

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1931.

A BILL

To make further provision for the reappraisal of rentals and determination of purchase moneys of certain lands within irrigation areas; to validate certain reductions of indebtedness in respect of certain lands within such areas; to declare that certain regulations made under the Irrigation Act, 1912-1926, were duly made, and that action taken in pursuance of such regulations was duly taken; to amend the Irrigation Act, 1912-1926, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith.

Irrigation (Amendment).

BE 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:—

1. (1) This Act may be cited as the "Irrigation (Amendment) Act, 1931."

(2) The Irrigation Act, 1912-1926, as amended by this Act, may be cited as the Irrigation Act, 1912-1931.

2. The Irrigation Act, 1912-1926, is amended as follows:—

Section six:

By omitting all words following the word "Gazette" where secondly occurring and inserting in lieu thereof—

Provided that—

- (i) any such lands until they are so set apart; and
- (ii) lands which are so set apart and which are not thereafter disposed of; and
- (iii) lands which upon forfeiture and surrender under the provisions of the Crown Lands Consolidation Act, 1913, or any Act amending the same, become revested in the Crown,

may be used or leased by the Commission.

3. The Irrigation Act, 1912-1926, is further amended as follows:—

Section 19A:

- (i) By adding at the end of paragraph (a) of subsection one "and may remit either wholly or in part the payment by an occupier of any other moneys owing by him to the Crown or to the Commission."
- (ii) By adding at the end of paragraph (b) of subsection one "and may exempt an occupier from payment either wholly or in part of any other moneys to become due and payable by him to the Crown or to the Commission."
- (iii) By inserting after "water" where secondly occurring in paragraph (c) of subsection one "or payment of other indebtedness."

(iv)

Irrigation (Amendment).

(iv) By inserting after "remit" in paragraph (c) of subsection one the words "the said indebtedness or."

(v) by adding at the end of subsection one the following paragraph :—

An occupier who is indebted to the Commissioners of the Government Savings Bank of New South Wales may apply to the Commission to make in his favour a recommendation to the Minister such as the Commission may under this section make to him in respect of indebtedness by an occupier to the Crown and to the Commission, and upon such a recommendation being so made, the Minister may, if satisfied that the circumstances so warrant, approve of a payment being made by the Commission to the said Commissioners in reduction of the indebtedness of the occupier to them out of such funds as may be provided for the purpose by Parliament, and thereupon the Commission may make such payment.

(vi) By adding new subsection three as follows :—

(3) The remission of or exemption from indebtedness other than in respect of rent or charge for water or interest on rent or charge for water as referred to in paragraphs (a), (b), or (c) of subsection one of this section shall not except as hereinafter provided be granted to any occupier—

(i) unless and until any appeal by him to the Land and Valuation Court under the provisions of section 19E of this Act has been disposed of by the court; or

(ii) who has not exercised his right of appeal to the court under the said provisions unless and until such right is exercised by him and the appeal disposed of by the court:

Provided that an occupier may withdraw his appeal or may agree in writing with the Commission that the said provisions shall not apply

Irrigation (Amendment).

A

apply to his holding and upon such withdrawal or agreement the said provisions shall be deemed not to apply and in such event reduction in indebtedness as hereinbefore provided in this section may be granted to the occupier.

4. The Irrigation Act, 1912-1926, is further amended as follows:—

Section 19G :

By inserting after " area " the words " constituted under this Act or under the Wentworth Irrigation Act or the Hay Irrigation Act, 1902. "

5. The Irrigation Act, 1912-1926, is further amended as follows:—

Section 11A :

By omitting " and 11c " and inserting in lieu thereof " 11c and 11D. "

Section 11c :

By inserting new section 11D:—

11D. (1) The lessee of any holding subsisting at the commencement of the Irrigation (Amendment) Act, 1931, may apply to the Commission in the prescribed manner not later than the thirty-first day of December, one thousand nine hundred and thirty-two, to have the annual rental of the holding determined.

(2) The annual rental shall be such sum as may be agreed upon by the Commission and the lessee. Failing such agreement within the time allowed by the Commission which shall be notified by it to the lessee, and shall not be less than two months, the application shall be referred by the Commission to the board constituted as hereinafter provided for determination of the annual rental.

