

1992—No. 170

## IRRIGATION ACT 1912—REGULATION

(Irrigation (Hay and Wentworth Land Sales) Regulation 1992)

NEW SOUTH WALES



*[Published in Gazette No. 42 of 3 April 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Irrigation Act 1912, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY  
Minister for Natural Resources.

### PART 1—PRELIMINARY

#### Citation

1. This Regulation may be cited as the Irrigation (Hay and Wentworth Land Sales) Regulation 1992.

#### Definitions

2. (1) In this Regulation:

“**approved**” means approved for the time being by the Ministerial Corporation;

“**Hay Lands Office**” means the lands office for the land district of Hay;

“**irrigation area**” means:

- (a) the lands and hereditaments (known as the “Hay Irrigation Area”) described in the Second Schedule to the Hay Irrigation Act 1902; or
- (b) the lands and hereditaments (known as the “Curlwaa Irrigation Area”) described in the Schedule to the Wentworth Irrigation Act 1890;

“**Ministerial Corporation**” means the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986;

“**the Act**” means the Irrigation Act 1912.

(2) In this Regulation, a reference to a numbered form is a reference to a numbered form set out in Schedule 1.

## **PART 2—SALES OF LAND**

### **Division 1—Sale of land not demised or assigned (sec. 11B)**

#### **Advertisement of land for sale**

3. (1) The Ministerial Corporation may, by advertisement in a local newspaper circulating in the area in which the land is situated, notify from time to time what land within an irrigation area (being land not demised or assigned by it) is available for sale.

(2) The advertisement must specify the date on and from which applications for purchase will be accepted, that date to be not less than 14 days after the date of the advertisement.

(3) The purchase price, survey costs and other amounts payable, together with the terms and conditions applicable to the sale of the land, are to be as determined by the Ministerial Corporation and set out in a document available for inspection at the Hay Lands Office.

(4) The Ministerial Corporation may withdraw land from sale without notice.

#### **Applications to purchase**

4. (1) An application to purchase land must be in the approved form and be lodged at the Hay Lands Office.

(2) Conflicting applications lodged between Monday and Friday in any week are taken to have been lodged simultaneously on the Monday or, if the Monday is a public holiday, on the next day that is not a public holiday.

(3) Applications which are not conflicting are taken to have been lodged on the date on which they were actually received.

#### **Withdrawal of applications**

5. (1) An application may be withdrawn by the applicant, by request in writing lodged at the Hay Lands Office, at any time before the application is determined.

(2) The applicant under a withdrawn application is entitled to a refund of the deposit lodged in connection with the application.

### **Determination of applications**

6. (1) If conflicting applications are lodged, the successful applicant is to be determined by ballot.

(2) The determination of an application is at the discretion of the Ministerial Corporation.

(3) The Ministerial Corporation must cause written notice of its determination to be given to the applicant.

(4) The applicant under an unsuccessful application is entitled to a refund of the deposit lodged in connection with the application.

### **Division 2—Sale of land held under lease (sec. 11C)**

#### **Notification by lessee of intention to purchase**

7. (1) For the purposes of section 11C (1) of the Act, notification of intention to purchase an irrigated lot must be in Form 1 and be lodged at the Hay Lands Office. The notification is taken to be an application to purchase.

(2) The notification must be accompanied by a deposit of the amount prescribed for the time being under clause 23 of the Crown Lands (Continued Tenures) Regulation 1990.

#### **Notification by lessee of intention not to proceed with purchase**

8. (1) For the purposes of section 11C (3) (f) of the Act, notification of intention not to proceed with the purchase of an irrigated lot must be in Form 2 and be lodged at the Hay Lands Office at any time before the application is determined.

(2) The applicant under a withdrawn application is entitled to a refund of the deposit lodged in connection with the notification.

#### **Notification of granting of lessee's application**

9. The Ministerial Corporation must cause written notice of its determination to grant an application by a lessee to be given to the lessee.

**PART 3—MISCELLANEOUS**

**Contract to be executed**

**10. (1)** If, within 3 months of the granting of an application (or within such longer period as the Corporation may allow), the applicant does not execute a contract of sale in the approved form, the Ministerial Corporation may by notice in writing to the purchaser withdraw the grant of the application.

**(2)** On withdrawal of the grant of an application the Ministerial Corporation may deduct the cost of dealing with the application from the deposit lodged.

**Interest on purchase money: sec. 11C**

**11.** For the purposes of section 11C (3) (d) of the Act, the prescribed rate of interest is 4 per cent per year.

**SCHEDULE 1—FORMS**

(Cl. 3)

**Form 1**

(Cl. 8)

IRRIGATION ACT 1912

NOTIFICATION OF INTENTION TO PURCHASE LAND WITHIN THE HAY OR CURLWAA IRRIGATION AREAS

To the Water Administration  
Ministerial Corporation  
c/o Hay Lands office

I, \* ..... being the lessee of irrigated lot ..... within the Hay/Curlwaa # irrigation area, give notice under section 11C of the Irrigation Act 1912 of my intention to purchase the lot.

(Signature) .....  
(Address) .....  
(Date) .....

I,\* ..... the holder of a mortgage over the lease of the lot, consent to the purchase.

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(Signature) .....  
(Address) .....  
(Date) .....

\* (Insert full name)  
# (Strike out inapplicable area name) \_\_\_\_\_

Form 2

(Cl. 8)

IRRIGATION ACT 1912

NOTIFICATION OF INTENTION NOT TO PROCEED WITH PURCHASE OF  
LAND WITHIN THE HAY OR CURLWAA IRRIGATION AREAS

To the Water Administration  
Ministerial Corporation  
c/o Hay Lands Office

I, \* ....., give notice under section  
11C of the Irrigation Act 1912 that I do not intend to proceed with the purchase of  
irrigated .....  
within the Hay/Curlwaa # irrigation area.

(Signature) .....  
(Address) .....  
(Date) .....

\* (Insert full name)  
# (Strike out inapplicable area name) \_\_\_\_\_

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SCHEDULE 1—FORMS

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**EXPLANATORY NOTE**

The object of this Regulation is to remake the Regulations relating to the disposal of lands made under the Irrigation Act 1912 and published in Gazette No. 111 of 21 August 1925. The Regulations related to land in the Hay and Curlwaa (Wentworth) irrigation areas.

The new Regulation deals with:

- the advertising of vacant land for sale and the lodging and determination of applications to purchase land;
- the notification by lessees of irrigated lots of intention to purchase land held under lease;
- the execution of contracts of sale;
- the prescription of the rate of interest on payments of the balance of purchase money.

This Regulation is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.

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