

WENTWORTH IRRIGATION (AMENDMENT) ACT 1986
No. 197

NEW SOUTH WALES



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RELATING TO PENALTIES

WENTWORTH IRRIGATION (AMENDMENT) ACT 1986 No. 197

NEW SOUTH WALES



Act No. 197, 1986

An Act to amend the Wentworth Irrigation Act 1890 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 Wentworth Irrigation Act 1980; and for other purposes. [Assented to 18 December 1986]

Wentworth 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 "Wentworth 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 54 Vic. No. 7

3. The Wentworth Irrigation Act 1890 is amended in the manner set forth in Schedules 1 and 2.

Saving

4. If anything done under the Wentworth Irrigation Act 1890 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 as if it had been done by the Water Administration Ministerial Corporation.

Wentworth Irrigation (Amendment) 1986

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE WENTWORTH IRRIGATION ACT 1890

(1) Section 4 (**Interpretation**)—

(a) Definition of “Commission”—

Omit the definition.

(b) Definition of “Ministerial Corporation”—

Omit the definition of “The Minister”, insert instead—

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

(c) Definition of “Owner”—

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

(2) Section 5 (**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 10 (**Property vested in the Ministerial Corporation**)—

(a) Section 10 (1)—

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

(b) Section 10 (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 10 (1) (a)—

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

(d) Section 10 (2)—

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

Wentworth Irrigation (Amendment) 1986

SCHEDULE 1—*continued*AMENDMENTS TO THE WENTWORTH IRRIGATION ACT 1890—
continued

- (e) Section 10 (3)—
Omit “section 19 of the Water Resources Commission Act, 1976,”
insert instead “the Water Administration Act 1986”.
- (4) Section 11 (**Power of the Ministerial Corporation**)—
 - (a) Omit “Commission” where firstly and lastly occurring, insert
instead “Ministerial Corporation”.
 - (b) Section 11 (vi)—
Omit the paragraph, insert instead—
 - (vi) To take water from the rivers Darling and Murray by
means of pumping or other machinery erected within the
irrigation area.
- (5) Section 19 (**Compensation for damage done by the Ministerial Corporation**)—
 - (a) Omit “Whenever any person employed by the Commission in
pursuance of this Act shall, while in the execution of his duties,
cause injury to land, fences, or other property, or shall cause”,
insert instead “If, in the exercise or performance of a power,
authority, duty or function of the Ministerial Corporation, a
person causes injury to land, fences or other property, or causes”.
 - (b) Omit “Commission” where secondly occurring, insert instead
“Ministerial Corporation”.
- (6) Sections 21, 23, 25, 26, 28, 29, 30, 31A, 47, 48—
Omit “Commission” wherever occurring, insert instead
“Ministerial Corporation”.
- (7) Section 22 (**Ministerial Corporation may lease**)—
 - (a) Omit “Commission” wherever occurring, insert instead
“Ministerial Corporation”.
 - (b) Omit “, with the sanction of the Minister,”.
 - (c) Omit “, without such sanction,”.

Wentworth Irrigation (Amendment) 1986

SCHEDULE 1—*continued*AMENDMENTS TO THE WENTWORTH IRRIGATION ACT 1890—
continued(8) Section 22A (**Restrictions as to assigns of holdings**)—

(a) Section 22A (1), (2), (3), (6), (7), (8), (9)—

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

(b) Section 22A (4)—

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

(c) Section 22A (4)—

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

(d) Section 22A (4)—

Omit “and shall be carried into effect by the Commission”.

(e) Section 22A (5)—

Omit “the Commission,” wherever occurring.

(f) Section 22A (5)—

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

(g) Section 22A (10) (a), (b)—

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

(h) Section 22A (10) (c)—

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

(i) Section 22A (11)—

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

Wentworth Irrigation (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE WENTWORTH IRRIGATION ACT 1890—
continued

(j) Section 18A (11)—

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

(k) Section 22A (11)—

Omit “Irrigation and Water (Amendment) Act 1944”, insert instead “Water Administration Act 1986”.

(9) Section 24 (**When water insufficient the Ministerial Corporation may supply proportionally and is not liable for any inability to supply**)—

(a) Omit “Commission” where firstly, secondly, thirdly, fourthly and fifthly occurring, insert instead “Ministerial Corporation”.

(b) 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”.

(10) Section 27 (**Right-of-way for water**)—

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

(b) Omit “. on the recommendation of the Minister,”.

(c) Omit “Minister” where secondly occurring, insert instead “Ministerial Corporation”.

(11) Section 31 (**Power to fix charges for water**)—

(a) Section 31 (1)—

Omit “Subject to the sanction of the Minister, the Commission”, insert instead “The Ministerial Corporation”.

*Wentworth Irrigation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE WENTWORTH IRRIGATION ACT 1890—
continued

(b) Section 31 (2) (a)—

Omit the paragraph, insert instead:

(a) The Ministerial Corporation may, at any time and, if it so determines, for a specified period, fix a rate per hectare on land within the irrigation area which, in its opinion, is suitable for the planting of fruit trees or vines but may exempt from such a rate any land that is used for other purposes.

(c) Section 31 (3), (4)—

After section 31 (2), insert:

(3) The amounts of—

- (a) charges payable under subsection (1);
- (b) rates payable under subsection (2); and
- (c) interest payable on those rates and charges,

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

(4) A payment made in respect of rates and charges shall be applied first in payment of any interest on the rates and charges.

(12) Section 32 (**By-laws**)—

(a) Section 32 (1)—

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

(b) Section 32 (1) (b), (c)—

Omit “time” wherever occurring, insert instead “times”.

(c) Section 32 (1) (b)—

Omit “and” where fourthly occurring.

(d) Section 32 (1) (c)—

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

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SCHEDULE 1—*continued*AMENDMENTS TO THE WENTWORTH IRRIGATION ACT 1890—
continued

(c) Section 32 (1) (d), (e)—

After section 32 (1) (c), insert:

- (d) the charging of interest on a daily basis on overdue rates and charges (whether or not the subject of a judgment by a court) and the times and manner of its payment; and
- (e) authorising the Ministerial Corporation, if payment of rates or charges relating to any land, or of any interest on the rates or charges, is overdue, to withhold the supply of water to the land without affecting the liability to pay the rates, charges or interest.

SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE WENTWORTH IRRIGATION ACT 1890
RELATING TO PENALTIES(1) Section 32 (**By-laws**)—

Section 32 (2)—

Omit “\$200”, insert instead “\$1,000”.

(2) Section 47 (**Offences**)—

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

(3) Section 48 (**Wilful injury to works**)—

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

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SCHEDULE 2—*continued*AMENDMENTS TO THE WENTWORTH IRRIGATION ACT 1890
RELATING TO PENALTIES—*continued*(4) Section 49 (**Waste of water**)—

Omit “fifty dollars”, insert instead “\$1,000”.
