



New South Wales

Irrigation (Water Supply) Regulation 1996

under the

Irrigation Act 1912

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Irrigation Act 1912*.

KIM YEADON, MP.,

Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the *Irrigation Areas (Water Supply) Regulation 1991* made under the *Irrigation Act 1912*. The new Regulation deals with the following matters:

- (a) the supply of water in the Mirrool No. 1, Yanco No. 1 and Coleambally irrigation areas,
- (b) the payment of charges for water supplied,
- (c) conditions attaching to supplies of water,
- (d) refusal of supplies of water in certain circumstances.

This Regulation is made under the *Irrigation Act 1912*, including Part 4 (supply of water) and sections 26–28 (the general regulation making powers).

The Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Irrigation (Water Supply) Regulation 1996

1 Name of Regulation

This Regulation is the *Irrigation (Water Supply) Regulation 1996*.

2 commencement

This Regulation commences on 1 September 1996.

3 Application

This Regulation applies to the Mirrool No. 1, Yanco No. 1 and Coleambally irrigation areas.

4 Definitions

In this Regulation:

Ministerial Corporation means the Water Administration Ministerial Corporation constituted by the *Water Administration Act 1986*.

occupier means a person holding under any tenure any land in an irrigation area to which this Regulation applies.

the Act means the *Irrigation Act 1912*.

5 Notes

The explanatory note and table of contents do not form part of this Regulation.

6 Applications for water

- (1) An occupier requiring a supply of water is (if required to do so by the Ministerial Corporation) to formally apply in the manner and within the time specified by the Ministerial Corporation.
- (2) An application may be made by a person on an occupier's behalf if authorised by the occupier in writing.
- (3) The Ministerial Corporation may, subject to the Act, refuse or approve such an application.

7 Supply of water

- (1) Water may be supplied to land by the Ministerial Corporation unconditionally or subject to conditions.
- (2) If the supply of water is required for rice growing, the conditions of supply may include conditions regarding the area and location of the land on which rice may be grown.
- (3) An occupier must comply with any conditions attaching to a supply of water.

8 Payment of charges

- (1) An occupier is to be notified, by means of a notice of assessment, of:
 - (a) the annual charges fixed by the Ministerial Corporation for the current year, and
 - (b) the amount payable by the occupier for water supplied to the occupier's land for the period to which the notice relates.
- (2) The amount specified in the notice is to be paid to the Ministerial Corporation on or before the date for payment specified in the notice, which date must not be less than 28 days after the date of issue of the notice.
- (3) If land first becomes subject to an annual charge after 1 July in any year, the amount of the charge is to be apportioned, for the period from the date from which the land becomes subject to the charge until 30 June next following, on the basis of such proportion of the charge as that period bears to the whole year.

9 Land preparation

An occupier of land must prepare and maintain water reticulation works within the land which are, to the satisfaction of the Ministerial Corporation, of a sufficient standard to ensure that water delivered on to the land is properly controlled and efficiently used.

Maximum penalty: 10 penalty units.

10 Use of water

- (1) If the Ministerial Corporation requires an occupier to formally apply for a supply of water, the occupier must use the water supplied for the purpose, and on the land, specified in the application.
- (2) An occupier of land:
 - (a) must not allow water delivered on to the land to be wasted, and
 - (b) must comply with any Ministerial Corporation requirements regarding the construction and maintenance of internal drains and connections to the Corporation's drainage works and the time and manner of discharge of surface or sub-surface drainage water from the land into those works.

Maximum penalty (subclause (2)): 10 penalty units.

11 Alteration of rate of delivery

An occupier of land must not, without the written approval of the Ministerial Corporation, construct or use any work within the land if the work is likely to have the effect of altering the rate of delivery of water on to the land.

12 Refusal to supply water

- (1) The Ministerial Corporation may refuse to supply water, or may discontinue the supply of water, to any land:
 - (a) if, in the opinion of the Ministerial Corporation, the supply or continuance of supply is likely to cause damage to the land, or
 - (b) if the occupier has failed to make and maintain adequate provision:
 - (i) for the drainage of surplus water into the drainage works provided by the Ministerial Corporation for that purpose, or
 - (ii) if no such drainage works have been provided, for the retention of surplus water on the land in an appropriate manner, or

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- (c) if the occupier fails to comply with a provision of this Regulation or of any condition attaching to a supply of water.
- (2) A refusal to supply or a discontinuation of supply:
 - (a) does not relieve an occupier from liability for payment for any water rights or for any water supplied, and
 - (b) does not prevent the Ministerial Corporation from proceeding against an occupier for an offence against the Act or this Regulation.

13 Repeal

- (1) The *Irrigation Areas (Water Supply) Regulation 1991* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Irrigation Areas (Water Supply) Regulation 1991*, had effect under that Regulation continues to have effect under this Regulation.