



New South Wales

Irrigation Corporations Amendment Act 1999 No 78

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Irrigation Corporations Amendment Act 1999 No 78

Act No 78, 1999

An Act to amend the *Irrigation Corporations Act 1994* to make further provision in relation to the conversion of Coleambally Irrigation Corporation to a class 2 irrigation corporation; and for other purposes. [Assented to 3 December 1999]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Irrigation Corporations Amendment Act 1999*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Irrigation Corporations Act 1994 No 41

The *Irrigation Corporations Act 1994* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 4 Definitions

Insert “(except in section 34A)” after “means” in the definition of *water entitlement* in section 4 (1).

[2] Section 4 (1), definition of “water entitlement”

Omit “(except in the case of the Coleambally Irrigation Area)”.

[3] Section 34 Further requirements regarding applications

Omit “Coleambally Irrigation Limited or” from section 34 (1A).

[4] Section 34A

Insert after section 34:

34A Further application requirements relating to Coleambally Irrigation Limited

- (1) The Minister may not approve an application under section 28 by Coleambally Irrigation Limited unless the Minister is satisfied that satisfactory arrangements or provisions have been made:
 - (a) for every existing irrigator to have the opportunity to hold shares of a class of shares in the corporation on the date the proclamation designating it as a class 2 irrigation corporation takes effect, so that the number of shares of that class held by the irrigator as a proportion of the total number of shares of that class issued by the corporation is equal to or greater than the irrigator’s existing water entitlement as a proportion of the total existing water entitlements of the same type, and
 - (b) for every existing irrigator to have the opportunity to enter into a contract with the corporation, having effect from the date the proclamation takes effect and for the term of the irrigation corporation licence and any subsequent irrigation corporation licence, providing for the supply to the irrigator of water, so that the water

- entitlement of each existing irrigator as a proportion of the total water entitlements allocated by the corporation is equal to or greater than that irrigator's existing water entitlement as a proportion of the total existing water entitlements, and
- (c) in the proposed constitution of the corporation, for every existing irrigator to be entitled to surrender or transfer any such share, at any time after the proclamation takes effect, if the irrigator so chooses, and
 - (d) for every existing irrigator to be entitled to withdraw from any such contract in accordance with the terms of the contract, at any time after the proclamation takes effect, if the irrigator so chooses, and
 - (e) for the allocation by the irrigation corporation, on the date the proclamation designating it as a class 2 irrigation corporation takes effect, of water entitlements with respect to the total volume of water to which it is entitled under its irrigation corporation licence (not including any water that is lost or is likely to be lost in transmission).
- (2) For the purposes of this section, a person is an *existing irrigator* if the person has, immediately before the proclamation is to take effect, any water entitlements.
- (3) In this section, *water entitlement* means any entitlement to receive water:
- (a) provided by Coleambally Irrigation Limited, or
 - (b) made available by arrangement between Coleambally Irrigation Limited and the Ministerial Corporation,
- whether the entitlement arises under a provision of an Act or under a contractual or administrative arrangement, but does not include any entitlement of a type prescribed by the regulations.

[Minister's second reading speech made in—
Legislative Assembly on 24 November 1999 pm
Legislative Council on 25 November 1999]

BY AUTHORITY