

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1922.

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.

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.

1. This Act may be cited as the "Irrigation and Water (Amendment) Act, 1922." Short title.

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.

3. The Principal Act is amended as follows:— Amendments of Principal Act.

(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

irrigation areas, and all works, services, and operations in connection with the said areas and any such area.

“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.

“Resident manager” means a resident manager appointed under this Act.

(ii) Section four :—

By omitting the section and substituting the following section :—

(1) The Governor shall constitute a Water Conservation and Irrigation Commission consisting of the Minister for Agriculture for the time being and three other commissioners. One of such three commissioners the Governor shall appoint to be president. The Governor may from time to time also appoint one or more resident managers to control, subject to the provisions of this Act, an irrigation area or irrigation areas.

(2) A resident manager shall have and exercise the powers and functions of the Commission but only in relation to matters affecting or concerning any irrigation area which he is appointed to control: Provided that the Commission may by document determine from time to time such of the said powers and functions as shall only be exercisable by the president and resident manager or only by the Commission.

(3) On the occurrence of any vacancy, howsoever arising, in the office of commissioner, the Governor shall appoint a commissioner to fill such vacancy. (4)

(4) Each commissioner and resident manager shall, subject to this Act, hold his office during ability and good behaviour: Provided that the appointment of a commissioner may be terminated at any time by the Governor giving to him twelve months' notice, and that the appointment of a resident manager may be terminated by the Governor at any time. Each commissioner, except the Minister for Agriculture, shall be paid the following rates of salary:—

The president shall be paid for his services at the rate of pounds per annum, and 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.

(5) The Governor shall fix the rate of salary to be paid to any resident manager.

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

(7)

(7) At any time considered necessary, either on account of the absence from duty of a commissioner or resident manager, or other sufficient cause, the Governor may appoint a deputy commissioner or a deputy resident manager, as the case requires, who shall for the period of such absence exercise the powers and functions of the commissioner or resident manager in place of whom he is appointed deputy.

The deputy commissioner or deputy resident manager may be paid such salary or remuneration as the Governor may think fit.

(8) The commissioners and resident managers may be granted such leave of absence as the Minister may authorise. During any temporary absence of the president from duty, such one of the other commissioners as shall be selected by the Minister shall have and exercise the president's powers and functions. During any temporary absence of either a commissioner or resident manager from his headquarters the Minister may authorise an officer of the Commission to exercise the powers and functions of such commissioner or resident manager, and the officer shall thereupon have the said powers and functions, but only for the time and to the extent contained in the authority given by the Minister.

(9) Any two commissioners shall be a quorum, and subject to the next following provision, shall have all the powers and authority by this Act conferred upon the Commission.

(10) If at any meeting of the Commission, at which two commissioners only are present, such commissioners differ in opinion upon any matter, the determination of such matter shall be postponed until at least three commissioners are present.

(11)

(11) The Commission shall keep minutes of its proceedings in such manner and form as the Governor directs.

(12) 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, 1922, 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, 1922, 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) 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 subsection the following words:—"The secretary shall, subject to the direction of the Commission, have power to sign and execute documents on its behalf, and to affix the seal of the Commission thereto when necessary."

By

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 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

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 Acts.

(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—

- (a) his widow; or
- (b) in the case of a widower leaving children, his children, or their guardian; or
- (c) other dependent relative; or
- (d) his 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 Acts.

(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) 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)

(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) 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

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.

Subsection three: By omitting the subsection and substituting the following new subsection three:—

(3) Provided that such matters of policy as the Governor may from time to time decide shall be submitted by the Commission to the Minister, and shall be subject to the latter's approval.

(ix) Section 8A: By the repeal of the section.

(x) Section nine:—

By inserting the figure "1" in parentheses at the commencement of the section.

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."

By inserting after paragraph (g) the following new paragraphs (h) and (i):—

(h) impose charges for orchard and dairy inspection. The charge for orchard inspection shall be in the form of a
general

general rate per annum on each acre of land in the irrigation area planted to fruit trees or vines, and the dairy inspection charge shall be in the form of an annual fee in respect of each registered dairyman's holding on the area.

Where an occupier conducts both fruit-growing and dairying operations, both the rate and fee shall be payable in respect of his holding.

The aforesaid rates and fees shall be payable irrespective of the number of inspections, if any, made during any particular year or years.

