

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

A BILL

To amend the Irrigation Act, 1912, the Irrigation (Amendment) Act, 1916, and Irrigation (Amendment) Act, 1918, the Wentworth Irrigation Act, the Hay Irrigation Act, 1902, the Water Act, 1912, and the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes consequent thereon or incidental thereto.

Irrigation and Water (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:—

Preliminary.

- Short title.** **1.** This Act may be cited as the "Irrigation and Water (Amendment) Act, 1921."
- 2.** In this Act the expression "the Principal Act" means the Irrigation Act, 1912, as amended by the Crown Lands and Irrigation (Amendment) Act, 1914, the Irrigation (Amendment) Act, 1916, and Irrigation (Amendment) Act, 1918.

Amendment of the Principal Act.

**Amendments
of Principal
Act.**

- 3.** The Principal Act is amended as follows:—
- (i) Section three: By inserting in their appropriate alphabetical order the following definitions:—
- "Murray Basin" means the catchment area of the Murray River and its tributaries.
- "Murrumbidgee irrigation areas" where used in this Act or in any proclamation, notification, or regulation thereunder means the irrigation areas which have been constituted under the Murrumbidgee Irrigation Act, 1910, the Irrigation Act, 1912, and under the latter Act as amended by subsequent Acts, and any irrigation area which may be constituted of lands adjacent to or adjoining such areas.
- "Murrumbidgee irrigation scheme" includes the irrigation areas which have been constituted under the Murrumbidgee Irrigation Act, 1910, the Irrigation Act, 1912, or the last mentioned Act as amended by later Acts, and any irrigation area which may be constituted of lands adjoining or adjacent to such irrigation areas, and all works, services, and operations in connection with the said areas and any said area.

"Private

“Private irrigation scheme” means any scheme under which lands occupied or intended to be occupied by two or more persons are supplied or are proposed to be supplied with water from a river or lake as defined by section five of the Water Act, 1912, for purposes of irrigation. For the purposes of this definition two or more persons holding land in the same interest shall be deemed to be one person.

(ii) Section four :—

By omitting subsections one, two, and three, and substituting the following subsections :—

(1) There shall be a Water Conservation and Irrigation Commission constituted as follows :—The Governor shall appoint three Commissioners, who shall constitute the Commission. One of such Commissioners shall be appointed by the Governor as President. On the occurrence of any vacancy however arising in the office of Commissioner the Governor shall appoint a person to fill that office.

(2) Each Commissioner shall, subject to this Act, hold his office during ability and good behaviour, but his appointment may be terminated at any time by the Governor giving to him twelve months notice. The President shall be paid for his services a salary at the rate of _____ pounds per annum, and each of the other Commissioners at the rate of _____ pounds per annum, and such salaries are hereby charged upon the Consolidated Revenue Fund, and such fund, to the extent required for the payment of such salaries, is hereby permanently appropriated.

(3) Any Commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided.

provided. The Minister shall cause to be laid before both Houses of Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament is then in session, and if Parliament is not then in session, within seven days after the commencement of the next session or sitting. The Commissioner so suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it, declares by resolution that the Commissioner ought to be removed from office, and if each House of Parliament within the said time so declares, the Commissioner shall be removed by the Governor accordingly.

By adding new subsection eight as follows:—

(8) In any Act and in any regulations or by-laws and in any instrument, references to the Commissioner for Water Conservation and Irrigation or to the Water Conservation and Irrigation Commission shall be read as references to the Commission constituted under this section.

Any action or proceeding and any cause of action or proceeding pending or existing at the commencement of the Irrigation and Water (Amendment) Act, 1921, by or against the Water Conservation and Irrigation Commission, may be continued by or against the Commission.

(iii) Section 4E: By inserting after the section new section 4F as follows:—

4F. The Commission as constituted prior to the commencement of the Irrigation and Water (Amendment) Act, 1921, shall continue in office pending the constitution of a Commission under the terms of this Act as amended by the said Act, and shall have and be empowered to exercise all the powers and functions exercisable by the Commission under this Act as so amended. (iv)

(iv) Section five:—

Subsection one: By inserting after the word "appoint" the words "a secretary to the Commission and" and by omitting the words "The Commission may suspend any officer so appointed and shall thereupon refer the matter to the Minister."

By adding at the end of the section the following new subsections four, five, six, seven, and eight:—

(4) Officers, servants, and workmen appointed under subsections one and two shall be subject to the sole control and governance of the Commission.

(5) The Commission may, with the approval of the Governor, make regulations—

(a) for the control, supervision, and guidance of all officers, servants, and workmen mentioned in the preceding subsection, and for the control and management of all property vested in or belonging to the Commission;

(b) for the imposition of fines, not exceeding *fifty* pounds, and penalties, including reduction to a lower grade, salary, or wage, forfeiture of salary during any period, deprivation of leave of absence, enforcement of resignation, and dismissal, for any breach of any such regulations.

(6) On proof to its satisfaction of a breach of any such regulations, the Commission may impose the prescribed fine or penalty, provided that no officer appointed under subsection one shall be reduced to a lower salary, be forced to resign, or be dismissed except with the approval of the Governor.

(7) Every officer who has had fifteen years service shall be entitled to three months leave on full pay, or six months on half pay, and on the completion of twenty years service shall
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be entitled to a further three months leave on full pay or six months on half pay. After completion of further service after twenty years and up to a total service of forty years in all, he shall be entitled to a further proportionate amount of leave on full pay or half pay calculated on the basis of six months or twelve months respectively for twenty years service: Provided that nothing in this subsection shall affect any other provisions of this section, and for the purposes of this section service shall include service as an officer under the provisions of the Public Service Act, 1902, and the Acts amending same.

(8) Where an officer has acquired a right under this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, his widow, or in the case of a widower leaving children, his children, or their guardian, or other dependent relative, or their legal representative, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary the officer received at the time of his death. Such payment shall be in addition to any payment due under the provision of the Superannuation Act.

(v) Section six:—

By omitting the words “and vary the boundaries of any area so constituted.”

By adding at the end of the section the following paragraphs:—

Any proclamation made under this section or heretofore made under the Murrumbidgee Irrigation Act, 1910, may be corrected, amended, modified, or revoked, whether as to the whole or any part thereof, by the Governor, by proclamation in the Gazette, and this provision shall be deemed to have been in force from the date of the commencement of the Irrigation (Amendment) Act, 1918. (vi)

(vi) Section seven: By omitting the following words and figures at the end of the section: "granted after the passing of the Irrigation (Amendment) Act, 1918," and substituting the words "and may in like manner and at any time alter the number of water rights which are a fixed charge on any farm."

(vii) Section 7A: By inserting after the section new section 7B as follows:—

7B. (1) The Governor, on the recommendation of the Commission and with the approval of the Minister, may, under the Public Works Act, 1912, and with such moneys as may be made available by Parliament for the purpose, from time to time purchase or resume any land or appropriate any Crown land, for any purposes in connection with irrigation settlement, and such purchase, resumption, or appropriation shall be deemed to be made for an authorised work under the said Act.

(2) In determining the value of the land for the purpose of any such purchase, resumption, or appropriation, there shall be excluded any added value which may accrue, or have accrued, to the land from the construction of any works of water conservation, water supply, or irrigation, or for the control of flood-waters, or for the prevention of floods, or of drainage by the State.

(3) Particulars of any lands purchased, resumed, or appropriated under this section shall be laid before both Houses of Parliament as soon as practicable after the purchase, resumption, or appropriation, if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the next meeting of Parliament.

(4) The Minister of the Crown for the time being administering the Acts relating to irrigation shall be the Constructing Authority under the said Act for the purposes of this section.

(viii)

(viii) Section eight, subsection one: By omitting paragraph (d), and substituting the following:—

(d) have exclusively, so far as relates to the prevention of floods or the control of flood waters in the Murray Basin, or to water supply, water conservation, irrigation, and artesian wells, the powers of the Minister under Part III of the Water Act, 1912; and shall exclusively be the Constructing Authority for the purpose of constructing any works for the prevention of floods or the control of flood waters in the Murray Basin, or works of water supply, water conservation or irrigation, or any artesian wells under that Act.

(ix) Section 8A: By omitting the section and substituting the following section:—

8A. The Commission may for the more convenient and better administration of its affairs delegate to respective Commissioners or to any two of them any of its powers or functions either absolutely or with modifications. Such delegation shall be by formal written documents defining the powers and functions delegated, and the period during which the delegation is to have effect. Any such delegation may be altered or revoked by the Commission in like manner.

(x) Section nine: By inserting at the end of paragraph (e) the following words:—“and notwithstanding anything contained in any Act to the contrary, may in the carrying on of any such trade, business, factory, service or industry, grant a share in the profits thereof or bonuses to occupiers supplying to the Commission dairy, farm, or agricultural produce, or live stock in connection therewith. The Commission may sell, transfer, or otherwise dispose of to any person such improvements, trade, business, factory, service, industry, works, or buildings on such terms and conditions as the Commission may deem proper.” (xi)

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- (xi) Section 9A : By inserting after the section new section 9B as follows :—
- 9B. The Commission may prohibit the introduction or consignment into any irrigation area and enforce the removal therefrom of any trees, vines, plants, grass, fruit, fruit cases, packages, seeds, bees, live stock, poultry, pigeons, and any animals, and the meat or flesh of any animal.
- (xii) Section ten : By inserting after the section new section 10A as follows :—
- 10A. The Commission, on application by the council of any municipality or shire in the vicinity of an irrigation area, or of any person occupying lands adjoining or adjacent to the boundaries of an irrigation area, may supply for the use of such council or person electricity generated by works of the Commission on such terms and conditions as the Commission may deem proper.
- (xiii) Section eleven : By adding at the end of the section the following new paragraph (e) :—
- (e) The said Acts shall be read as if they did not require the Commission to obtain any approval or sanction of the Minister where the said trusts were required to obtain same ; and this provision shall be deemed to have been in force from
- the first day of January, one thousand nine hundred and thirteen.
- (xiv) Section twelve : By omitting subsections two, three, and four and substituting the following subsections two and three :—
- (2) The charge in respect of such water rights at the price fixed shall commence to be payable from the date of notification by the Commission to the occupier of the granting of his land to him : Provided that the date from which any such charge became payable prior to the passing of the Irrigation and Water (Amendment) Act, 1921, shall remain unaltered.
- (3)

(3) The substituted section shall be deemed to have been in force from the first day of January, one thousand nine hundred and thirteen.

- (xv) Section thirteen : By omitting the proviso to subsection four.
- (xvi) Section fifteen: By omitting the words "of five per centum per annum" and substituting the word "prescribed."
- (xvii) Section eighteen: By inserting after the section new section 18A as follows:—

18A. The sum chargeable as interest on the capital cost of the Murrumbidgee Irrigation Scheme shall be calculated on the capital cost as has been from time to time or shall be hereafter fixed and determined, less a sum or sums or percentage of such capital cost as may from time to time be fixed and determined by the Governor.

Notwithstanding anything in the Special Deposits (Industrial Undertakings) Act, 1912, contained—

- (a) no interest shall be chargeable against the Murrumbidgee Irrigation Scheme in respect of any overdraft accumulated prior to the thirtieth day of June, one thousand nine hundred and twenty-two, or upon losses accumulated prior to that date;
- (b) the provisions of that Act with respect to sinking fund shall not apply to the said scheme;
- (c) any profit that may be made in connection with the Murrumbidgee Irrigation Scheme on the reduced capital basis after paying interest on such reduced capital shall be divided equally between the Consolidated Revenue Fund and the occupiers as at the thirtieth day of June in the year when such profit is made. Such division amongst the occupiers

occupiers shall be on a pro rata basis according to the amount paid in rents and water rates for the year to the Crown.

“Capital cost” in this section shall mean the capital cost as fixed by the capital cost committee constituted under the Special Deposits (Industrial Undertakings) Act, 1912, or any Act amending the same, but shall not include accumulated losses prior to the thirtieth day of June, one thousand nine hundred and twenty-two, or accumulated overdraft prior to that date.

(xviii) Section nineteen :—

Subsection one: By omitting the word “four” and substituting the word “five” in subsection one.

By adding at the end of the subsection the following new paragraph (f) :—

(f) In the case of an occupier of lands set apart for disposal under section three of the Returned Soldiers' Settlement Act, 1916, fix a period not exceeding twenty years in lieu of the maximum period of sixteen years mentioned in paragraphs (c) and (d) of this subsection.

(xix) Section 19A: By inserting the words “refund or” before the word “remit” and by inserting at the end of the section the following words :—
“All refunds of any such payments made before the passing of the Irrigation and Water (Amendment) Act, 1921, are hereby validated.”

