

1991—No. 451

HAY IRRIGATION ACT 1902—REGULATION

(Hay Irrigation (Water Supply) Regulation 1991)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Hay Irrigation Act 1902, has been pleased to make the Regulation set forth hereunder.

ROBERT WEBSTER
Minister for Natural Resources.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Hay Irrigation (Water Supply) Regulation 1991.

Commencement

2. This Regulation commences on 1st September, 1991.

Definitions

3. In this Regulation:

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

“**owner**” includes a lessee or occupier;

“**the Act**” means the Hay Irrigation Act 1902.

PART 2—SUPPLY OF WATER**Applications for water**

4. (1) An owner of land requiring a supply of water is (if required to do so by the Ministerial Corporation) to apply in the manner and within the time specified by the Ministerial Corporation.

(2) An application may be made by a person on an owner's behalf if authorised by the owner in writing.

(3) The Ministerial Corporation may, subject to the Act, refuse or approve such an application.

Supply of water

5. (1) Water may be supplied to land by the Ministerial Corporation unconditionally or subject to conditions made known to the owner of the land.

(2) Water is to be supplied only during irrigation periods made known to the owner.

(3) An owner must comply with any conditions attaching to a supply of water.

Ministerial Corporation not liable for failure to supply

6. The Ministerial Corporation is not liable for any failure to supply water if the failure is due to an accident to the Corporation's pumps or supply works.

Payment for water

7. (1) An owner of land is to be notified, by means of a notice of assessment, of:

- (a) the water rates fixed by the Ministerial Corporation under section 27 of the Act for the current year; and
- (b) the amount payable by the owner for water supplied or for land irrigated during 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.

Interest on overdue payments

8. The Ministerial Corporation may charge interest on overdue payments at the rate of 18 per cent per year.

Land preparation

9. An owner 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: \$1,000.

Use of water

10. If the Ministerial Corporation requires an owner to apply for a supply of water, the owner must use the water supplied for the purpose, and on the land, specified in the application.

Sale of water prohibited

11. An owner must not, without the written authority of the Ministerial Corporation, sell or otherwise dispose of water supplied by the Corporation.

Penalty: \$1,000.

Alteration of rate of delivery

12. An owner 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.

Refusal to supply water

13. (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 injure the land; or
- (b) if the land contains soils considered by the Ministerial Corporation to be of inferior quality for irrigation; or
- (c) if the owner fails to comply with a provision of this Part or of any condition attaching to a supply of water.

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- (2) A refusal to supply or a discontinuation of supply:
- (a) does not relieve the owner from liability for payment for any water supplied; and
 - (b) does not prevent the Ministerial Corporation from proceeding against an owner for an offence against the Act or this Regulation.

Measurement of water

14. If a water meter of a type approved by the Ministerial Corporation is not installed to measure water supplied by it to any land, the Corporation may assess the volume of water supplied to the land in such manner as it may determine.

PART 3—REPEAL**Repeal**

15. The Hay Irrigation (Former By-laws) Regulations 1926 are repealed.

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PART 3—REPEAL

15. Repeal
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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake the Hay Irrigation (Former By-laws) Regulations 1926 which relate to the supply of water to land in the Hay irrigation area. The new Regulation deals with:

- the supply of water in the irrigation area and payment for water;
- conditions attaching to supplies of water;
- refusal of supplies of water in certain circumstances.

This Regulation is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.