The amount due for any such rate or fee shall bear interest at the rate prescribed from the due date until payment is made, and shall be a charge upon the land, and may be recovered from and shall bind the occupier of the land for the time being ;

- (i) control and regulate the hawking and peddling of fruit and vegetables.

By omitting the letter "h" in parentheses and substituting the figure "2" in parentheses.

- (xi) Section 9A : By inserting after the section new sections 9B and 9c as follow :—

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.

9c. (1) The Commission may levy by rates a sum sufficient to provide for the maintenance and management of, and for payment of the capital cost and interest on, works of sewerage established and maintained by it.

(2) The Commission may prescribe a minimum amount for the rate and such minimum amount shall apply to each separate parcel of land: Provided that in the case of land not built upon and not connected with the sewers, a lower minimum amount may be prescribed than for other lands.

(3) The rate may be levied upon all land except—

- (a) land which is distant more than two hundred and fifty feet from any sewer of the Commission, and is not connected thereto;
- (b) land from which sewage could not be drained into any sewer of the Commission.

(4) The Commission may exempt from the payment of the rate land which is occupied by and used directly in connection with a church, or other building which is used or occupied solely for public worship. The Commission may exempt from the rate any public reserve and such other lands as the Commission may from time to time see fit.

(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

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, 1922, shall remain unaltered.

(3) This 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 under the Special Deposits (Industrial Undertakings) Act on the capital cost of the Murrumbidgee Irrigation Scheme shall be calculated on the actual capital cost reduced by the total cost incurred in the construction of the dam across the Murrumbidgee River at Burrinjuck, the diversion weir across the said river at Berembed, and of the main canal (inclusive of its enlargement) from such weir as at the thirtieth day of June in each year, including land acquisition for that purpose, and there shall be a further reduction each year in the balance of capital cost by such a percentage as is represented by the percentage of unallotted water rights to
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two hundred and twenty-five thousand water rights, the total estimated water rights which the Murrumbidgee Irrigation Scheme will ultimately provide.

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 passing of the Irrigation and Water (Amendment) Act, 1922, 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, if the Governor so directs, 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 shall be on a pro rata basis according to the amount paid in rents and water rates for the year to the Crown. Any amount due to any occupier under this section may be applied by the Commission to the reduction of any amounts owing to the Commission by such occupier.

“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

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 inserting after paragraph (a) the following new paragraph (aa) :—

(aa) Make advances of money to occupiers for the purpose of purchasing shares in co-operative societies, and may also make advances of money to co-operative societies.

By omitting the word “four” in paragraph (b) and substituting the word “five.”

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, 1922, 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, such land shall, whilst such occupation continues, be ratable under the Local
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Government Act, 1919, or any Act amending the same. Any rates so imposed shall be collected from the occupier.

The Minister shall exercise (in relation to shires constituted by virtue of this section) the powers and functions which under the Local Government Acts are exercised by the Minister for Local Government in relation to all other shires.

(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, 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 and shall be subject in all respects to the Local Government Act, 1919.

(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 or local 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 levied for the purpose of meeting the cost of local government services generally, and the special or local rates for street lighting, sewerage, and other similar particular services.

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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 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. (1) Notwithstanding any statute or any rule or principle of law or equity to the contrary no person shall have and no person shall be deemed ever to have had against the Crown or any Minister thereof, or the Commission, or any officer, servant, or other employee of the Crown or of any Minister thereof, or of the Commission, or against any other person, any right or claim to damages or to an injunction or to any other redress or any other right or claim whatsoever, or any remedy whatsoever, in any suit, action, or other legal proceeding or in any other proceeding whatsoever, or any right or claim to abate or remedy any nuisance in respect of or by reason of any one or more of the matters enumerated in subsection two of this section existing or arising, or that may hereafter exist or arise, or that may have existed or arisen in the past in the construction, establishment, conduct, management, and/or use by the Crown or by any Minister thereof, or by the Commission, or by any officer, servant, or other employee of the Crown or of any Minister thereof, or of the Commission of an irrigation area as defined by this Act, or any part of such area or of either of the irrigation areas known as the Curlwaa Irrigation Area and the Hay Irrigation Area, or any part of either of them or in respect of or by reason of any consequence or effect of any one or more of the said matters so existing or arising, or that may hereafter so exist or arise or that
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may have so existed or arisen in the past, nor shall the Crown or any Minister thereof, or the Commission or any officer, servant, or other employee of the Crown or of any Minister thereof or of the Commission or any other person, be liable or be deemed ever to have been liable in any way whatsoever in respect of or by reason of any one or more of the said matters so existing or arising, or that may hereafter so exist or arise, or that may have so existed or arisen in the past, or any consequence or effect thereof, nor shall any one or more of the said matters so existing or arising or that may hereafter so exist or arise or that may have so existed or arisen in the past, or any consequence or effect thereof be pleaded or availed of by any person in any suit, action, or other legal proceeding, or in any other proceeding whatsoever directly or indirectly by way of action, defence, cross action, set-off, or otherwise howsoever.

(2) The said matters are as follows :—

- (a) Seepage or leakage of water from any supply channel or channels, or from any supply canal or canals, or from any other means of supplying water to any of the said areas, or any part or parts thereof, or seepage or leakage of water from any drain or from any other means of carrying away or removing water from any of the said areas or any part or parts thereof.
- (b) Flooding or escape of water by breaking of any such supply channel or supply canal or other means of supplying water or of any such drain or other means of carrying away or removing water.
- (c) Lack of capacity of the surface drainage system, or any part thereof, of any of the said areas, or of any part or parts thereof, to carry the flow of water occurring on any of the said areas, or on any part or parts thereof, or flowing thereto from any other land or lands.

(d)

- (d) Overflow of water caused by interruption of or interference with normal conditions by or in the course of repair, alteration, or renewal of the works, or any part thereof, on any of the said areas, or any part or parts thereof, or by or in the course of any construction of any works on any of the said areas, or on any part or parts thereof.
- (e) Lack of means for draining depressions on any of the said areas, or any part or parts thereof.
- (f) Flooding or escape of water due to insufficiency, breakage, or other fault or defect in any levee bank on any of the said areas, or on any part or parts thereof.

(3) No immunity is or shall be given by this section of this Act in respect of any matter existing or arising or that may hereafter exist or arise, or that may have existed or arisen in the past by the wilful misconduct of the Commission, or of any officer, servant, or other employee of the Commission.

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

(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 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)

(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 subsection (x) the following words:—"and for determining, making, and levying the rate mentioned in section 9c, and for carrying out the provisions of that section."

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

(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,

conditions, fees and charges relating to authorities for such schemes and renewals thereof, and for carrying out the provisions of section 23c of this Act;

- (ff) with respect to the licensing, control, and regulation of peddlers and hawkers of fruit and vegetables.

By inserting after the foregoing paragraph (ff) the following paragraph:—

“The Commission may, in connection with any of the regulations, prescribe in addition to any fees and charges specifically mentioned in this section such other fees or charges as it may deem appropriate and proper.”

- (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:—

- (i) Section four: By inserting in their proper alphabetical order the following definitions:—

“Irrigated lot” means any lot of the irrigation area classified by the Commission as an irrigated lot.

“Noxious animal” shall have the same meaning as that assigned to such term by the Irrigation Act, 1912.

“Noxious

“Noxious weed” or “noxious plant” shall have the same meaning as that assigned to these terms by the Irrigation Act, 1912.

“The Commission” means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by the Irrigation (Amendment) Act, 1916, the Irrigation (Amendment) Act, 1918, and the Irrigation and Water (Amendment) Act, 1922.

(ii) Section twenty-two: By inserting after the section new sections 22A, 22B, 22C, 22D, and 22E as follows:—

22A. The Commission may from time to time dispose of any irrigated lot not demised or assigned by it by sale on such terms and conditions as it finds fit. The Commission shall apply the purchase money arising from such sales in such manner as the Governor shall direct.

22B. (1) The lessee of any irrigated lot leased under section twenty-two of this Act, the lease of which is not at the time liable to forfeiture, may apply to the Commission on the prescribed form to sell such lot to him. With any application to purchase a lot there shall be forwarded to the Commission a deposit of five pounds which may be applied by the Commission on behalf of the lessee towards payment of the purchase money. If the application be withdrawn or not proceeded with after the granting thereof the deposit may at the discretion of the Commission be forfeited.

(2) If the lease of the lot is mortgaged the application shall not be entertained unless the mortgagee signifies his consent to the application by endorsement thereon.

