

IRRIGATION CORPORATIONS ACT 1994—REGULATION

(Irrigation Corporations (General) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Irrigation Corporations Act 1994, has been pleased to make the Regulation set forth hereunder.

GEORGE SOURIS, M.P.,
Minister for Land and Water Conservation.

Citation

1. This Regulation may be cited as the Irrigation Corporations (General) Regulation 1995.

Commencement

2. This Regulation commences on 17 February 1995.

Definitions

3. In this Regulation:

“**annual licence fee**” means an annual licence fee for an irrigation corporation licence imposed under clause 7;

“**irrigable land**”, in relation to an irrigation corporation licence, means the land authorised by the licence to be irrigated;

“**licensee**” means the holder of an irrigation corporation licence;

“**the Act**” means the Irrigation Corporations Act 1994.

Ongoing functions of the Ministerial Corporation: sec. 7

4. (1) After the establishment of a class 1 irrigation corporation, the Ministerial Corporation may continue to exercise its functions under the Irrigation Act 1912, the Wentworth Irrigation Act 1890 and Part 6 of the

Water Act 1912 with respect to the levy, imposition or recovery of rates, fees or charges for water supplied or services rendered by the Ministerial Corporation during the period prior to the establishment of that corporation.

(2) For the purposes of section 7 of the Act, the functions referred to in subclause (1) are prescribed as ongoing functions in relation to that corporation.

Provisions consequent on the dissolution of an irrigation scheme area: sec. 35

5. After the dissolution of an irrigation scheme area, the Ministerial Corporation may continue to exercise its functions under the Irrigation Act 1912, the Wentworth Irrigation Act 1890 or Part 6 of the Water Act 1912 with respect to the levy, imposition or recovery of rates, fees or charges for water supplied or services rendered by or on behalf of the Ministerial Corporation during the period prior to the dissolution of the area.

Fees for issue of irrigation corporation licences: sec. 47

6. (1) This clause applies to each of the following corporations on and from its establishment as an irrigation corporation:

- (a) Jemalong Wyldes Plains Irrigation Limited;
- (b) Lower Murray Irrigation Areas Limited;
- (c) Murray Irrigation Limited.

(2) For the purposes of section 47 (2) of the Act, the fee for the issue of an irrigation corporation licence is to be determined by the Ministerial Corporation.

(3) The amount of the fee is to be calculated having regard to:

- (a) the costs and expenses relating to the issue of the licence, including the formulation of the licence conditions and the preparation of any documents referred to in those conditions; and
- (b) such other matters as the Ministerial Corporation determines to be relevant to the administration of the licensing system, other than matters for which an annual licence fee may be imposed.

(4) The amount of the fee must not exceed the sum of the following amounts:

- (a) \$2,634 for the first 162 hectares (or part) of the area of irrigable land;
- (b) \$15 for each additional 2 hectares (or part) by which the area of irrigable land exceeds 162 hectares.

Annual fees for irrigation corporation licences

7. (1) This clause applies to each of the following corporations on and from its establishment as an irrigation corporation:

- (a) Jemalong Wyldes Plains Irrigation Limited;
- (b) Lower Murray Irrigation Areas Limited;
- (c) Murray Irrigation Limited.

(2) The Ministerial Corporation may impose an annual fee for an irrigation corporation licence by means of a notice in writing served on the licensee.

(3) The amount of the annual fee is to be determined by the Ministerial Corporation, having regard to its estimate of the following costs:

- (a) the costs of reviewing the terms and conditions of the licence in accordance with section 57 of the Act;
- (b) the costs of monitoring compliance with the terms and conditions of the licence;
- (c) the costs of carrying out quality control work in connection with obligations arising from the terms and conditions of the licence, including testing equipment and carrying out independent checks on data provided by the licensee.

(4) Payment of an annual licence fee:

- (a) is due on the date (or, if the Ministerial Corporation determines that it may be paid by instalments, on the dates); and
- (b) is to be made in the manner,

specified in the notice by which the fee is imposed.

