

1991—No. 469

## WENTWORTH IRRIGATION ACT 1890—REGULATION

(Wentworth Irrigation (Curlwaa Water Supply) Regulation 1991)

NEW SOUTH WALES



*[Published in Gazette No. 121 of 30 August 1991]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Wentworth Irrigation Act 1890, 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 Wentworth Irrigation (Curlwaa Water Supply) Regulation 1991.

#### Commencement

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

#### Definitions

3. In this Regulation:

“**air gap facility**” means a facility which allows for a break in a supply line and which conforms with the specification described in Plan No. 49/339 exhibited at the Dareton Office of the Ministerial Corporation or is otherwise satisfactory to the Ministerial Corporation;

**“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 Wentworth Irrigation Act 1890.

## **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)** The Ministerial Corporation may impose a time limit for the irrigation of any land.

**(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 of charges**

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

(a) the water charges fixed by the Ministerial Corporation under section 31 of the Act for the current year; and

(b) the amount payable by the owner for water supplied 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 charges**

8. The Ministerial Corporation may charge interest on overdue charges 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. (1) 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.

(2) An owner of land must comply with any Ministerial Corporation requirements regarding the time and manner of discharge of surface or sub-surface drainage water from the land into the Corporation's drainage works.

Maximum penalty (subclause (2)): \$1,000.

#### **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.

Maximum penalty: \$1,000.

#### **Air gap facilities**

12. (1) If required by the Ministerial Corporation an owner of land must install, at the owner's expense, an air gap facility to the satisfaction of the Ministerial Corporation.

(2) A person must not, without the written approval of the Ministerial Corporation, interfere with an air gap facility so as to render it ineffective.

Maximum penalty (subclause (2)): \$1,000.

### **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 has failed to make 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
- (d) if the owner fails to comply with a provision of this Part 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 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.

## **PART 3—REPEAL**

### **Repeal**

**14.** The Wentworth Irrigation (Former By-laws) Regulations 1926 are repealed.

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PART 3—REPEAL

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake the Wentworth Irrigation (Former By-laws) Regulations 1926 which relate to the supply of water to land in the Curlwaa 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.

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