

South Australia

Irrigation Regulations 1997

under the *Irrigation Act 1994*

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Legislative history

1—Short title

These regulations may be cited as the *Irrigation Regulations 1997*.

2—Commencement

These regulations come into operation on 1 July 1997.

3—Revocation

The regulations made on 29 June 1978 under the *Irrigation (Land Tenure) Act 1930* (see *Gazette 29.6.1978 p2266*) are revoked.

4—Interpretation

In these regulations unless the contrary intention appears—
the Act means the *Irrigation Act 1994*.

5—Notice of discontinuance or reduction of supply

- (1) Subject to this regulation an irrigation authority must give the occupier of an irrigated property reasonable notice of its intention to discontinue or reduce the supply of water to the property.
- (2) In an emergency notice need not be given if it is not reasonably practicable to do so.

- (3) This regulation is subject to the terms and conditions on which an authority supplies water.

6—Order of irrigation of properties

Irrigated properties will be supplied with water in the order determined by the irrigation authority.

7—Owner etc must report damage etc to meter

If the owner or occupier of an irrigated property knows or suspects that—

- (a) a meter installed to measure the quantity of water supplied by the irrigation authority to the property has been damaged or is not measuring the quantity of water supplied accurately; or
- (b) any part of the irrigation system provided by the authority has been damaged or is not functioning properly,

he or she must report the matter to the authority.

Maximum penalty: \$1 000.

8—Ownership of meter

The ownership of a meter installed to measure the quantity of water supplied by an irrigation authority to an irrigated property is vested in the authority whether it is supplied by the authority or the owner of the irrigated property or by any other person.

9—Testing meters

- (1) If a person liable to pay a charge for water supplied by an irrigation authority is dissatisfied with the accuracy of the meter that measured the quantity of water supplied, he or she may, on payment of the fee prescribed by the Schedule, request the authority to test the meter.
- (2) An authority may dispense with the requirement to pay the fee referred to in subregulation (1).
- (3) If, on examining or testing a meter (whether at the request of a person under subregulation (1) or not), the authority finds—
 - (a) that the quantity of water as measured by the meter was not more than five per cent more or less than the quantity of water actually supplied, the quantity of water measured by the meter will be the quantity in respect of which the charge is payable;
 - (b) that the quantity of water as measured by the meter was inaccurate by more than five per cent and the authority is able to determine the degree of inaccuracy, the authority may serve a further notice under section 62 of the Act (but only in respect of any charges that remain outstanding) based on the quantity of water supplied appropriately adjusted;
 - (c) that the quantity of water as measured by the meter was inaccurate by more than five per cent but the authority is unable to determine the degree of inaccuracy, the authority may serve a further notice under section 62 of the Act (but only in respect of charges that remain outstanding) based on the authority's assessment of the quantity of water supplied.

- (4) If the authority finds that the quantity of water as measured by the meter was inaccurate by more than five per cent, the authority must refund the fee referred to in subregulation (1).

10—Assessment of quantity of water supplied

- (1) An irrigation authority may make an assessment of the quantity of water supplied by it to an irrigated property in the following circumstances:
- (a) a meter has not been installed to measure the quantity of water supplied; or
 - (b) the meter that has been installed has not been approved for that purpose by the authority; or
 - (c) the meter has been removed or a pipe by-passing the meter has been installed; or
 - (d) in the circumstances referred to in regulation 9(3)(c).
- (2) An assessment under subregulation (1) by an irrigation authority of the quantity of water supplied to an irrigated property will, in the absence of proof to the contrary, be taken to be the quantity of water supplied unless it is proved that the assessment was not made in good faith.

11—Protection of channels and other works

- (1) A person must not permit cattle, sheep, horses or other stock to be in a channel or on an embankment or other works forming part of the irrigation system provided by the authority without the written approval of the authority.

Maximum penalty: \$1 000.

- (2) A person must not deposit any rubbish or other waste material in a channel or on an embankment or other works forming part of the irrigation system provided by the authority.

Maximum penalty: \$1 000.

12—Interest on charges

- (1) For the purposes of section 62(4) of the Act the rate of interest must not exceed the rate, or a rate equivalent to the rate, set out in subregulation (2).
- (2) For the purposes of fixing the maximum rate of interest, interest is payable—
- (a) at the expiration of one month after the date on which the charges became payable and is five per cent of the charges unpaid at that time; and
 - (b) at the expiration of each subsequent month and is one per cent of the charges and interest unpaid at the end of each month.

Schedule—Fees in government irrigation districts

Fees relating to irrigation and domestic supply

Meter reading (at request of owner or occupier)	\$14.20
Certificate of charges and interest on charges due to Minister	\$6.45

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Certificate of Ministerial orders or directions not complied with or of money (other than charges or interest on charges) due to Minister	\$5.15
Disconnection of irrigation or domestic supply	\$261
Fees relating only to irrigation supply	
Connection of supply (channels)	\$1 108
Connection of supply (mains)	
Size of meter	
50 mm	\$2 103
80 mm	\$4 507 or cost quoted by Minister whichever is the lesser
100 mm	\$5 017 or cost quoted by Minister whichever is the lesser
150 mm	\$6 268 or cost quoted by Minister whichever is the lesser
200 mm	\$9 418 or cost quoted by Minister whichever is the lesser
250 mm	\$10 612 or cost quoted by Minister whichever is the lesser
Fee to test meter	\$179
Fee on late application to alter water supply timetable	\$20
Fee on application for approval of transfer of water allocation	\$300
Fees relating only to domestic supply	
Connection of supply	
Size of meter	
25 mm pipe	\$1 108
32 mm pipe	\$1 384
40 mm pipe	\$1 539
50 mm pipe	\$2 103
Connection of supply from channel (unmetered)	\$1 108
Fee to test meter	\$80.90
Fee to relocate meter	\$432
Fee to restore a water supply	\$35.40

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

These regulations became obsolete on the repeal of the *Irrigation Act 1994* on 23.4.2009.

Principal regulations

Year	No	Reference	Commencement
1997	61	<i>Gazette 13.5.1997 p1828</i>	1.7.1997: r 2