



**IRRIGATION (CONVERSION TO PRIVATE IRRIGATION DISTRICT)
AMENDMENT ACT 1996**

No. 87 of 1996

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ELIZABETHAE II REGINAE

A.D. 1996

No. 87 of 1996

An Act to amend the Irrigation Act 1994.

[Assented to 12 December 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Irrigation (Conversion to Private Irrigation District) Amendment Act 1996*.

(2) The *Irrigation Act 1994* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 4—Interpretation

3. Section 4 of the principal Act is amended by inserting after "private irrigation district" in the definition of "trust" in subsection (1) "and includes a trust constituted under Part 4 in the transitional period before conversion of a government irrigation district to a private irrigation district".

Amendment of s. 10—Establishment of private irrigation district

4. Section 10 of the principal Act is amended by striking out "in the prescribed form" from paragraph (b)(i) of subsection (2) and substituting "(in a form approved by the Minister)".

Amendment of s. 13—Abolition of private irrigation district on landowners' application

5. Section 13 of the principal Act is amended—

(a) by striking out "the prescribed form" from subsection (2)(a) and substituting "a form approved by the Minister";

(b) by striking out "in the prescribed form" from paragraph (a) of subsection (3) and substituting "(in a form approved by the Minister)".

Amendment of s. 16—Application for merger

6. Section 16 of the principal Act is amended by striking out "the prescribed form" from paragraph (a) of subsection (2) and substituting "a form approved by the Minister".

Amendment of s. 21—Procedure at meeting of trust

7. Section 21 of the principal Act is amended by striking out subsection (2) and substituting the following sections:

(2) A quorum for a meeting of the trust is—

- (a) one-third of the voting members of the trust or 10 voting members whichever is the smaller number; or
- (b) such other number (not being less than two) as the trust determines.

(2a) When determining whether a quorum is present at a meeting both voting members who are present at the meeting and those who are represented at the meeting for the purposes of voting will be counted.

Amendment of s. 27—Application for conversion

8. Section 27 of the principal Act is amended by striking out "the prescribed form" from paragraph (b) of subsection (2) and substituting "a form approved by the Minister".

Amendment of s. 29—Conversion to private irrigation district

9. Section 29 of the principal Act is amended—

(a) by striking out subsections (2) and (3) and substituting the following subsections:

(2) The conversion takes place in two stages as follows:

- (a) a transitional period, in which the irrigation district remains a government irrigation district, will commence on publication of the notice and will conclude on conversion of the district to a private irrigation district; and
- (b) conversion of the district which will occur on the conversion date fixed by the notice or, if the notice so provides, by the Minister by public notice.

(3) On commencement of the transitional period the owners for the time being of the irrigated properties comprising the land specified in the notice constitute a trust in accordance with Part 3 Division 3 as if the land were already a private irrigation district.

(3a) On the conversion date—

- (a) the land specified in the notice is constituted as a private irrigation district; and
- (b) the water allocations of the irrigated properties comprising the district in force immediately before the conversion will continue until varied by the trust.;

(b) by inserting the following subsections after subsection (4):

(4a) Without limiting subsection (4), the notice may transfer land to the trust subject to a lease or licence (the terms of which are set out in the notice) to the Minister or any other instrumentality or agency of the Crown.

(4b) The trust and all subsequent owners of the land will hold it subject to the lease or licence.

(4c) The Minister must request the Registrar-General to note the lease or licence against the instrument of title for the land or, in the case of land that is not under the provisions of the *Real Property Act 1886*, against the land.

(4d) The remedy of specific performance is available for the enforcement of a lease or licence referred to in subsection (4a).;

(c) by inserting the following subsections after subsection (5):

(6) The Governor may, by proclamation, transfer from a trust constituted under subsection (3) to the Minister—

(a) the power to establish a board of management; and

(b) powers under section 43 relating to delegation of functions or powers of the trust to the board of management.

(7) A power referred to in subsection (6)—

(a) can be exercised by the Minister during the transitional period but not after the end of that period;

(b) cannot be exercised by the trust during that period.

(8) After the end of the transitional period the trust—

(a) may suspend or remove a person appointed by the Minister to the board of management as though the person had been appointed by the trust;

(b) may vary or revoke the delegation by the Minister of a function or power to the board of management.

Amendment of s. 46—Notice of resolution

10. Section 46 of the principal Act is amended—

(a) by striking out "The decision" and substituting "Subject to subsection (2), the decision";

(b) by inserting the following paragraph after paragraph (b):

(ba) to vary the quorum required at meetings of its members;;

- (c) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) During the transitional period preceding the conversion of a government irrigation district to a private irrigation district the period of notice required under subsection (1)(a) and (b) is reduced to seven days.

Amendment of schedule 3—Consequential amendment of other Acts

11. Schedule 3 of the principal Act is amended by inserting the following amendments to the *Rates and Land Tax Remission Act 1986* after the amendment to the *Local Government Act 1934*:

*Rates and Land Tax
Remission Act 1986*

Insert the following paragraph after paragraph (b) of the definition of "rates" in section 3:

- (ba) charges payable to an irrigation authority under Part 7 of the *Irrigation Act 1994*;

strike out schedule 1 and substitute the following schedule:

Schedule 1

Local Government Act 1934
Renmark Irrigation Trust Act 1936
Sewerage Act 1929
Waterworks Act 1932

strike out schedule 4 and substitute the following schedule:

Schedule 4

Crown Lands Act 1929 (Part 8)
Irrigation Act 1994
Local Government Act 1934
Renmark Irrigation Trust Act 1936.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor