TASMANIA

IRRIGATION CLAUSES AMENDMENT BILL 2010

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IRRIGATION CLAUSES AMENDMENT BILL 2010

(Brought in by the Minister for Primary Industries and Water, the Honourable Bryan Alexander Green)

A BILL FOR
An Act to amend the Irrigation Clauses Act 1973

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the Irrigation Clauses Amendment Act 2010.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the Irrigation Clauses Act 1973* is referred to as the Principal Act.

*No. 39 of 1973
4. Section 23 amended (Right to a supply for irrigation)

Section 23 of the Principal Act is amended as follows:

(a) by omitting subsection (2) and substituting the following subsections:

(2) Under the system of irrigation rights, the undertakers may –

(a) grant to the occupiers of any land in the water district, and their successors, a right to be supplied in each irrigation season with a certain quantity of water for irrigation of the land; and

(b) grant to persons (other than occupiers of land in the water district), and their successors, a right to be supplied in each irrigation season with a certain quantity of water for distribution to land, within the water district, that is nominated under subsection (2C) from time to time by the persons or their successors.

(2A) An irrigation right may only be granted under subsection (2)(b)
by the undertakers for a water district if—

(a) the Minister has made a declaration under subsection (2B) in relation to the water district; and

(b) the irrigation right may, in accordance with the conditions, if any, specified in the declaration, be granted.

(2B) The Minister may, by notice to the undertakers for a water district, declare that the undertakers have, on the conditions, if any, specified in the notice, the right to grant irrigation rights to persons who are not occupiers of land in the water district.

(2C) A person to whom an irrigation right in respect of a water district is granted in accordance with subsection (2)(b), and the person’s successors, may from time to time, by notice to the undertakers, nominate the land, within the water district, to which the water is to be supplied by the undertakers in accordance with the right.
(b) by omitting from subsection (3A)(b) “and also provisions as to occupation by the holder of the whole or any part of the relevant land”.

5. **Section 31 amended (Connection to persons entitled to supply)**

Section 31 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

(1) Upon the request of –

(a) any occupier of land entitled under section 23 to a supply of water to the land; or

(b) a person entitled under section 23 to a supply of water to land, not occupied by the person, that is land nominated by the person in accordance with section 23(2C) –

the undertakers must make a communication channel, and do other works, necessary for such a supply.

6. **Section 48 amended (Payment under system of irrigation rights)**

Section 48 of the Principal Act is amended as follows:
(a) by omitting subparagraph (ii) from subsection (3)(b) and substituting the following subparagraph:

(ii) which is supplied, that season, to the person’s land or to land nominated by the person under section 23(2C) –

(b) by inserting in subsection (4)(c) “, in relation to land occupied by the person to whom the irrigation right is granted,” after “are”.

7. **Repeal of Act**

This Act is repealed on the ninetieth day from the day on which it commences.