(xx) Section twenty: By omitting section twenty and substituting the following section :—

20. (1) Any land—

- (a) occupied by works vested in the Commission; or
- (b) within an irrigation area; or
- (c) covered by water which is used or intended to be used for the purposes of this Act; or
- (d) used for the purposes of the railway from Gcondah to Barren Jack; or
- (e)

- (e) purchased, resumed, or appropriated under the Murrumbidgee Irrigation Area Resumption Act, 1910, or the Murrumbidgee Irrigation Act, 1910, or this Act,

shall be exempted from all rates under the Local Government Act, 1919, or any Act amending the same, and the provisions of the said Acts shall not, except as hereinafter provided, apply within an irrigation area :

Provided that the Governor may, on the recommendation of the Minister for the time being administering the Acts relating to irrigation, by proclamation in the Gazette, constitute as a shire all or any portion of the land comprised in one or more of such irrigation areas, and may from time to time upon a similar recommendation alter, amend, or extend the boundaries of such shire, and thereupon the Local Government Act, 1919, and the Acts amending it, and any ordinances thereunder shall to the extent and on the terms and conditions mentioned in the proclamation apply to the shire. The proclamation may vary or amend the provisions of the said Acts and ordinances in their application to the shire :

Provided also that the provisions of this section shall cease to apply to any lands purchased, resumed, or appropriated under the Murrumbidgee Irrigation Area Resumption Act, 1910, or the Murrumbidgee Irrigation Act, 1910, the Public Works Act, 1912, or this Act and thereafter alienated :

Provided further that where any land under the control of the Commission is not within the boundaries of an irrigation area and is in occupation by any party except the Crown or the Commission for any definite purpose and the Commission derives a benefit from such occupation,

occupation, such land shall, whilst such occupation continues, be ratable under the Local Government Act, 1919, or any Act amending the same. Any rates so imposed shall be collected from the occupier.

The Minister shall administer any such shires as may be constituted under this Act.

(2) The Commission may construct roads and works of domestic water supply, sewerage, drainage, and lighting for any such shire, and the Governor may, on the recommendation of the Commission, transfer them or any such works already constructed by the Commission, subject to such terms and conditions as he deems fit, to the shire council, which shall manage, maintain, and repair them. Each such transfer shall be notified in the Gazette.

The Governor may on a like recommendation and similarly transfer to the shire council any sanitary or municipal services conducted by the Commission or any municipal plant held by it.

On any such transfer of roads or works of water supply, sewerage, drainage, or lighting, or municipal services or plant, the shire council shall, in relation to the shire, but subject to the provisions of this Act, have, in connection with the management of such roads or works, or services or plant, such of the powers and perform such of the duties conferred and imposed on the council of a shire under the Local Government Act, 1919, and any Act amending it in relation to its shire as notified in the Gazette under subsection two hereof.

(3) The fee simple of the land on which roads are situate shall remain with the Crown at all times, and no alteration of the levels or alignments of any roads shall be made by the shire council except with the approval of the Commission.

(4) A shire council shall not construct in its shire, except with the approval of the Commission,

Commission, any new roads or works of water supply, sewerage, drainage, and lighting, or other engineering works, not being works of maintenance or repair.

(5) Where any land is taken out of an irrigation area and not included in another irrigation area, the Governor, on the recommendation of the Minister for the time being administering the Acts relating to local government matters, may declare such land to be part of any adjoining shire or municipality, and thereupon such land shall form part of such shire or municipality.

(6) Any proclamation or notification under this section may at any time and from time to time be corrected, amended, enlarged, modified, or otherwise varied, or revoked, whether as to the whole or any part thereof, by proclamation or notification, as the case requires, in the Gazette.

(7) On the revocation or variation of any notification of transfer of roads, works, services, or plant to a shire council, such roads, works, services, or plant shall revert to the Commission or be otherwise dealt with as provided in the notification or revocation or variation.

(8) The Commission may by notification in the Gazette make and levy a general rate and special rates on any land within an irrigation area or any portion thereof not constituted a shire or part of a shire under the provisions of this Act. The general rate shall be made and lodged for the purpose of meeting the cost of local Government services generally, and the special rates for street lighting, sewerage, and other similar particular services.

The Commission may from time to time by notice in the Gazette define the lands on which such rates are levied. The amount due for any such rates shall be a charge upon the land upon which it is levied, and may be recovered from and shall bind the occupier of the land for the time being. The

The Commission may in its discretion exempt any lands either wholly or partially from rates imposed by it.

(xxi) Section 23A: By inserting after the section new sections 23B and 23C as follows:—

(23B. Except in the case of wilful misconduct on the part of the Commission, its officers or servants, no person shall have any claim or any title to relief on any ground of defence against the Crown or Commission by reason of any of the following matters arising in connection with the control and management of an irrigation area as defined in this Act or of the irrigation areas known as the Curlwaa Irrigation Area and the Hay Irrigation Area respectively, that is to say:—

- (1) Seepage from supply channels and drains causing damage to adjoining or other lands.
- (2) Lack of capacity of the surface drainage system to carry the flow of water occurring at times of both normal or abnormal rainfall resulting in flooding and/or seepage.
- (3) Damage due to overflow of water caused by interruption of normal conditions during construction, alteration, or repair or works.
- (4) Lack of means for drainage natural depressions.
- (5) Flooding by breaking of supply channels or from adjoining farms.
- (6) Flooding due to insufficiency or breakage of levee banks.

Nor shall any person plead or seek to avail himself of any such matters in any action, suit, or other proceeding whatsoever, either directly or indirectly, by way of action, cross action, set off, or otherwise whatsoever.

23C. (1) Notwithstanding anything contained in the Water Act, 1912, or in any amendment

amendment of that Act, no private irrigation scheme shall be commenced or carried on, or if commenced at the date of the passing of the Irrigation and Water (Amendment) Act, 1921, be carried on after that date except under an authority as hereinafter provided.

(2) The Commission may, on application therefor, and in the manner prescribed, and on payment of the prescribed fee, grant the occupier of any land with frontage to a river or lake an authority for a private irrigation scheme for such period and on such terms and conditions as the Commission may consider fit. The Commission may, if in its opinion the circumstances so justify, refuse any application.

(3) The holder of the authority shall, during the period thereof, pay to the Commission such charges for water as may be prescribed.

(4) An authority shall operate and enure for the benefit of the occupier for the time being of the site or sites of the works by which the water is obtained from the river or lake; such occupier shall be bound by the terms and conditions of the authority, and upon breach of any of such terms and conditions or failure in payment of the prescribed charges for water, the authority shall lapse. In the event of the site or sites of the works being occupied by two or more persons they shall be jointly and severally bound by the authority and liable to payment of the said charges.

(5) On application by the holder of the authority and on payment of the prescribed fee and charges for water the authority may, subject to this Act, be renewed by the Commission from time to time, subject to such limitations or conditions as the Commission may think fit to make.

(6) Nothing hereinbefore contained shall prevent the Commission from supplying
water

water to the occupiers of any of the lands within a private irrigation scheme by means of works under the Commission's control.

