

No. , 1912.

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## A BILL

To provide for the construction of works of water conservation, water distribution, irrigation, sewerage and drainage at Gol Gol and Lake Benanee; to authorise the appropriation and acquiring of land, and its disposal under the Western Lands Act of 1901, and any Act amending it; for the control, management, and administration of such works and land by the Western Land Board; to amend certain Acts; and for purposes consequent thereon or incidental thereto.

[MR. BEEBY;— , *October, 1912.*]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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### PART I.

#### PRELIMINARY.

**1.** This Act may be cited as the "Gol Gol and Benanee Short title.  
Irrigation Act, 1912."

34359

181—(3)

**2.**

Division of Act.

**2.** This Act is divided into Parts as follows :—PART I.—PRELIMINARY—*ss.*PART II.—ACQUISITION OF LAND AND CONSTRUCTION OF WORKS—*ss.*PART III.—DUTIES AND POWERS OF BOARD—*ss.*

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PART IV.—MISCELLANEOUS AND SUPPLEMENTAL—*ss.*

Interpretation.

**3.** In this Act, unless the context otherwise requires,—

“Area” means irrigation or water distribution area.

“District” means district for water conservation, water distribution, or irrigation proclaimed under this Act. 10

“Improvements” includes all works, buildings, machinery, roads, bridges, plantations, and other improvements constructed, effected, or acquired by or under the authority of the Board.

“Irrigation area” means irrigation area constituted under this Act. 15

“Occupier” means person in actual possession.

“Prescribed” means prescribed by regulations under this Act.

“The board” means the Western Land Board, as constituted by the Western Lands Act of 1901. 20

“Water distribution area” means water distribution area constituted under this Act.

“Water right” means right to such a quantity of water twelve inches deep as would cover an area of one acre, where the water is supplied for purposes of irrigation; but where it is supplied for any other purpose, means right to such a quantity of water as may be from time to time fixed by the board. 25

Certain Acts not to apply within irrigation areas. Proclamation of districts.

**4.** None of the provisions of the Country Towns Water and Sewerage Acts, 1880–1905, shall apply within an irrigation area. 30**5.** The Governor may—

- (a) proclaim districts for water conservation, water distribution and irrigation, at Gol Gol and Lake Benanee, in the Western Division of New South Wales;
- (b) from time to time, by proclamation, amend or cancel the proclamation of any such district. 35

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PART II.

ACQUISITION OF LAND AND CONSTRUCTION OF WORKS.

6. For the purposes of this Act the Governor may from time to time under the Public Works Act, 1900, and the Acts amending it, purchase or resume any land or appropriate any Crown land included within a district :

Provided that any compensation payable for the resumption of Crown lands held under lease shall be based upon their value for grazing purposes only unless such lease, being a special lease, is expressed to be issued for some other purpose :

Provided also, that compensation for purchase or resumption shall not in any case include any added value given to any land by the operation of this Act or by the construction after the commencement of this Act of railways or any public works.

15 Compensation shall be payable from the date the holder is deprived of the use of any lands held by him.

Any such purchase, resumption, or appropriation of land shall be deemed to be made for an authorised work.

7. Lands appropriated, purchased, or resumed under this Act shall be Crown lands within the meaning of the Western Lands Act of 1901, and may be leased by the board under that Act or any Act amending it. It may be a condition of any such lease that it may be forfeited for failure to pay any charges imposed by or under this Act.

8. The Governor may, under the Public Works Act, 1900, or any Act amending it, construct in a district works for water conservation, water distribution, irrigation, sewerage, and drainage, or any other works, including the erection of machinery, and the construction of roads and bridges and other improvements.

Section twenty-eight of the Public Works Act, 1900, shall not apply to such works.

9. (1) Before any such work is begun, the Western Land Board shall report to the Minister—

- (a) describing the proposed work and the land proposed to be appropriated, purchased, or resumed, and the purposes to which such work and land may be put ;
- (b) describing any district proposed to be constituted ;
- (c) stating the proposed capital expenditure in respect of such work and lands ;
- (d) stating its estimate of the annual income, expenditure and appropriations of the board with respect to any district proposed to be constituted.

(2) On the receipt of such report a proposal for the construction of the work may be submitted to both Houses of Parliament for their approval. Upon such approval being given to any work, it shall be deemed to be an authorised work.

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Gazettal of cost of works.

**10.** (1) The Governor shall from time to time publish in the Gazette a description of the works and improvements constructed, effected, or acquired for the purposes of this Act, and the cost of the same, and shall vest such works and improvements in the board, and interest on such cost shall thereupon commence to run.

