

LEGISLATIVE COUNCIL

Read 1^o 7 May 1985

(Brought from the Legislative Assembly)

A BILL

for

**An Act to make provision for advances of water rights
or advances of rights to divert water and for other
purposes.**

BE IT ENACTED by the Queen's Most Excellent Majesty by
and with the advice and consent of the Legislative Council and
the Legislative Assembly of Victoria in this present Parliament
assembled and by the authority of the same as follows (that is to
say):

Short title.

1. This Act may be cited as the *Water (Advances) Act* 1985.

Commencement.

2. This Act shall be deemed to have come into operation on 1 April 1985.

Interpretations and Construction.

3. (1) In this Act unless inconsistent with the context or subject-matter—

“**Current year**” means the year beginning on 1 July 1984 and finishing on 30 June 1985.

“**Licence**” means a licence granted under section 204 of the *Water Act* 1958.

“Next year” means the year beginning on 1 July 1985 and finishing on 30 June 1986.

“Specified irrigation area” means any one of the irrigation areas constituted under the *Water Act* 1958 and known as Shepparton, Rodney, Tongala, Rochester, Pyramid Hill and Boort. 5

(2) This Act shall be read and construed as one with the *Water Act* 1958.

Application for advances of water rights.

4. (1) The owner or occupier of any land in a specified irrigation area who is entitled to water rights in respect of that land may in the current year apply to the Rural Water Commission to receive an advance of part of the volume of water that person would in normal circumstances receive as water rights for the next year. 10

(2) Where a person making an application under sub-section (1) is an occupier of land that person shall attach to the application a document signed by the owner giving the consent of the owner to the application. 15

(3) An application under this section shall be in writing addressed to the Rural Water Commission. 20

Advance of water rights.

5. (1) The Rural Water Commission may upon receiving an application under section 4 make an advance of part of the volume of water the applicant would in normal circumstances receive as water rights for the next year. 25

(2) The total volume of water supplied to any land as advances made under sub-section (1) shall not exceed ten per centum of the total volume of water supplied to that land as water rights in the current year.

(3) The total volume of water supplied by way of advances made under sub-section (1) shall be deducted from the volume of water available to be supplied as the water right apportioned to the land in the next year before the first delivery of water right in that year. 30

Payments.

6. (1) Water supplied to land as an advance under section 5 (1) in the current year shall not be taken into account in calculating under section 67 of the *Water Act* 1958 the irrigation charge in respect of that land in the next year and the person to whom the water is supplied shall be liable to make a payment for that water in the current year calculated on the basis of the charge made for the supply of water in the current year in the irrigation area in which the land is situated. 35 40

(2) Any payment required to be made under sub-section (1) shall be made on the terms and conditions determined by the Rural Water Commission.

- 5 (3) The provisions of the *Water Act* 1958 applicable to irrigation charges shall apply to payment under sub-section (1) as if it were an irrigation charge.

Rates certificate.

- 10 7. Where water has been supplied in advance under section 5 (1) information as to the volume of water so supplied, the amount liable to be paid for that water and any amount already paid for it shall be included in any certificate issued under section 361 of the *Water Act* 1958 in respect of the land to which the water has been supplied.

Sub divisions.

- 15 8. Where water has been supplied in advance under section 5 (1) and the owner of the land to which the water has been supplied subdivides that land before the whole volume of the water supplied in advance has under section 5 (3) been deducted from the water rights apportioned to that land the volume of water which is required to be deducted shall be deducted from the water rights apportioned to each
20 separate holding created by the subdivision in proportion to the water right which has been apportioned to that holding.

Application for advance of right to divert water.

- 25 9. (1) The holder of a licence who is licensed to divert water from the Goulburn and Loddon River systems in the current year may apply to the Rural Water Commission to divert in advance part of the volume of water that person would in normal circumstances be entitled to divert in the next year.

(2) An application under this section shall be in writing addressed to the Rural Water Commission.

30 **Advance of right to divert water.**

10. (1) The Rural Water Commission may upon receiving an application under section 9 make an advance of part of the volume of water the applicant would in normal circumstances be entitled to divert in the next year.

- 35 (2) The total volume of water diverted as an advance under sub-section (1) shall not exceed ten per centum of the total volume of water available to the licence holder to be diverted in the current year.

- 40 (3) The total volume of water diverted to any land as an advance under sub-section (1) shall be deducted from the total volume of water the licence holder becomes entitled to divert in the next year.

Expiry of licences.

11. (1) Where a licence holder applies to divert water in advance under section 9 and that person's licence is due to expire at any time before the expiration of the next year, the application shall be deemed to be an application for extension of the licence until the expiration of the next year. 5

(2) Where the Rural Water Commission grants an application to which sub-section (1) applies the licence shall be deemed to be extended until the expiration of the next year on the same terms and conditions as those which applied at the time of making the application. 10

Cessation of operation of Act.

12. This Act, unless sooner repealed, shall cease to be in force on 30 June 1986.