(7) For the purposes of this section the Commission, or any person authorised by it, may enter on any land and take levels and make surveys and marks, and fix pegs and stakes, and inspect any works.

(8) Any person who removes, injures, or interferes with any marks made, or pegs or stakes fixed as aforesaid, shall be liable to a penalty not exceeding *fifty* pounds or to imprisonment for a term not exceeding *three* months.

(9) Any person who obstructs or hinders any person while performing any duty which he is authorised by this section or by any regulation made in relation thereto to perform, shall be liable to a penalty not exceeding *fifty* pounds or to imprisonment for a term not exceeding *three* months.

(10) Any person who contravenes the provisions of this section, or contravenes or fails to carry out any condition of an authority or renewal thereof, shall be liable to a penalty not exceeding *fifty* pounds, and a further penalty of *five* pounds for each day during which the contravention continues after such conviction; and, in addition to the imposition of the said penalty, the authority may, by notice in the Gazette, be cancelled.

(xxii) Section twenty-five: By substituting "Water Act, 1912," for "Water Rights Act, 1902."

(xxiii) Section twenty-six:—

By omitting "(r) for the regulation and control of the Commission's officers and servants";

By adding at the end of the section new paragraphs (dd), (ee) as follows:—

(dd) for the regulation and control of hoardings and bills, placards and advertisements in any irrigation area; for the

licensing of hoardings and prescribing fees for the licenses; and for the prevention of the erection of unsafe or unsightly hoardings, or hoardings which may be considered by the Commission to be unsatisfactory;

- (ee) prescribing the forms of application and authority for private irrigation schemes, form of renewal of authority, and terms, conditions, and charges relating to authorities for such schemes and renewals thereof, and for carrying out the provisions of section 23B of this Act.

(xxiv) Section twenty-nine: By inserting after the section new section 29A as follows:—

29A. (1) Where any regulation made under this Act is amended by—

- (a) the repeal or omission of certain words, figures, or symbols; or
- (b) the substitution of certain words, figures, or symbols in lieu of any repealed or omitted words, figures, or symbols; or
- (c) the insertion of certain words, figures, or symbols,

the regulation as so amended may be printed by the Government Printer in the form certified as correct by the Attorney-General.

(2) The provisions of the Amendments Incorporation Act, 1906, shall, *mutatis mutandis*, apply to any regulation so amended.

4. The Wentworth Irrigation Act is amended as follows:—

Section twenty-two: By inserting after the section new section 22A, as follows:—

22A. The maximum area which may be leased or held at any one time as an irrigated holding or holdings, either by an individual lessee or by lessees in common or joint lessees, or husband and wife, except where the husband and wife are living apart under a decree for judicial separation, shall be thirty acres. This provision

provision shall not be construed as requiring the reduction of any area held at the date of the passing of the Irrigation and Water (Amendment) Act, 1921, in excess of thirty acres.

5. The Hay Irrigation Act, 1902, is amended as follows:—

- (i) Section seventeen: By inserting after the words “joint lessees” the words “or husband and wife except where the husband and wife are living apart under a decree for judicial separation.
- (ii) Section twenty-seven: By adding to subsection four the following words:—“Such payment shall be made by the lessee whether the water is or is not taken by him, unless he proves that the water was not available.”

Amendment of Water Act, 1912.

6. The Water Act, 1912, as amended by subsequent Acts, is further amended as follows:—

- (i) Section four: By inserting in its appropriate alphabetical order the following definition:—
“The Commission” means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by the Irrigation and Water (Amendment) Act, 1921.”
 - (ii) Section five:—
By adding at the end of the section the words
“and includes any excavation or well which affects the flow in such river or the quantity of water in any such lake.”
By inserting after the section new section 5A as follows:—
5A. When any provisions in this Part contained conflict with the provisions of section 23B of the Irrigation Act, 1912, as inserted by the Irrigation and Water (Amendment) Act, 1921, the latter provisions shall prevail.
- (iii)

- (iii) Section seven : By omitting section seven and substituting the following section :—

7. The occupier of land on the bank of a river or lake shall have the right to use the water then being in the river or lake for stock watering (but not by means of a work) and for domestic purposes, and for watering a garden not exceeding five acres in extent used solely in connection with a dwelling-house, and it shall not be necessary for the occupier to apply for or obtain a license for any work not forming an obstruction to the flow of water in a river, and used solely in respect of that right to use the water for domestic purposes and for watering a garden as aforesaid.

- (iv) Section ten :—

By omitting the word “ person ” and substituting the word “ Commission.”

By omitting all the words after the word “ take ” and substituting the words “ and use (for the purposes to be mentioned in the application) the water obtained thereby, and if the work is not for purposes of irrigation, to dispose of such water either for his own use or for the use of occupiers of lands in the neighbourhood.”

By adding at the end of the section the following words :—

“ The application shall be accompanied by the prescribed deposit as security for the costs of the investigation and inquiry into the application, and in the event of the applicant withdrawing or abandoning the application, or failing to attend or be represented at the statutory inquiry into the application, such deposit or any part thereof may in the discretion of the Commission be forfeited. The deposit may be applied by the Commission in payment or part payment of the license fee and charge for water payable by the applicant.”

(v)

(v) Section eleven :—

By omitting the word “Minister” wherever occurring and substituting the word “Commission.”

By adding at the end of subsection one the following paragraph :—

“Provided that the Commission, if in its opinion special circumstances so warrant, may notify the holding of such inquiry at a place other than within such land district.”

(vi) Section twelve :—

By omitting the word “Minister” wherever occurring and substituting the word “Commission.”

By inserting after the word “report” where first occurring the words “or a summary thereof.”

(vii) Section fourteen :—

By omitting the word “Minister” wherever occurring and substituting the word “Commission.”

By inserting after the section new section 14A as follows :—

14A. The Commission may on application by the occupier of the site of a work to which this Part extends, and for which a license has previously been granted but has lapsed for a period of not more than twelve months, grant him a fresh license for a period of not more than ten years, and subject to such limitations and conditions as the Commission may think fit, on payment by such occupier of the prescribed fee and charge for water. No public inquiry need be held as to the desirability of granting an application under this section, but in other respects the provisions of this Part, inclusive of those relating to the renewal of licenses, shall apply to applications made and licenses granted under the section.

(viii) Section fifteen : By omitting section fifteen and substituting the following section :—

15. A separate application for a license may be required in respect of each work, except in such

such cases where, in the opinion of the Commission, two or more works form a combined work; and the determination as to what work may be included in each license shall rest with the Commission.

(ix) Section seventeen:—

By inserting after the word “entitled” the words “subject to the terms of the license.”

By omitting the words “use and dispose of” and substituting the words “and use.”