(3)

(3) The sale shall be subject to—

- (a) the applicant for the purchase executing a contract of sale in the form approved by the Commission and entering into such covenants as the Commission may consider necessary or as may be prescribed, and where the lease of the lot is mortgaged such covenants shall include one to execute a mortgage over the lot to the mortgagee. The contract may at the option of the Commission provide for the transfer of the title to the land either after payment of the whole of the purchase money and interest or before such payment, and in the latter case the contract shall contain a provision for a mortgage of the lot to the Commission to secure the said payment;
- (b) the applicant executing a surrender of his lease of the lot in the prescribed form if required by the Commission;
- (c) the purchase money being paid as follows:—Five per centum being paid within thirty days of notification of granting of the application for purchase, and the balance by sixty equal half-yearly consecutive instalments including principal and interest at the prescribed rate, the first of such instalments to be due and payable on or before the thirtieth day of June or thirty-first day of December next following the date of notification of granting: Provided, however, that it shall be lawful for the purchaser to pay off the whole or any number of such instalments at any time;
- (d) the purchase money being such sum as the Commission and the applicant agree upon, or failing such agreement within

within the time allowed by the Commission (not being less than two months), such sum as shall be determined by the Land and Valuation Court.

22c. The purchase money to be paid for the land which is the subject of an application for purchase under section 22B of this Act shall be determined in accordance with the provisions of this section. The purchase money shall be arrived at by capitalising at the rate of five per centum the fair annual rental of the land (exclusive of the improvements the property of the applicant) at date of application for purchase, that is to say, a multiple of twenty times such fair annual rental less the applicant's beneficial interest, if any, in the lease, such beneficial interest to be the difference between the rent payable under the existing lease and the fair annual rental computed upon a five per centum basis if such rent be less than the fair annual rental.

Where the annual rental value of the land has become reduced by any acts, defaults, or neglects of the lessee thereof, or by his acquiescence in the acts, defaults, or neglects of any other person, the purchase money of such land shall be determined as if such reduction in the annual rental value had not taken place.

22d. The granting of an application for purchase made under section 22B of this Act shall be notified by the Commission to the applicant when and as prescribed, and the Commission shall transfer the title to the lot to the applicant when and as provided by the contract of sale referred to in the said section.

22e. 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

and wife are living apart under a decree for judicial separation, shall be thirty acres. This 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, 1922, in excess of thirty acres.

(iii) Section thirty-two: By inserting after paragraph (a) the following new paragraph (aa):—

(aa) to prescribe and regulate the destruction of noxious weeds or plants on roads and streets, other than roads and streets vested in the Wentworth Municipal Council, reserves, and lands designed or reserved or used for drainage or supply channels in the irrigation area, and enforcing such destruction by occupiers of land fronting such first-mentioned roads and streets, reserves, or lands, and for the suppression and destruction of noxious animals within the irrigation area.

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

(i) Section five: By inserting in their proper alphabetical order the following definitions:—

“Irrigated lot” means any lot of the irrigation area classified by the Commission as an irrigated lot.

“Noxious animal” shall have the same meaning as that assigned to such term by the Irrigation Act, 1912.

“Noxious weed” or “noxious plant” shall have the same meaning as that assigned to these terms by the Irrigation Act, 1912.

“The Commission” means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by the Irrigation (Amendment) Act, 1916, the Irrigation (Amendment) Act, 1918, and the Irrigation and Water (Amendment) Act, 1922.

(ii)

(ii) 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."

By inserting after the section new sections 17A, 17B, 17C, and 17D as follow:—

17A. The Commission may from time to time dispose of any irrigated lot not demised or assigned by it by sale on such terms and conditions as it finds fit. The Commission shall apply the purchase money arising from such sales in such manner as the Governor shall direct.

17B. (1) The lessee of any irrigated lot leased under section seventeen of this Act, the lease of which is not at the time liable to forfeiture, may apply to the Commission on the prescribed form to sell such lot to him. With any application to purchase a lot there shall be forwarded to the Commission a deposit of five pounds, which may be applied by the Commission on behalf of the lessee towards payment of the purchase money. If the application be withdrawn or not proceeded with after the granting thereof the deposit may at the discretion of the Commission be forfeited.

(2) If the lease of the lot is mortgaged the application shall not be entertained unless the mortgagee signifies his consent to the application by endorsement thereon.

