service charges.

This Regulation replaces the *Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 1996*, which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*. This Regulation is substantially the same as the repealed Regulation.

This Regulation is made under the *Water Management Act 2000*, including Part 2 of Chapter 6 and section 400 (the general regulation-making power).

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Water Management (Benerembah Irrigation District Environment Protection Trust)
Regulation 2001

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Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

3 Definitions

In this Regulation:

the Act means the *Water Management Act 2000*.

Trust means Benerembah Irrigation District Environment Protection Trust.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

5 Area of operations of Trust

Pursuant to section 289 (1) of the Act, the area of operations of the Trust is the area shown bounded by a red line on the map numbered 123—630 and deposited in the Parramatta office of the Department of Land and Water Conservation.

6 Function of Trust

Pursuant to section 289 (2) of the Act, the Trust has, and may exercise in its area, only the function of assessing, levying and recovering drainage service charges in connection with the provision of drainage services within the area of operations of the Trust.

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Clause 7 Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001

Part 2 Fees, drainage service charges and other charges

Part 2 Fees, drainage service charges and other charges

7 Fees and charges other than drainage service charges

For the purposes of section 310 (2) of the Act, the fees and charges (other than drainage service charges) that the Trust may impose for a thing supplied or provided are to be determined by resolution of the Trust's Board.

8 Classification of land for purpose of levying drainage service charges

For the purposes of section 313 of the Act, the Trust may classify land for the purpose of levying drainage service charges according to one or more of the following factors:

- (a) the nature and extent of the water supply to the land,
- (b) the nature and extent of the drainage from the land,
- (c) the purpose for which the land is actually being used,
- (d) the intensity with which the land is being used for that purpose.

9 Basis of levying service charges

For the purposes of section 314 of the Act, the Trust may levy drainage service charges on land according to either or both of the following bases:

- (a) the assessment by the Trust of the cost of providing the land with the service,
- (b) the Member's Base Allocation in respect of the land, as shown in the Murrumbidgee Irrigation Limited's Member Contract.

10 Determinations by Trust

For the purposes of section 315 (1) of the Act, a determination of the Trust referred to in that subsection is to be made by resolution of the Trust's Board.

11 Payment to Trust

Payment to the Trust of a drainage service charge or other charge:

- (a) is due within the time notified by the Trust when giving notice of the charge, and
- (b) may be made in any manner so notified.

12 Payment by instalments

- (1) The Trust must notify a person liable to pay drainage service charges levied, or other charges imposed, that payment of the charges may be made to the Trust by a stated number of instalments of specified amounts.
- (2) If there is a failure to make a payment in accordance with the notification, the total unpaid balance may be treated by the Trust as an overdue amount of drainage service charges or other charges even if payment by instalments had commenced.

13 General power to defer or waive payment

- (1) The Trust may, if of the opinion that reasonable cause has been shown:
 - (a) defer payment of a drainage service charge, or any other charge or fee, on such conditions as it thinks fit, or
 - (b) waive such a payment or any part of it.
- (2) The Trust may establish an account from which to fund any such deferral or waiver.

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Clause 14 Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001

Part 3 Miscellaneous

Part 3 Miscellaneous

14 Cutting off access to drainage works

The Trust may cut off access from land to drainage works:

- (a) if any drainage service charges or other charges relating to the land are overdue (but only if at least 7 days' notice of the intention to cut off access has been given to the person liable for payment of the charges concerned), or
- (b) if the Trust is of the opinion that it is unavoidably necessary to do so,
- (c) if the owner or occupier of the land fails to do anything that, under a provision of the Act or of a regulation made under the Act, is required to be done to prevent pollution or contamination of the water in the drainage works, or
- (d) if the owner or occupier obstructs an officer of the Trust in the exercise of his or her functions.

15 Recording of drainage service charge

- (1) The Trust must keep such records relating to each drainage service charge as required by the Minister and must keep the records in a manner approved by the Minister.
- (2) An amendment of the records kept under this clause may be made by:
 - (a) inserting the name of a person who claims to be, and is, entitled to be recorded as owner or occupier, or
 - (b) inserting the name of a person to whom an account for a drainage service charge should have been rendered or who has, since the levying of a drainage service charge, become liable to pay it, or
 - (c) omitting the name of a person whose name should not have been, or should no longer be, recorded, or
 - (d) increasing or reducing the amount of a drainage service charge as a result of an error in recording or notifying it, or
 - (e) inserting particulars of land that should have been the subject of a drainage service charge, or

- (f) making such other amendments as will ensure conformity of the records with the Act.
- (3) A liability to make a payment as a result of an amendment accrues on the making of the amendment, but the payment is not overdue if made within one month after notice of the amendment and of the resulting liability has been given to the person liable.

16 Savings

Any act, matter or thing that, immediately before the repeal of the *Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 1996*, had effect under that Regulation is taken to have effect under this Regulation.