By inserting after the section the following new sections 17A, 17B, and 17C:—

17A. If at any time it is proved to the satisfaction of the Commission that—

- (a) a licensee has failed to comply with the terms of his license; or
- (b) that the water taken under the license is being wasted; or
- (c) by reason of an actual or threatened shortage of water or through any other cause, the license should be revoked or suspended or modified,

the Commission may give the licensee notice by registered letter addressed to the licensee at his address last known to the Commission that after the expiration of a period specified in the notice it is the intention of the Commission to revoke such license, or to suspend the license, or to reduce the quantity of water authorised by the license to be taken thereunder, or otherwise to modify such license.

At the expiration of the period mentioned in the notice, the license shall be revoked, suspended, or modified as stated in the notice.

17B. Every person who is guilty of—

- (a) constructing, erecting, or using without a license, a work to which this Part extends and for which a license should be obtained; or

(b)

- (b) using such a work when the license therefor is suspended, or revoked, or has expired; or
- (c) failing to remove such a work (if unlicensed) from lands occupied by him in accordance with the direction of the Commission,

shall, upon conviction, be liable for the first offence to a penalty not exceeding *twenty* pounds, and for a subsequent offence to a penalty not exceeding *one hundred* pounds, or where the offence is a continuing one, to a penalty not exceeding *five* pounds for every day during which the offence is continued.

17c. The Commission may by any of its officers or servants enter upon any land and—

- (a) remove any dam, weir, or other artificial work forming an unlawful obstruction to the flow of water in a river or any unlawful levee for the prevention of the overflow of the water of a river or lake;
- (b) dismantle a pump, block the offtake of a race, or by such other means as may be necessary stop any unlawful diversion of water from a river or lake.

The Commission may recover in any court of competent jurisdiction the costs and expense incurred by it in carrying out such removal or stopping such diversion from the occupier or occupiers of the lands wherefrom the work is removed or whereon the stoppage of the diversion is effected.

- (x) Section eighteen : By omitting the word “ hereinafter ” and substituting the word “ hercinbefore.”
- (xi) Division four : By the repeal of Division 4.
- (xii) Section twenty-two : By omitting the word “ Minister ” and substituting the word “ Commission,” and by omitting the word “ him ” and substituting the word “ it.”

(xiii)

(xiii) Section twenty-seven: By omitting subsection one and substituting the following new subsection:—

27. (1) The Governor may make regulations prescribing or relating to—

- (a) application forms, notices, licenses, renewal of licenses;
- (b) fees payable for licenses and renewals thereof, and charges to be made for water;
- (c) the prevention of the pollution of water and the obstruction or injury to or interference with works;
- (d) the furnishing by licensees of returns specifying the area of their irrigated land, class of crop watered, number of days on which irrigation is carried on, times of irrigation, and such other particulars as the Governor may consider fit;
- (e) the imposition of a penalty not exceeding *fifty* pounds for any breach of the regulations, or where the breach is a continuing one, not exceeding *five* pounds for each day during which the breach continues;
- (f) generally for the purposes of carrying out the provisions of this Part, and providing for and controlling procedure thereunder.

(xiv) Section twenty-eight: By inserting in the appropriate alphabetical positions the following definitions:—

“Cost of work” includes the cost of the land proposed to be taken, the cost of any existing works to be utilised and acquired, and the cost of designing the work (including survey), administration expenses, and the expense incurred in supervising the carrying out of the work.

“Murray

“ Murray Basin ” means the catchment area of the Murray River and its tributaries.

- (xv) Section thirty: By omitting the section and substituting the following section :—

30. With respect to matters which relate to the prevention of floods or the control of flood waters at places other than in the Murray Basin and to drainage, there shall be a board consisting of such officers of the Department of Public Works as the Governor may appoint, and with respect to matters which relate to the prevention of floods or the control of flood waters in the Murray Basin and to water supply, water conservation, irrigation, and artesian wells, consisting of such commissioners and officers of the Water Conservation and Irrigation Commission as the Governor may appoint.

Where any of such matters (other than irrigation) also relate to the Western Division of the State the board shall include the members of the Western Land Board constituted under the Western Lands Act, 1901.

- (xvi) Section thirty-one: By omitting section thirty-one and substituting the following section :—

31. In respect of any works of water conservation, water supply, irrigation, or drainage, or for the prevention of floods or the control of flood waters, the Minister may notify in the Gazette proposals—

- (a) for the construction of such works ; or
- (b) for the acquisition of such works ; or
- (c) for the utilisation of such works ; or
- (d) for the part construction and part acquisition and part utilisation of such works,

and the constitution of a trust for maintaining, administering, and extending such works.

The Minister shall also publish in some newspaper circulating in the district affected by the works a notice drawing attention to such proposal, and containing such short particulars thereof as he may think fit. (xvii)

(xvii) Section thirty-two: By omitting section thirty-two and substituting the following section:—

32. Any such proposal shall contain—

- (a) a short general description of the purpose for which it is proposed to constitute the trust;
- (b) a plan and description of the works and of the land, whether covered with water or not, proposed to be taken or acquired for the purposes of such works, and of their cost or estimated cost;
- (c) the charges to be paid by the trust for water to be supplied by the Crown, and the conditions of such supply;
- (d) a statement of the terms upon which the trust shall repay the cost of the works and interest specifying—
 - (i) whether the trust shall repay the cost and interest by payment of the charges for water; or
 - (ii) whether by a sinking fund and payment of interest.

The interest shall be paid by the trust on the actual cost or estimated cost plus ten per centum, whichever is the less sum;

- (e) the maximum rate which may be assessed by the trust;
- (f) a description of the trust district;
- (g) the number of trustees, being either three or five;
- (h) the number of years within which the cost of the works shall be extinguished by a sinking fund, if such fund be required under the proposal;
- (i) any other provision not being inconsistent with this Part.

(xviii) Section thirty-four: By inserting in lieu of the word “modifications,” wherever occurring, the word “amendments.”

(xix)

- (xix) Section thirty-five: By omitting the section and substituting the following section:—

35. Upon such notification the conditions of the proposal with such amendments (if any) as aforesaid, shall be binding on the trust and on the Crown, and the Minister may carry out or acquire the works described in the proposal, subject to such minor deviations of route or other minor alterations of the works as may be found advisable. The cost of carrying out or acquiring such works may be defrayed from such Loan Votes as are now or may hereafter be applicable to the purpose, or from the Public Works Fund.

- (xx) Section thirty-seven: By omitting section thirty-seven and substituting the following section:—

37. (1) The completion, acquisition, or the transfer to the trust of any works in respect of which a trust is constituted under this Part shall be notified in the Gazette, and thereupon the trust shall administer and manage the said works, upon the terms and conditions prescribed, and shall exercise all the powers contained in this Part except such as are conferred solely upon the Minister: Provided that the interest and charges payable by the trust shall commence to run from a date to be set out in such notification.