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### PART III.

#### POWERS AND DUTIES OF BOARD.

##### *Districts.*

Constitution of districts.

**11.** The Minister may by notification in the Gazette, constitute districts and define their boundaries and thereupon the board shall administer such districts and all works thereon under this Act.

##### *Officers and servants.*

Officers and servants.

**12.** Officers and servants to carry out the provisions of this Act may be appointed by the board.

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##### *Charges.*

Fixing of charges.

**13.** (1) The board shall maintain and repair all works vested in it, and shall so fix the charges for water supply sewerage and drainage under this Act that the revenue to be received therefrom when the works from time to time completed are fully utilized will as nearly as possible be equal to the amount required to provide for—

- (a) the expense of maintaining the works, including salaries and office expenses;
- (b) the expense incurred in the distribution of water, and the disposal of drainage and sewerage;
- (c) interest at four per centum per annum on the cost of such works, less such portion of the cost of any works as in the opinion of the board is not properly chargeable in respect of the areas supplied with water;
- (d) a sinking fund to repay the amount of the cost on which interest is to be provided as aforesaid in thirty years or any lesser period fixed by the Board.

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(2) Charges in relation to improvements shall be fixed by the Board.

##### *Constitution of areas.*

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Notification of areas.

**14.** (1) The board may, by notice in the Gazette, constitute any land within a district to be an irrigation or water distribution area; such notice shall also be published in some newspaper circulating in or in the neighbourhood of the area.

(2)

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(2) The notice shall—

Particulars to be contained.

- (a) specify the boundaries of the area ;
- (b) assign a name to the area ;
- 5 (c) specify the number and size of each block to which water rights are to be assigned ;
- (d) state the number of water rights available for the area ;
- (e) state the number of such water rights which are a fixed charge on each block ;
- (f) fix the charge for each such water right ;
- 10 (g) contain such provisions not inconsistent with this Act as, according to the facts and circumstances of each case, the board thinks fit.

(3) Any such notice may be amended or revoked by the board by notice in the Gazette. Amendment of proclamation.

15 *Supply and distribution of water.*

**15.** (1) The board shall each year allot to the occupier of any land within an area the number of water rights, which, in pursuance of the notice constituting the area, or any notice amending the same, are a fixed charge on such land. Allotment of water rights which are a fixed charge.

20 (2) The board shall, at the times and in the quantities fixed by it, supply water in pursuance of the water rights so allotted—

- (a) to the boundary of any land held by any one person bona fide in his own interest ; and
- 25 (b) to such points as may be agreed upon.

(3) The charge in respect of such water rights shall be fixed in such notice by the board, and shall commence to be payable from the date of notification by the board to the occupier that water is available, and shall be paid by the occupier whether the water is or is not taken by him, unless he proves that the water was not available. Payment for such water rights.

30 The board in its discretion, may, in respect of any land during the first five years after the first supply to it of water, collect less than the amount so payable, but so that such amount shall be not less than one-half for the first year, increasing uniformly so that the whole amount payable is levied after the fifth year.

**16.** (1) After providing for the water rights which are fixed charge, the board, on application by the occupiers of any lands within the area, may, by agreement with such occupiers, allot to them additional water rights (if available) for a period not exceeding twelve months in proportion to the number of water rights which are a fixed charge on their lands. Additional water rights.

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All water supplied in pursuance of such allotment shall be charged for at the same rate as that charged for the water rights which are a fixed charge.

Surplus water

(2) Any surplus water after the allotment of water rights as aforesaid may be disposed of by the board to any person for any purpose. 5

Supply of water under pressure.

**17.** The board may supply water through pipes under pressure, and make the prescribed charge for such supply.

*Payment of charges.*

Payment of charges.

**18.** Every charge made under this Act shall be paid to the board by the occupier of the land as and when prescribed, and shall, when so prescribed, be paid in advance. 10

The amount collected in respect of any such charge, and any interest thereon, and all other revenues of the board under this Act, shall be carried to the Consolidated Revenue Fund. 15

Charges, how recoverable.

**19.** (1) The amount due for any charge made and levied under this Act by the board for any water rights in respect of or for the supply of water to any land shall be a charge upon the land and shall bind the occupier of the same.

Power to remit charges.

(2) The board may, in such cases as it thinks just, remit the payment of any charges or any portion of them. 20

Interest on overdue charges.

**20.** All charges becoming due under this Act for any water right in respect of or for the supply of water to any land shall bear interest at the rate of four per centum per annum from the due date until payment is made. Such interest shall be a charge on the land and may be recovered in the same manner as the charge. 25

*Inspection of accounts and works.*

Accounts.