(3) The sale shall be subject to—

- (a) the applicant for the purchase executing a contract of sale in the form approved by the Commission, and entering into such covenants as the Commission may consider necessary or as may be prescribed, and where the lease of the lot is mortgaged, such covenants shall include one to execute a mortgage over the

the lot to the mortgagee. The contract may at the option of the Commission provide for the transfer of the title to the land either after payment of the whole of the purchase-money and interest or before such payment, and in the latter case the contract shall contain a provision for a mortgage of the lot to the Commission to secure the said payment ;

- (b) the applicant executing a surrender of his lease of the lot in the prescribed form if required by the Commission ;
- (c) the purchase money being paid as follows :—Five per centum being paid within thirty days of notification of granting of the application for purchase, and the balance by sixty equal half-yearly consecutive instalments, including principal and interest at the prescribed rate, the first of such instalments to be due and payable on or before the thirtieth day of June or thirty-first day of December next following the date of notification of granting: Provided, however, that it shall be lawful for the purchaser to pay off the whole or any number of such instalments at any time ;
- (d) the purchase money being such sum as the Commission and the applicant agree upon, or failing such agreement within the time allowed by the Commission (not being less than two months), such sum as shall be determined by the Land and Valuation Court.

17c. The purchase money to be paid for the land which is the subject of an application for purchase under section 17B of this Act, shall be determined in accordance with the provisions of this section. The purchase money shall be arrived

arrived at by capitalising at the rate of five per centum the fair annual rental of the land (exclusive of the improvements the property of the applicant) at date of application for purchase, that is to say, a multiple of twenty times such fair annual rental less the applicant's beneficial interest, if any, in the lease, such beneficial interest to be the difference between the rent payable under the existing lease and the fair annual rental commuted upon a five per centum basis if such rent be less than the fair annual rental.

Where the annual rental value of the land has become reduced by any acts, defaults, or neglects of the lessee thereof, or by his acquiescence in the acts, defaults, or neglects of any other person, the purchase money of such land shall be determined as if such reduction in the annual rental value had not taken place.

17D. The granting of an application for purchase made under section 17B of this Act shall be notified by the Commission to the applicant when and as prescribed, and the Commission shall transfer the title to the lot to the applicant when and as provided by the contract of sale referred to in the said section.

- (iii) 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."
- (iv) Section twenty-eight: By inserting after paragraph (a) the following new paragraph (aa):—
 - (aa) to prescribe and regulate the destruction of noxious weeds or plants on roads and streets, other than roads and streets vested in the Wentworth Municipal Council, reserves, and lands designed or reserved or used for drainage or supply channels in the irrigation area, and enforcing such destruction by occupiers of

of land fronting such first-mentioned roads and streets, reserves, or lands, and for the suppression and destruction of noxious animals within the irrigation area.

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) 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)

(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) 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 work 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 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)

- (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) 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

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 "hereinbefore."
- (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) 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)

- (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 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 relates to the Western Division of the

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) 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)

(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) 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

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, 1922.

(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

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 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

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. (1) 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 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

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.

(2) The repayment by trusts by means of a sinking fund of the cost of all improvements or extensions of trust works carried out prior to the passing of the Irrigation and Water (Amendment) Act, 1922, is hereby validated.

(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

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) 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) 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

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 sections 55A and 55B as follow :—

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.

55B. If any person liable to pay rates under this Part transfers his estate or interest in or abandons any ratable land he shall within thirty days of such transfer or abandonment give notice thereof to the trustees, and until such notice is given he shall remain liable for all rates which become payable in respect of such land prior to the giving of such notice.

(xxxii) 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.”

(xxxiii) Section fifty-nine : By omitting the words “ remove a trustee or trustees (if any) and assume all powers, duties, and obligations by this

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, 1922, 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) the site for a water conservation or drainage channel;
- (e) any land being an embankment or site for the same and sixty-six feet from the bottom of the embankment or of the boundary of the site for same; and

(2)

- (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 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)

(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 or methods 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, 1922, 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, 1922.

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

(xlv) 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 plans 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 inserting after the word "license" where secondly occurring the words "and on payment of the prescribed fee."

By

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) By inserting after section one hundred and thirty-eight new sections 138A, 138B, and 138C as follow :—

Appraisement board.

138A. There shall be an appraisement board for the land district of Yanco.

The members of the board shall not exceed three in number, and shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown.

One of such members shall be the chairman, who shall be paid such salary or fees, if any, as the Governor may sanction.

Every other member of the board shall be paid such fee for each sitting as may be prescribed.

Any member of the board who shall sit or act in any way as a member of such board in any case in which he is or has been directly or indirectly interested, shall be liable to a penalty not exceeding *five hundred* pounds, but the fact that a duly appointed member of the board is the lessee or owner of a holding within an irrigation area other than the holding concerned in the case, or is an officer of the Commission, shall not be deemed to render him in any way interested or liable to penalty under the provisions of this section.