(2) Where the cost of the works is to be repaid by a sinking fund, the cost of such works may be determined by the Minister, and notified in the Gazette, at any time after the works have been completed and taken over as aforesaid, and the cost of the works as so notified shall in such case be the cost repayable by the trust. This subsection shall apply whether the works were completed before or after the commencement of the Irrigation and Water (Amendment) Act, 1921.

(xxi) Section thirty-nine : By omitting all the words after the word " Board," where first occurring, and substituting the words " with a statement of the additional charge for any increased quantity of water to be supplied, and of the estimated cost of the works, if any, required to be constructed, utilised, or acquired in connection with the proposed alteration to the boundaries of the district. Such proposed alteration and statement shall be supplied to the trustees by the Board. Upon the receipt from the trustees of an intimation that the proposed alteration and statement have been approved by a special general meeting of the voters of the trust, of which not less than fourteen days' notice shall be given in the prescribed manner, the Board shall report to the Minister whether, in the opinion of the Board, the petition ought to be granted with or without amendments, whereupon the Minister may, by notification in the Gazette, alter the boundaries of such district accordingly and may increase the quantity of water supplied, and construct or acquire and transfer to the trust the required works.

On the completion, acquisition, or transfer to the trust of the works, a notification with the Governor's approval shall be sent to the trustees and shall be published in the Gazette directing that the charge payable in respect of additional water supplied and the interest on the cost of such works shall be paid by the trust, and determining the number of years within which the cost of the works shall be extinguished by a sinking fund. The charge for additional water, interest, and payments to sinking fund shall commence to run from the date of such notification ; and such interest and payments into the sinking fund shall be calculated on a sum not exceeding the estimated cost of the works, plus ten per centum :

Provided

Provided that notwithstanding anything contained in this section the trust shall, subject to the approval of the Minister, have the option of repaying the cost of the work by means of a lump sum or in a less number of years than the period determined for extinguishing the cost of such work by a sinking fund.

(xxii) Section forty :—

By adding the following paragraph to the section :—

Nothing contained in this Act shall prevent lands within one trust district which in the opinion of the Minister are or will be also benefited by the works of another trust being included in the trust district of that trust also. The provisions of this paragraph shall be deemed to have been in force from the twenty-sixth day of November, one thousand nine hundred and twelve.

By adding new section 40A as follows :—

40A. On the joint application of trustees of any two adjoining trust districts, duly approved by a majority of the voters of each district at separate meetings, of which at least fourteen days' notice has been given, the Minister may, by notification in the Gazette, unite any part of one such trust district to the other trust district.

(xxiii) Section forty-one: By the repeal of section forty-one, and the substitution of the following section :—

41. If the trustees, by request in writing, desire the Minister to improve or extend any works under their charge or increase the quantity of water supplied, the Minister may prepare an estimate of the cost of the completion, utilisation, or acquisition of the proposed work and the interest and charges thereon payable by the trust, and a statement of the additional charge to be paid by the trust in respect

respect of the increase of the quantity of water supplied. Such estimate and statement shall be supplied to the trustees.

Upon the receipt from the trustees of an intimation that the estimate and statement have been approved by a special general meeting of the voters in the trust, of which not less than fourteen days' notice shall be given in the prescribed manner, the Minister may proceed with the construction or acquisition of the proposed work, or transfer same to the trust as the case requires, or may increase the quantity of water supplied.

On the completion or acquisition or transfer to the trust of the work, or upon the increased quantity of water being supplied, a notification with the Governor's approval, shall be sent to the trustees, and shall be published in the Gazette, directing that the interest on the cost of such work and the charge for the increase of water supplied shall be paid by the trust, and determining whether the trust shall repay the cost of the work and interest by payment of the charge for the increase of water supplied or the number of years within which the cost of the work shall be extinguished by a sinking fund.

The charge for the increase of water, interest, and payments to sinking fund shall commence to run from the date of such notification, and such interest shall be calculated on a sum not exceeding the estimated cost, plus ten per centum :

Provided that notwithstanding anything contained in this section the trust shall, subject to the approval of the Minister, have the option of repaying the cost of the work by means of a lump sum or in a less number of years than the period determined for extinguishing the cost of such work by a sinking fund.

(xxiv) Section forty-two: By omitting section forty-two and substituting the following section:—

42. (1) After the constitution of the trust, but before the completion, acquisition, or transfer to the trust of the works proposed to be constructed, acquired, or utilised, the Minister shall, by notice in the Gazette, appoint trustees and direct the first election of trustees in pursuance of this Part.

(2) Where the trust district consists wholly of land acquired under the Closer Settlement Act, 1901, or any Act amending the same, or unoccupied Crown lands, all the trustees shall be appointed by the Minister, and shall, subject to the provisions of this Part, hold office until half the land in the district is occupied by persons who are liable to pay rates to the trust.

Thereafter, and in other cases where the number of the trustees is three, one, who shall be chairman, shall be appointed by the Minister, and two shall be elected; but where the number of the trustees is five, two shall be appointed by the Minister, one of whom he shall appoint also as chairman, and the remaining three shall be elected:

Provided that where the trust district is in the Western Division and the trust is not constituted in respect of a work of irrigation, the Western Land Board shall be sole trustees in lieu of the trustee or trustees hereinbefore mentioned:

Provided further that in respect of existing trusts, where the number of trustees is three, the trustee appointed by the Minister shall be chairman, and where the number of trustees is five, the Minister shall appoint one of the appointed trustees to be chairman.

(xxv) Section forty-five: By omitting the words “the police magistrate having jurisdiction in” and substituting the words “a police magistrate having jurisdiction in any part of.” (xxvi)

- (xxvi) Section forty-nine: By omitting section forty-nine and substituting the following section:—
 49. The Minister shall appoint the date of the first election and the polling-places; for any succeeding election, the returning officer shall appoint the date of election and polling-places. The Minister or the returning officer, as the case may be, shall notify the same in the Gazette and a local newspaper.
- (xxvii) Section fifty-one: By adding at the end of the section the words—“Provided that notwithstanding anything contained in section forty-three of this Act the term of office of any person so elected shall only be for the remainder of the period for which his immediate predecessor was elected.”
- (xxviii) Section fifty-two: By inserting after the word “constructed” the words “acquired or utilised.”
- (xxix) Section fifty-three:—
 By omitting the words “and make due provision for a sinking fund” and substituting the words “and where necessary make due provision for a sinking fund.”
 By inserting the following proviso after paragraph (d):—
 Provided that the trustees of trusts constituted in respect of works of water supply, water conservation, irrigation, or for the prevention of floods and the control of flood waters in the Murray Basin, shall make all payments through the Commission, which shall remit the sums received by it to the Treasury.
- By adding new paragraphs (f) (1), (2), (3), and (4) as follows:—
 (f) (1) They may borrow money as provided in this section, but shall not have power to do so for any other purpose or in any other way whatever.
 (2)

