South Australia

IRRIGATION (TRANSFER OF SURPLUS WATER) AMENDMENT ACT 1997

No. 64 of 1997

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ELIZABETHAE II REGINAE

A.D. 1997

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No. 64 of 1997

An Act to amend the Irrigation Act 1994.

[*Assented to 7 August 1997*]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Irrigation (Transfer of Surplus Water) Amendment Act 1997*.

(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.

Insertion of s. 46A

3. The following section is inserted in Part 5 Division 4 after section 46 of the principal Act:

Transfer of surplus water allocation

46A. (1) The following provisions apply to, and in relation to, the transfer of the whole or a part of a trust's surplus water allocation (whether absolutely or for a limited period) to another person pursuant to the *Water Resources Act 1997*:

(a) the trust's decision to transfer must be made by resolution of which 21 days notice has been given;

(b) if the trust has excess water the transfer will be taken to be in respect of the excess water and will only be in respect of unused water when all the excess water has been transferred;

(c) the proceeds of the transfer, after deducting the costs relating to the transfer, must be divided between the owners of the irrigated properties in the trust's district—

(i) where the proceeds are for the transfer of excess water—in proportion to the water allocations of those properties;

(ii) where the proceeds are for the transfer of unused water—in proportion to the unused part (if any) of the water allocations of those properties.

(2) In this section—

"**excess water**" means water that a trust is entitled to under its water allocation under the *Water Resources Act 1997* that exceeds the aggregate of the water allocations of the irrigated properties comprising its district;

"**surplus water**" means excess water or unused water;

"**surplus water allocation**" means the part of a trust's water allocation that represents its surplus water;

"**unused water**" means the quantity of water by which the water that a trust expects to supply in the future to its irrigated properties falls short of the aggregate of the water allocations of those properties.

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

E. J. NEAL Governor