The resignation or bankruptcy of any member of the board, or his absence from three consecutive meetings of the board without leave of the Minister, shall cause a vacancy in his office, and the Governor may appoint a person to supply such vacancy or any vacancy caused by the removal of a member of the board from his office.

In the event of the chairman or any member being suspended or being unable to act from any cause whatever, the Governor may appoint some

some other person as acting chairman, or acting member, who, while so acting, shall have and exercise all the powers and authorities and be subject to all the obligations applicable to the office of chairman or member, as the case may be.

The chairman shall give the decision of the board when unanimous in open court, but if not unanimous the board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided, any member of the board may assign in writing such reasons for his opinion as he may deem necessary which shall be transmitted through the chairman to the Land and Valuation Court:

Provided, however, that the board instead of giving any decision or adjudication in any case within its jurisdiction may, after taking evidence, refer such case with the evidence for decision by the Land and Valuation Court, which shall have power to deal with the case so referred in all respects as if it had been brought before it in the first instance.

Subject to the provisions of sections 144c and 145B of this Act such board shall have power to determine the purchase money to be paid for the land which is the subject of an application for conversion.

Such board shall sit as in open court and shall take evidence on oath, and its procedure, while so sitting, shall be the same as the procedure before a court of petty sessions.

The chairman of such board shall be a justice of the peace by virtue of his office. Every member of the board shall have power, by summons signed by him, to summon and compel the attendance of witnesses to give evidence

evidence on any matter before the board, and to produce all deeds and documents in their possession or under their control relating to such matter. And all witnesses so summoned to attend shall be entitled to the like allowances for attendance and travelling expenses as witnesses attending a district court are by law entitled to.

Where any person who has been summoned to attend as a witness before the board, and who has had payment or tender of his reasonable expenses made to him, shall fail to appear in obedience to his summons, the chairman, upon proof of such person having been duly served with such summons, and upon proof also that such person's non-appearance was without just cause or reasonable excuse, may issue a warrant in the form or to the effect of the Third Schedule to this Act to bring such person before the board to give evidence.

Where any person has been summoned to attend as a witness before the board, it shall be lawful for the chairman to examine him, or allow him to be examined, upon oath, and to cause his examination to be reduced to writing and signed by him, and to require him to produce any document relating to the matter in question in his possession or control.

If any person who has been summoned as a witness in any proceeding before the board, and who has had payment or tender of his reasonable expenses made to him, shall neglect to appear; or if any person summoned or examined as a witness in any such proceeding refuses to be sworn or to make a declaration in lieu of an oath, or prevaricates in his evidence, or refuses to answer any lawful question, or to produce any document in his possession or control relating to the matter in question, which he has been summoned to produce, or which is then in his possession or control, or to
sign

sign his examination when reduced to writing, it shall be lawful for the chairman to commit such offender to gaol for any time not exceeding *three* months, or to impose on any such offender a fine not exceeding *one hundred* pounds; and in default of immediate payment thereof to commit the offender to gaol for any time not exceeding *three* months, unless the fine be sooner paid.

And in any of the cases aforesaid, a warrant in the form contained in the Fourth Schedule to this Act shall and may be issued by such chairman, and shall be good and valid in law without any other warrant, order, or process whatsoever; and the sheriff, his deputy, and all officers of the police force, and gaolers, to whom the same shall be addressed shall obey the same.

Every party to a proceeding before the board shall have the same right to be heard by counsel, attorney, or agent, and to enforce the attendance of witnesses before the board, and to examine such witnesses, as upon summary proceedings before justices.

The chairman shall sign certificates and other documents given or issued by the board, and immediately after adjudication or decision upon any case shall forward all papers connected with the case, together with any report required thereon, to the Minister or the Land and Valuation Court.

Where the board, pursuant to the provisions of this Act, shall make any order for the payment of money, whether as compensation, expenses, costs, appraised value, or otherwise howsoever, such order shall be under the hand of the chairman, and may be enforced by distress and sale of the goods and chattels of the person ordered to pay such money in manner prescribed by the regulations, or such money may be recovered by the person to whom the same

same is ordered to be paid before justices of the peace in petty sessions in accordance with the Acts in force for the time being regulating summary proceedings before justices: Provided, however, that nothing in this section shall be taken to prevent such order of the board being made the subject of an appeal or reference to the Land and Valuation Court.