**21.** The board shall submit to the Minister once every year, and at such other times as the Minister may direct, an audited statement of the accounts of each area. The Minister may make an inspection of the records and accounts of the board under this Act, and if in his opinion such audited statement is defective or unsatisfactory, may appoint an auditor to prepare a proper statement of accounts. 30

Power of Minister to enter and inspect.

**22.** The Minister, by himself or his officers, and the board, its officers and servants, may at any time enter any part of a district or of an area and make any inspection or survey. 35

If the Minister is of opinion that any works of the board are not kept in repair and efficient working order, he may cause such repairs as he may think necessary to be made, and for the purpose of effecting such repairs he shall have the powers of the board. 40

*Saving.*

*Saving.*

**23.** Nothing in this Act shall be deemed to render it obligatory on the board to supply water to any area or person if by reason of drought, accident, or other cause, the board is of opinion that it is impracticable to do so. Board not bound to supply water.

PART IV.

MISCELLANEOUS AND SUPPLEMENTAL.

*Penalties.*

- 24.** If any person—
- 10 (a) obstructs the Minister or his officers or the board or its officers or servants acting under this Act or the regulations made thereunder; or Penalties.
  - (b) interferes with any works vested in the board; or
  - 15 (c) destroys, injures, or obliterates any mark or level fixed by the Minister or his officers or the board or its officers or servants; or
  - (d) uses water from the works of the board otherwise than in the manner and at the times prescribed; or
  - (e) obstructs the flow of or pollutes any water under the control of the board; or
  - 20 (f) commits any breach of the provisions of this Act,
- he shall be liable to a penalty not exceeding *twenty* pounds, and in the case of a continuing offence to a penalty not exceeding *five* pounds per day whilst the offence continues, and shall also be liable to be sued by   
25 the board or by any person for compensation on account of loss or damage caused by his offence.

*Regulations.*

- 25.** The board may make regulations,— General regulations.
- 30 for the prevention of the pollution of water in any district;
  - for the prevention of injury to any works vested in the board;
  - prescribing quantities and times of supply of water in pursuance of water-rights;
  - prescribing the procedure in and in connection with the disposal of additional water rights;
  - 35 fixing the charges for the supply of water and for sewerage and drainage, and the conditions on which such services will be rendered;
  - prescribing the method of measuring water-rights and quantities of water;
  - 40 prescribing the forms of agreement for the sale of water or power; for

for the supply of water to any person or to any land, and for cutting off such supply ;  
 for the prevention of nuisances or of the waste of water or power ;  
 fixing charges for the use of improvements effected by or under the authority of the board ; 5  
 regulating the supply of water from and the use of the works of a district or area ;  
 prescribing the duties of persons as to the maintenance, clearing, cleansing, and repairing of such works ;  
 the collection of charges and the charging them on lands in respect of which they are payable ; 10  
 the keeping of the accounts of areas ;  
 regulating the payment by the board of interest due to the Crown ;  
 for preventing stock from straying on roads and public places in an area ; 15  
 for the prevention of diseases in trees, vines, plants, fruit, seed, stock, or poultry in an area, and the exclusion from an area of any trees, vines, plants, fruit, fruit-cases, and packages, seed, stock, or poultry which in the opinion of the board would be likely to spread disease ; 20  
 for the regulation and control of the officers and servants of the board ;  
 generally for carrying out the provisions of this Act.

Regulations may impose penalties.

**26.** Any regulations made under this Act may impose any penalty, not exceeding *twenty* pounds for each breach of the same, or, where the breach is a continuing one, not exceeding *five* pounds, for every day during which such breach continues. 25

Regulations to be laid before Parliament.

**27.** All regulations made under this Act upon being approved by the Governor shall be published in the Gazette, and shall thereupon have the force of law. A copy of such regulations shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is then in session, and if not then within fourteen days after the commencement of the next session. 30

Production of Gazette to be evidence of validity of regulations.

**28.** The production of a copy of the Gazette containing any regulation purporting to have been made under this Act shall be evidence, until the contrary is proved, of the due making of such regulation, and that all preliminary steps have been duly taken necessary to give full force and effect to the same. 35

#### *Recovery of penalties and charges.*

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Recovery of penalties.

**29.** Penalties imposed by this Act or by any regulations made thereunder may be recovered in any court of petty sessions.

Recovery of charges.  
No. 93, 1902, s. 36.

**30.** All charges imposed by or under this Act, or the regulations made thereunder, may be recovered by the board as a debt in any court of competent jurisdiction. 45