

Water Management (Irrigation Corporations) Savings and Transitional Regulation 1995

As at 30 July 2002

Name History

Water Management (Irrigation Corporations) Regulation 1995 Irrigation Corporations (General) Regulation 1995

Note:

The *Water Management (Irrigation Corporations) Savings and Transitional Regulation 1995* (formerly *Water Management (Irrigation Corporations) Regulation 1995* and *Irrigation Corporations (General) Regulation 1995*) made under the *Irrigation Corporations Act 1994* is on and from 1.1.2001 taken to be a regulation under the *Water Management Act 2000 No 92*. See clause 37 of Schedule 9 to the *Water Management Act 2000*.

1 Name of Regulation

This Regulation may be cited as the *Water Management (Irrigation Corporations) Savings and Transitional Regulation 1995*.

2 Commencement

This Regulation commences on 17 February 1995.

3 Definitions

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 *Water Management Act 2000*.

4-5A (Repealed)

5B Definition of "work"

That part of Coleambally Outfall Drain (part of which is locally known as Eurolie Creek) shown hatched black on the plan registered as 38/1528 by the Department of Land and Water Conservation, a copy of which is held in the Parramatta office of the Department, is prescribed to be a work for the purposes of Division 3 of Part 4 of the *Irrigation Corporations Act 1994*, as continued in force by clause 11.

6 Fees for issue of irrigation corporation licences

(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,
 - (d) Coleambally Irrigation Corporation,
 - (e) Murrumbidgee Irrigation Corporation.
- (2) For the purposes of section 47 (2) of the *Irrigation Corporations Act 1994* , as continued in force by clause 11, 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.

7 Annual fees for irrigation corporation licences

- (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,
 - (d) Coleambally Irrigation Corporation,
 - (e) Murrumbidgee Irrigation Corporation.
- (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 *Irrigation Corporations Act 1994* , as continued in force by clause 11,
 - (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.

8 Water service charges

- (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.

9, 10 (Repealed)

11 Continuation of Division 3 of Part 4 of Irrigation Corporations Act 1994

- (1) Division 3 of Part 4 of the *Irrigation Corporations Act 1994* continues to have effect despite its repeal by Schedule 7 to the *Water Management Act 2000* .
- (2) (Repealed)

Historical notes

Table of amending instruments *Water Management (Irrigation Corporations) Savings and Transitional Regulation 1995* (formerly *Water Management (Irrigation Corporations) Regulation 1995* and *Irrigation Corporations (General) Regulation 1995*) published in Gazette No 16 of 17.2.1995, p 833 and amended in Gazettes of 28.6.1996 and No 72 of 1.7.1997, p 5216 and as follows: *Irrigation Corporations (General) Amendment Regulation 2000* (GG No 68 of 9.6.2000, p 4784) *Water Management (Repeals, Savings and Miscellaneous Amendments) Regulation 2000* (GG No 168 of 22.12.2000, p 13574) *Water Management (General) Regulation 2002* (GG No 67 of 28.3.2002, p 2022) *Water Management (Irrigation Corporations) Savings and Transitional Amendment (Extension of Time) Regulation 2002* (GG No 122 of 26.7.2002, p 5582)

Table of amendments

12.2000; 28.3.2002.

12.2000.

.12.2000.

5.1996. Rep 22.12.2000.

2000. Am 22.12.2000.

.1997; 22.12.2000.

0 .12.2000.

.6.1996. Ins 22.12.2000. Am 26.7.2002.