Appraisements—procedure.

138B. The appraisalment board shall determine the purchase money to be paid for the land which is the subject of an application for conversion under sections 144C, 145B, and 146A in accordance with the provisions of this section.

The purchase money shall be determined per acre as at the date of application for conversion, and exclusive of any value given by improvements owned by the applicant for conversion, and due regard shall be given to the additional value given the land by reason of the works constructed for irrigation purposes and to the benefits derived or to be derived therefrom. The unimproved values of freehold land of similar quality and similarly situated, if any, shall be a factor in determining such purchase money:

Provided that the board shall determine the increased value of the land, if any, which has accrued since the holding was last granted, and shall assess the share of such increased value which it considers is due by reason of the efforts of the lessee or his predecessor in title, and such sum shall be deducted from the purchase money.

Where it is made to appear to the board that the value of the land has become reduced by any acts, defaults, or neglects of the lessee thereof, or by his acquiescence in the acts, defaults, or neglects of any other person, the purchase

purchase money of such land shall be determined by the board as if such reduction in value had not taken place.

[Alternative Section.]

Appraisements—procedure.

138B. The appraisalment board shall determine the purchase money to be paid for the land which is the subject of an application for conversion under sections 144C, 145B, and 146A in accordance with the provisions of this section.

The purchase money shall be arrived at by capitalising at the rate of five per centum the fair annual rental of the land as determined by the board at date of application for conversion, that is to say, a multiple of twenty times such fair annual rental, less the beneficial interest, if any, in the lease, such beneficial interest to be the commuted difference between the existing rent being paid for the balance of the twenty-five year period and such fair rental value as determined by the board :

Provided that—

- (1) such fair rental value shall be exclusive of any value given by improvements owned by the applicant for conversion ;
- (2) such fair annual rental shall be determined with due regard being given to the additional value given the land by reason of the works constructed for irrigation purposes and to the benefits derived or to be derived therefrom, and shall not be less than the existing rental which is being paid for the perpetual lease of the land.

Where

Where it is made to appear to the board that the value of the land has become reduced by any acts, defaults, or neglects of the lessee thereof, or by his acquiescence in the acts, defaults, or neglects of any other person, the purchase money of such land shall be determined by the board as if such reduction in value had not taken place.

Appeals.

138c. Either party to a proceeding before the appraisal board may appeal against the determination of such board to the Land and Valuation Court at any time within twenty-eight days after same has been given or made by giving written notice of such appeal in the prescribed manner to the chairman and to the other party to the proceeding, and depositing with such chairman the sum of five pounds as security for the costs of the appeal, and every such notice shall state the grounds of appeal.

(iii) 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."

(iv) Section one hundred and forty-two is hereby repealed and the following is substituted therefor :—

142. The holder of any irrigation farm, whether held under lease in perpetuity or in process of purchase, shall effect improvements to the satisfaction of the Commission by the expenditure

expenditure of moneys not loaned by it, and a condition of residence shall attach until improvements of the required value shall have been effected. Such improvements shall, in the opinion of the Commission (or Minister), be of such value as may be specified in the Gazette when the land is notified as available for application : Provided that in the case of farms granted in pursuance of a Gazette notice which did not specify any such value of improvements, the required improvements shall be of such a value as may be determined by the Commission (or Minister) : Provided also that such conditions may be suspended in any case for such a term and on such conditions as in the circumstances may to the Commission seem warranted, and that where any farm is held jointly the residence condition may, with the consent of the Commission, be performed by any one or more of the joint holders.

Notwithstanding anything to the contrary in this Act, residence for the purposes of this section shall consist in the holder of the farm having his principal place of abode thereon.

[Alternative Section.]

142. The holder of any irrigation farm, whether held under lease in perpetuity or in process of purchase, shall reside on the land until such time as he shall have effected improvements to the satisfaction of the Commission by the expenditure of moneys not loaned by it. Such improvements shall, in the opinion of the Commission (or Minister), be of such value as may be specified in the Gazette when the land is notified as available for application : Provided that in the case of farms granted

granted in pursuance of a Gazette notice which did not specify any such value of improvements, the required improvements shall be of such a value as may be determined by the Commission (or Minister): Provided that such conditions may be suspended in any case for such term and on such conditions as in the circumstances may to the Commission seem warranted, and that where any irrigation farm is held jointly, the residence condition may, with the consent of the Commission, be performed by any one or more of the joint holders.