For the said purpose the Governor may constitute a board which may include one officer of the Commission, and for such purpose such board shall have the like powers and duties of

Irrigation (Amendment).

a local land board constituted under the provisions of the Crown Lands Consolidation Act, 1913. The fact that a duly appointed member of the said board is an officer of the Commission shall not be deemed to render such officer in any way interested or liable to penalty under the provisions of section eleven of that Act. The members of the board shall be appointed by the Governor, and shall not exceed three in number. They shall hold their respective offices during the pleasure of the Crown, and with the exception of any officer of the Commission appointed as a member shall be paid such fee for each sitting as may be prescribed. The Governor may appoint a person to fill any vacancy on the board, whether caused by death, resignation, or otherwise.

(3) Any determination by the board shall be subject to appeal to the Land and Valuation Court as and when prescribed.

(4) The Commission may accept the determination of the board or refer it to the Land and Valuation Court with a statement of its reasons for so doing.

Any such reference shall be made within one month after receipt of determination against which an appeal is not made, or if an appeal is made against the determination then within one month after receipt of notice of the appeal by the Commission.

(5) The determination of the Land and Valuation Court on any appeal or reference shall be final and conclusive.

(6) Where the annual rental of a holding is to be determined the board or the Land and Valuation Court on appeal or reference to it as in this section provided shall first fix the fair market value of the land as at the date of the application for determination irrespective of any improvements thereon, and the annual rental shall be one-twentieth of

Irrigation (Amendment).

6.

of such market value: Provided that where it is made to appear to the board or the Land and Valuation Court, as the case may be, that the value of the land has become reduced by any acts, defaults, or neglects of the lessee thereof such fair market value shall be fixed as if such reduction in value had not taken place.

(7) This section shall not apply to any water rate paid by way of additional rent.

(8) Where the annual rental of any holding is agreed upon by the Commission and the applicant, or determined by the said board or by the Land and Valuation Court on appeal or reference, the annual rental so agreed upon or determined shall be the annual rental for the unexpired period of the lease and shall take effect from the date of the application for determination.

(9) Where the annual rental of a holding has been determined under the provisions of this section no further application thereunder shall be entertained.

6. The Irrigation Act, 1912-1926, is further amended as follows:—

Section 23B:

After "remissions" insert "exemptions."

7. The Irrigation Act, 1912-1926, is further amended as follows:—

Section twenty-eight:

By omitting—

"The Governor may from time to time make regulations altering, modifying, amending, or suspending the provisions of the Local Government Act, 1919, for the purpose of its application to any municipalities or shires or portions of municipalities or shires which may be within an irrigation area."

8.

Irrigation (Amendment).

8. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended as follows :—
Section 143A :—

(a) By omitting subsection three and inserting new subsections three, four, five, six, seven, eight, and nine as follows :—

(3) The occupier of any holding—

(a) subsisting at the date of the commencement of the Irrigation (Amendment) Act, 1931 ;

(b) granted subsequent to the said date in pursuance of the classification and determinations by the Commission under section 19D of the Irrigation Act, 1912-1926,

may apply in the prescribed manner not later than the thirty-first day of December, one thousand nine hundred and thirty-two, to have the annual rental of the holding determined.

(4) The annual rental shall be such a sum as may be agreed upon by the Commission and the lessee. Failing such agreement within the time allowed by the Commission, which shall be notified by it to the lessee and shall not be less than two months, the application shall be referred by the Commission to the Special Land Board for determination of the annual rental.

(5) Any such determination shall be subject to the Land and Valuation Court as and when prescribed.

(6) The Commission may accept the determination of the Special Land Board or refer it to the Land and Valuation Court with a statement of its reasons for so doing.

Any such reference shall be made within one month after receipt of determination against which an appeal is not made, or if an appeal is made against the determination then within one month after receipt of notice of the appeal by the Commission.

(7)

(7) The determination of the Land and Valuation Court on any appeal or reference shall be final and conclusive.

(8) Where the annual rental of a holding is to be determined, the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall first fix the fair market value of the land as at the date of the application for determination, irrespective of any improvements thereon, and the annual rental shall be one-twentieth of such market value: Provided that where it is made to appear to the Special Land Board or the Land and Valuation Court, as the case may be, that the value of the land has become reduced by any acts, defaults, or neglects of the lessee thereof such fair market value shall be fixed as if such reduction in value had not taken place.

(9) Where the annual rental of any holding is agreed upon by the Commission and the applicant or determined by the Special Land Board or by the Land and Valuation Court on appeal or reference, the annual rental so agreed upon or determined shall be the annual rental for the unexpired portion of the current period of the lease, and shall take effect from the date of the application for determination.

(10) Where the annual rental of a holding has been determined under the provisions of this section no further application thereunder shall be entertained.