- (2) A loan by way of limited overdraft may be obtained for the purpose of meeting necessary legitimate expenditure prior to the first collection of rates or for the purpose of carrying out urgent works of renewal, or replacement or other emergency for which sufficient funds are not immediately available.
- (3) On application by the trustees the Minister may issue a certificate of limit of overdraft, in which shall be named the purpose in respect of which the loan may be obtained and the limit of amount to be borrowed thereunder. The sum to be stated in the certificate as the limit of the overdraft shall be in the discretion of the Minister, but shall not exceed the estimated amount required for the purpose mentioned therein plus ten per centum of such amount.
- (4) The loan shall be subject to any conditions inserted by the Minister in the certificate; and the money borrowed shall be deemed to be secured upon the income of the trust and shall be repaid within the time fixed in the certificate.

(xxx) Section fifty-five :—

Subsection three : By omitting the word “the” before the word “police” and substituting the letter “a”; by inserting after the word “in” the words “any part of.”

By adding new section 55A as follows :—

55A. If any rates are unpaid at the expiration of three months from the due date, the amount due shall be increased by a sum calculated at the rate of ten per centum per annum, and the increase shall be deemed to be part of the rates.

- (xxxix) Section fifty-seven: By adding at the end of the section the words "or if such surplus water is not required for any ratepayer, the trust may sell such water to any person."
- (xxxii) Section fifty-nine: By omitting the words "remove a trustee or trustees (if any) and assume all powers, duties, and obligations by this Part conferred or imposed on the trustees, and may appoint a manager of the affairs of the trust," and substituting the words "remove a trustee or trustees (if any) and may appoint a manager of the affairs of the trust; and upon his appointment the manager shall have all the powers, duties, and obligations by this Part conferred or imposed on the trustees. Managers of the affairs of trusts at the date of the passing of the Irrigation and Water (Amendment) Act, 1921, shall have the said powers, duties, and obligations on and after that date."
- (xxxiii) Section sixty-three: By omitting section sixty-three and substituting the following section:—
63. For the purpose of the construction or the maintenance and repair of any channel or embankment or any works incidental thereto proposed to be constructed, or constructed, utilised, or acquired under the authority of this Part, or to which this Part applies, the Minister or a trust having the control of or carrying out such construction, maintenance, or repair, shall be deemed to have had and shall have power at any time—
- (1) to enter—
 - (a) any land within sixteen and a half feet on either side of the centre line of a distributing channel;
 - (b) the site for such channel;
 - (c) any land within lines distant sixty-six feet from the top of each bank of a water conservation or drainage channel;
 - (d)

- (d) the site for a water conservation or drainage channel;
- (e) any land being an embankment or site for the same; and
- (2) use such lands or sites for the said purposes,
notwithstanding that no easement or right so to enter or use such lands or sites may have been granted or acquired.
- (xxxiv) Section sixty-four: By omitting the word "cultivated" and substituting the words "which is at the time under cultivation."
- (xxxv) Section seventy:—
Subsection one: By inserting after the word "out" wherever occurring the words "acquire or utilise."
Subsection two: By inserting after the word "out" the words "acquired or utilised."
- (xxxvi) Section seventy-three:—
By omitting the words "shall be carried out" after the words "carry out" and substituting the words "or acquire shall be carried out or acquired."
By omitting the words "the works to be constructed for the Thule Creek Water Trust" and substituting the words "such work."
- (xxxvii) Section 73A: By adding at the end of the section new subsections four and five as follows:—
(4) The reduction in the annual charge which, under this Act, the Dungle Ridge Bore Water Trust is liable to pay to the Crown for water supplied to such trust from the Dungle Ridge Bore from two hundred and ninety-one pounds to two hundred and sixteen pounds.
(5) The reduction by seventy-eight pounds five shillings and tenpence of the amount which the Lyndhurst Water Trust is liable to repay to the Crown under this Act in respect of the works for which the said trust was originally constituted, and the reduction by thirty-five pounds

pounds twelve shillings and sixpence of the amount which the said trust is liable to repay to the Crown under this Act in respect of additional works constructed for the trust.

(xxxviii) Section seventy-four:—

By omitting the following:—

“(b) the election by the trustees of a chairman.”

By inserting after paragraph (h) new paragraph (hh) as follows:—

(hh) prescribing the method to be adopted to determine the quantity of water to be paid for by the trust.

(xxxix) Section one hundred and five: By inserting in their appropriate alphabetical positions the following definitions:—

“Board” means the Board constituted under section thirty of this Act as amended by the Irrigation and Water (Amendment) Act, 1921, with respect to matters which relate to the prevention of floods or the control of flood-waters in the Murray Basin, and to water supply, water conservation, irrigation, and artesian wells.

“The Commission” means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by the Irrigation and Water (Amendment) Act, 1921.

And by omitting the definition of “Minister.”

(xl) Section one hundred and seven: By omitting the word “Minister” wherever occurring and substituting the word “Commission.”

(xli) Section one hundred and eight: By omitting the word “Minister” wherever occurring and substituting the word “Commission.”

(xlii) Section one hundred and nine: By omitting the words “Minister” and “he” wherever occurring and substituting the words “Commission” and “it” respectively.

(xliii)

- (xliii) Section one hundred and ten : By omitting the word "Minister" wherever occurring and substituting the word "Commission."
- (xliv) Section one hundred and eleven : By omitting the word "Minister" and substituting the word "Commission."
- (xlv) Section one hundred and thirteen :—
By omitting the words "Commissioner for Water Conservation and Irrigation" and substituting the word "Commission."
By omitting the word "Minister" and substituting the word "Commission."
And by adding the following paragraph at the end of the section :—
Provided that the Commission, if in its opinion special circumstances so warrant, may notify the holding of such inquiry at a place other than within such land district.
- (xlvi) Section one hundred and fourteen : By omitting the word "Minister" wherever occurring and substituting the word "Commission."
- (xlvii) Section one hundred and fifteen : By omitting the section and substituting the following section :—
115. If the Board reports in favour of the issuing of a license, the same shall be notified by the Commission in the Gazette, and on payment by the applicant of the prescribed fee the Commission shall issue a license to the applicant in the prescribed form, subject to such terms, limitations, and conditions as it may deem proper :
Provided that before granting a license the Commission may require such alterations to be made in or in connection with the work, or in the plant and specifications of the same, as the Commission may think fit.
- (xlviii) Section one hundred and sixteen :—
By omitting the word "Minister" wherever occurring and substituting the word "Commission."

