

IRRIGATION (AMENDMENT) ACT, 1978, No. 120

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 120, 1978.

An Act to amend the Irrigation Act, 1912, to increase the penalties for offences and to provide for the quantification of water supplied under that Act. [Assented to, 21st December, 1978.]

Irrigation (Amendment).

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 :—

1. This Act may be cited as the "Irrigation (Amendment) Act, Short title. 1978".

2. This Act contains the following Schedules:— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE IRRIGATION ACT, 1912, RELATING TO PENALTIES.

SCHEDULE 2.—AMENDMENTS TO THE IRRIGATION ACT, 1912, RELATING TO THE QUANTIFICATION OF WATER SUPPLIED.

3. The Irrigation Act, 1912, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 73, 1912.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE IRRIGATION ACT, 1912,
RELATING TO PENALTIES.

(1) Section 9A (3)—

Omit "five hundred dollars", insert instead "\$1,000".

(2) (a) Section 17A (1)—

Omit "one hundred dollars", insert instead "\$500".

Irrigation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE IRRIGATION ACT, 1912,
RELATING TO PENALTIES—*continued.*

(b) Section 17A (2)—

Omit “twenty-five dollars”, insert instead “\$100”.

(c) Section 17A (3)—

Omit “one hundred dollars”, insert instead “\$500”.

(3) Section 17AA—

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

(4) (a) Section 27—

Omit “one hundred dollars for a first offence and not
exceeding five hundred dollars for a second and any
subsequent”, insert instead “\$1,000 for an”.

(b) Section 27—

Omit “twenty-five dollars”, insert instead “\$100”.

(5) Section 28 (1)—

Omit “fifty dollars”, insert instead “\$100”.

Irrigation (Amendment).

SCHEDULE 2.

Sec. 3.

AMENDMENTS TO THE IRRIGATION ACT, 1912, RELATING TO THE
QUANTIFICATION OF WATER SUPPLIED.

(1) Section 1—

From the matter relating to Part IV, omit "16", insert
instead "16A".

(2) Sections 16, 16A—

After section 15, insert :—

16. Where a quantity of water was, during any period, supplied at any outlet or point of supply to, or to the occupier of, any land and—

Determina-
tion of
quantity
of water
supplied.

- (a) there was no prescribed method of measuring the quantity; or
- (b) there was a prescribed method of measuring the quantity but, in the opinion of the Commission, the method did not function correctly at any time during that period,

the Commission may, by whatever means it considers fit, determine the quantity of water supplied, during the period, at the outlet or point of supply to, or to the occupier of, the land.

16A. (1) A certificate, purporting to be issued under subsection (2) for the purposes of this subsection, shall, in any proceedings, be admissible in evidence and be conclusive evidence of the matters certified in and by the certificate.

Evidence.

Irrigation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE IRRIGATION ACT, 1912, RELATING TO THE
QUANTIFICATION OF WATER SUPPLIED—*continued.*

(2) A certificate purports to be a certificate issued under this subsection for the purposes of subsection (1) if—

- (a) it purports to be executed by the Commission;
and
- (b) it certifies that, during a specified period, a specified quantity of water was supplied to any specified land or to the specified occupier of any specified land, and was so supplied as referred to in any one or more of the following subparagraphs:—
 - (i) pursuant to any water rights, including any additional water rights, attached to the land or to any specified part of the land;
 - (ii) as additional or excess water;
 - (iii) pursuant to any provision of this Act so specified;
 - (iv) for any specified purpose;
 - (v) at any specified outlet or specified point of supply;
 - (vi) solely during the hours of daylight on specified days.

Irrigation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE IRRIGATION ACT, 1912, RELATING TO THE
QUANTIFICATION OF WATER SUPPLIED—*continued.*

(3) The Commission shall not issue a certificate under subsection (2) certifying that a quantity of water was supplied as referred to in subsection (2) (b) unless that quantity either was ascertained by a prescribed method of measuring or was the subject of a determination made by the Commission under section 16.