(b) By inserting new section 143B as follows:—

143B. (1) The occupier of any purchase subsisting at the commencement of the Irrigation (Amendment) Act, 1931, may apply in the prescribed manner not later than the thirty-first day of December, one thousand nine hundred and thirty-two, to have the purchase money thereof determined.

(2)

Irrigation (Amendment).

9

(2) The purchase money shall be such sum as may be agreed upon by the Commission and the occupier. Failing such agreement within the time allowed by the Commission, which shall be notified by it to the occupier and shall not be less than two months, the application shall be referred by the Commission to the Special Land Board for determination of the purchase money.

(3) Any such determination shall be subject to appeal to the Land and Valuation Court as and when prescribed.

(4) The Commission may accept the determination of the Special Land Board or refer it to the Land and Valuation Court with a statement of its reasons for so doing.

Any such reference shall be made within one month after receipt of determination against which an appeal is not made, or if an appeal is made against the determination then within one month after receipt of notice of the appeal by the Commission.

(5) The determination of the Land and Valuation Court on any appeal or reference shall be final and conclusive.

(6) In determining the purchase money the board or court shall have regard to the following provisions:—

- (i) The purchase money shall be the fair market value of the land at the date of application for determination irrespective of any improvements thereon; and
- (ii) where it is made to appear to the Special Land Board or the Land and Valuation Court, as the case may be, that the value of the land has become reduced by any acts, defaults, or neglects of the occupier thereof, the purchase money shall be determined as if such reduction in value had not taken place.

(7)

(7) (a) Interest in respect of the purchase money existing prior to the date of the application under this section and accruing to such date shall be paid by the occupier within one month after the date the purchase money is determined in accordance with this section.

(b) Interest at the prescribed rate on the purchase money determined under the provisions of this section for the period commencing from the date of the application for determination and terminating on the thirtieth day of June or the thirty-first day of December next following the date of the application shall be paid on such thirtieth day of June or thirty-first day of December, as the case may be.

(8) The Commission shall apply to the credit of the purchase money as determined under this section any moneys paid by the occupier in respect of the purchase money fixed prior to his application for its determination under this section, provided that the Commission shall not credit any interest paid in connection with such purchase money.

(9) The purchase money determined following upon an application for determination under the provisions of this section shall less any credit to be allowed in accordance with the provisions of the next preceding subsection eight, and this section be paid by equal half-yearly consecutive instalments, including principal and interest at the prescribed rate, extending over the balance of the period fixed for payment of the purchase money in respect of the holding prior to such application, and the first of such instalments shall be paid on the thirtieth day of June or the thirty-first day of December next following the date on which the interest referred to in paragraph (b) of subsection seven of this section is payable.

(10)

Irrigation (Amendment).

(10) Where the purchase money of a holding has been determined under the provisions of this section no further application thereunder shall be entertained.

9. (1) There is hereby validated all action by the Commission—

- (i) in classifying the holdings of certain occupiers indebted to the Commissioners of the Government Savings Bank of New South Wales and making payments to the said Commissioners in reduction of the indebtedness of the said occupiers to the said Commissioners and otherwise acting as if the provisions of sections 19D, 19E, 19F, and 19I of the Irrigation Act, 1912-1926 had applied to the said occupiers ;
- (ii) in respect of the several parcels of land described in Schedule A to this Act, which although of an area not in excess of ten acres as prescribed by section 19I of the Irrigation Act, 1912-1926, were dealt with as if the provisions of sections 19D and 19F of that Act applied to the said parcels ;
- (iii) in respect of the parcels of lands described in Schedule B to this Act, which although the applications by the occupiers of such lands thereof were not lodged within the period of six months prescribed in section 19D of the Irrigation Act, 1912-1926, were dealt with by the Commission as if the said applications were lodged within the said prescribed time ;
- (iv) in pursuance of the regulations numbered one to four, both inclusive' made under and by virtue of the provisions of the Irrigation Act, 1912-1926, and published in the Government Gazette, number fifty-six of the seventh day of May, one thousand nine hundred and twenty-six.

(2) It is hereby declared that the regulations referred to in the next preceding subsection one of this section have been duly made and shall be deemed to have and to have had full force and effect.

SCHEDULES.

Irrigation (Amendment).

SCHEDULES.

SCHEDULE A.

Parcel.	Portion No.	Parish.	County.	Irrigation Area.
1				
2				
3				

SCHEDULE B.

Parcel.	Portion No.	Parish.	County.	Irrigation Area.
1				
2				
3				