By

By inserting after the word "license" where secondly occurring the words "and on payment of the prescribed fee."

By adding at the end of the section the following paragraph:—

The license shall lapse if the sinking of the artesian well or the enlarging, deepening, or altering of the well licensed be not commenced and completed within such times or extended times as may be notified by the Commission to the licensee.

(xlix) Section one hundred and twenty, subsection two:—

By omitting the word "Minister" wherever occurring and substituting the word "Commission."

By omitting the word "him" where first occurring and substituting the word "it."

By omitting the word "he" and substituting the words "the Commission."

(l) Section one hundred and twenty-three: By omitting the words "Minister" and "he" wherever occurring and substituting the words "Commission" and "it" respectively.

(li) Section one hundred and twenty-four:—

By omitting the word "Minister" and substituting the word "Commission."

By omitting the word "him" wherever occurring and substituting the word "it."

(lii) Section one hundred and twenty-nine: By inserting at the end of paragraph (d) the following words:—"the fees payable in respect of licenses and renewals thereof; and"

Amendment of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

7. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended as follows:—

- (i) Section eighty-four: By inserting after the word "application" where first occurring the words "other than an application under or in pursuance of section 144A of this Act." (ii)

- (ii) Section one hundred and forty :—
Subsection (b) : By omitting the words “ except where otherwise provided in the said section.”
Paragraph (c) : By omitting the paragraph and substituting the following paragraph (c) :—
(c) Such instalment of the value of improvements which are the property of the Crown as may be notified.
By inserting after the words “ section 144A ” the words “ nor to the holder of land acquired under section 139A.”
- (iii) Section 144A :—
By inserting after the words “ Crown lands ” the words “ including reserves.”
By adding at the end of the section the following words :—“ The addition of reserves to existing farms under the provisions of this section shall have the effect of revoking such reserves. This section as amended shall be deemed to have been in force from the date of passing of the Irrigation (Amendment) Act, 1918.”
- (iv) Section 144B :—
By inserting after the words “ irrigable area of a farm or block is ” the words “ or has prior to the commencement of the Irrigation and Water (Amendment) Act, 1921, been.”
By inserting after the words “ facilities for watering are ” the words “ or have prior to the commencement of the Irrigation and Water (Amendment) Act, 1921, been.”
By inserting after the words “ determine the capital value of the farm ” the words “ the irrigable area of which is or has been increased or in connection with which the additional facilities for watering are or have been provided, or the farm.”
- (v) Section one hundred and forty-five :—
Subsection one, paragraph (d) : By omitting the words “ or his interest ” and by inserting the words “ or two or more persons jointly, or in his or their interest.”

Subsection

Subsection two: By inserting at the end of the subsection the words "or acquired by after auction tender."

By adding at the end of the section the following new paragraph:—

"Any number of adjoining town lands blocks may, with the consent of the Water Conservation and Irrigation Commission, be held by or in trust for any institution for religious or educational purposes, or by any Commonwealth or State department for any purpose whatsoever."

(vi) Section one hundred and forty-six: By adding the following new subsection four:—

(4) The condition of residence may with or without conditions be waived or suspended by the Commission.

(vii) Section one hundred and forty-seven: By inserting after the words "together with" in the first paragraph of the section the words "any moneys paid in respect thereof and" and by inserting after that paragraph the following paragraph:—

A lease within an irrigation area shall be liable to be forfeited if any sums payable as rent, survey fee, payment for improvements, interest, or otherwise, under or by virtue of the Crown Lands Acts or the special conditions attached to the lease by notification in pursuance of section one hundred and thirty-nine of this Act, or any rate or charge for water or interest thereon payable under the Irrigation Act, 1912, or any interest or instalment payable on account of any of the powers conferred under section nineteen of the Irrigation Act, 1912, having been exercised, be not paid within the period prescribed or allowed, and in such case forfeiture may be declared by the Commission as above provided, and without reference to the special land board. Such forfeiture shall not operate to extinguish the debt.

(viii)

(viii) Section one hundred and fifty-three : By adding at the end of the section the following new paragraph :—

The provisions of subsections (a), (b) and (d) are extended to and shall govern all conflicting applications for holdings within irrigation areas made, tendered, or lodged to or with the Water Conservation and Irrigation Commission simultaneously except that in such cases the said Commission shall be substituted for the local land board.

(ix) Section one hundred and sixty-one : By inserting after the words "irrigation areas" the words "except that payment of the whole amount of survey fee shall be made with an application for land other than land available to discharged soldiers exclusively."

(x) Section one hundred and sixty-four : By inserting after the words "Crown leases" the words "provided that in the cases of leases within irrigation areas no report shall be required from the special land board, and in such cases the first paragraph hereof shall be read as if in place of the Minister were read the Water Conservation and Irrigation Commission, and the third paragraph hereof shall be read as if in place of the local land board were read the Water Conservation and Irrigation Commission."

(xi) Section one hundred and seventy-five : By adding at the end of the section the words "except that in such cases the Water Conservation and Irrigation Commission shall be substituted for the local land board."

(xii) Section one hundred and seventy-six :—

By inserting after the words "local land board" where first appearing the words "or in the case of holdings within an irrigation area the Water Conservation and Irrigation Commission."

- By inserting after the words "local land board" where secondly appearing the words "or such Commission as the case may be."
- By inserting after the words "such board" the words "or such Commission."
- (xiii) Section two hundred and six, subsection two: By inserting after the words "notified in the Gazette" the words "except that such lands may be added to existing farms under the provisions of section 144A of this Act."
- (xiv) Section two hundred and forty:—By inserting after the words "such agreement" the words "and in the cases of holdings within an irrigation area shall be competent to mortgage his holding and to transfer his holding by way of mortgage."
- (xv) Section two hundred and seventy-three: By omitting subsection four and substituting the following subsection:—
- (4) Where a holding within an irrigation area is transferred or otherwise dealt with within fifteen years after the commencement of title thereto, the Water Conservation and Irrigation Commission may determine the capital value:
- Provided that the capital value so determined, the annual rental, and the date from which such rental shall be due and payable shall be notified in the Gazette, and payment in accordance with such notification shall be a condition of the lease, and the non-performance or breach of such condition shall render the lease liable to forfeiture.
- (xvi) Section two hundred and seventy-eight: By inserting after the words "per centum per annum" the words "and in the cases of holdings within an irrigation area such rate as the Water Conservation and Irrigation Commission may determine."
-