(5) If a licensee fails to pay an instalment by the due date, the whole of the unpaid amount of the annual licence fee becomes payable immediately.

Water service charges: sec, 62

8. (1) Water service charges are to be levied on a licensee by means of a notice in writing served on the licensee.

(2) A water service charge may be levied on any one of the following bases:

- (a) an amount calculated by reference to the licensee's basic water entitlement, as specified in the licence;
- (b) an amount calculated by reference to the amount of water taken by the licensee during the period to which the charge relates;

(c) an amount calculated by reference to the licensee's basic water entitlement, as specified in the licence, and the amount of water in excess of that entitlement taken by the licensee during the period to which the charge relates.

(3) The maximum rate at which a water service charge may be levied is \$14.50 per megalitre.

(4) The Ministerial Corporation may fix minimum annual water service charges.

(5) Payment of a water service charge:

(a) is due on the date (or, if the Ministerial Corporation determines that it may be paid by instalments, on the dates); and

(b) is to be made in the manner,

specified in the notice by which the fee is imposed.

(6) If a licensee fails to pay an instalment by the due date, the whole of the unpaid amount of the water service charge becomes payable immediately.

Certificates as to amounts due: see. 71

9. For the purposes of section 71 (2) of the Act, a certificate is duly authenticated and issued by an irrigation corporation if it is signed and dated by a person authorised in writing by the corporation in that regard.

Exemption from the Monopolies Act 1923: sec. 90

10. All irrigation corporations are exempted from the provisions of the Monopolies Act 1923.

References to irrigation areas that become special land districts

11. A reference in any of the following Acts, to the extent to which it relates to an irrigation area for which a special land district has been declared under section 8 of the Crown Lands Act 1989, is to be read as a reference to the special land district:

(a) Crown Lands (Continued Tenures) Act 1989;

(b) Dried Fruits Act 1939;

(c) Forestry Act 1916;

(d) Irrigation Areas (Reduction of Rents) Act 1974;

(e) National Parks and Wildlife Act 1973.

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EXPLANATORY NOTE

The object of this Regulation is to prescribe matters to be required to be dealt with under the Irrigation Corporations Act 1994. Those matters include the following:

- (a) prescribing the functions of levying, imposing and recovering rates, fees and charges for water supplied and services rendered during the period prior to the establishment of an irrigation corporation as a class 1 irrigation corporation as ongoing functions for the purposes of section 7 of that Act (clause 4);
- (b) making provision for the levying, imposing and recovering of rates, fees and charges for water supplied and services rendered during the period prior to the dissolution of an irrigation scheme area under section 35 of that Act (clause 5);
- (c) prescribing the method of calculating fees for the issue of irrigation corporation water management works licences, for Jemalong Wyldes Plains Irrigation Limited, Lower Murray Irrigation Areas Limited and Murray Irrigation Limited (clause 6);
- (d) enabling the imposition of annual licence fees and prescribing the method of calculating those fees and the manner of payment of those fees, for Jemalong Wyldes Plains Irrigation Limited, Lower Murray Irrigation Areas Limited and Murray Irrigation Limited (clause 7);
- (e) prescribing the maximum amount of water service charges that the Water Administration Ministerial Corporation can levy on an irrigation corporation, the methods that the Ministerial Corporation can use for determining those charges and the manner of payment of those charges (clause 8);
- (f) providing for the issuing of certificates of amounts payable to an irrigation corporation for the purposes of land sales (clause 9);
- (g) exempting all irrigation corporations from the provisions of the Monopolies Act 1923 (clause 10);

- (h) providing for the construction of certain references to irrigation areas that have become special land districts under the Crown Lands Act 1989 (clause 11).
- (i) formal provisions (clauses 1, 2 and 3).

This Regulation is made under the Irrigation Corporations Act 1994, including section 96 (the general regulation making power) and sections 7, 47, 62, 71 and 90.