Notwithstanding anything to the contrary in this Act, residence for the purposes of this section shall consist in the holder of the farm having his principal place of abode thereon.

(v) 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."

(vi) 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, 1922, 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, 1922, 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."

(vii)

(vii) By inserting after section 144B new section 144c as follows :—

Conversion of a lease of an irrigation farm.

144c. (1) Upon application as prescribed the lessee of any irrigation farm which is not liable to forfeiture may convert the same into an irrigation farm purchase.

With any application for conversion of a lease of an irrigation farm for which the perpetual lease grant has issued, there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed.

(2) A conversion under this section shall not take effect until granted by the Water Conservation and Irrigation Commission.

(3) The irrigation farm purchase shall be subject—

(a) to any special conditions which attached to the lease of the irrigation farm, and to the general provisions of this Act and the Irrigation Act, 1912, as amended by the Irrigation (Amendment) Act, 1918, relative to leases of such blocks, except as modified by the enactments contained in this section ;

(b) to the purchase money being paid as follows :—Five per centum being paid within thirty days of notification of granting of the application for conversion, together with interest at the rate of six and one-half pounds per centum per annum from such date to date of payment, and the balance by sixty equal half-yearly consecutive instalments, including principal and interest at the rate aforesaid, the first of such instalments to be due and payable on or before the thirtieth day of June next following the date of notification of granting: Provided

Provided, however, that it shall be lawful for the purchaser to pay off the whole or any number of such instalments at any time after the other conditions attaching to the purchase have been performed, and upon payment of the whole of the purchase money and interest a Crown grant shall be issued as prescribed;

(c) to the purchase money being such sum as the Water Conservation and Irrigation Commission and the applicant for conversion agree upon, or failing such agreement within the time allowed by the Commission (not being less than two months), such sum as shall be determined by the appraisement board constituted under section 133A of this Act.

(4) The applicant may withdraw his application at any time not later than after the expiration of thirty days from the date of notification of the granting thereof if, in the opinion of the Commission, sufficient reason exists.

(viii) Section one hundred and forty-five :—

Subsection one, paragraph (d): By omitting the words "or in his interest" and by inserting the words "or two or more persons jointly, or in his or their interest."

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." (ix)

- (ix) By inserting after section 145A new section 145B as follows:—

Conversion of a lease of a town lands block.

145B. (1) Upon application as prescribed the lessee of any town lands block within an irrigation area which is not liable to forfeiture may convert the same into an irrigation town lands purchase.

With any application for conversion of a lease of a town lands block for which the perpetual lease grant has issued there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed.

(2) A conversion under this section shall not take effect until granted by the Water Conservation and Irrigation Commission.

(3) The irrigation town lands purchase shall be subject—

(a) to any special conditions which attached to the lease of the town lands block, and to the general provisions of this Act and the Irrigation Act, 1912, as amended by the Irrigation (Amendment) Act, 1916, and the Irrigation (Amendment) Act, 1918, relative to leases of such blocks, except as modified by the enactments contained in this section;

(b) to the purchase money being paid as follows:—Five per centum being paid within thirty days of notification of granting of the application for conversion together with interest at the rate of six and one-half per centum per annum from such date to date of payment, and the balance by twenty equal half-yearly consecutive instalments, including principal and interest, at the rate

rate aforesaid, the first of such instalments to be due and payable on or before the thirtieth day of June or thirty-first day of December next following the date of notification of granting:

Provided, however, that it shall be lawful for the purchaser to pay off the whole or any number of such instalments at any time after the other conditions attaching to the purchase have been performed, and upon payment of the whole of the purchase money and interest a Crown grant shall be issued as prescribed;

- (c) to the purchase money being such sum as the Water Conservation and Irrigation Commission and the applicant for conversion agree upon, or failing such agreement within the time allowed by the Commission (not being less than two months), such sum as shall be determined by the appraisement board constituted under section 138A of this Act.

(4) The applicant may withdraw his application at any time not later than after the expiration of thirty days from the date of notification of the granting thereof if, in the opinion of the Commission, sufficient reason exists.

- (x) 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.

(xi)

(xi) By inserting after section one hundred and forty-six new section 146A as follows :—

Conversion of a lease of irrigable or non-irrigable block.

146A. (1) Upon application as prescribed the lessee of an irrigable or non-irrigable block disposed of under section 139A or section one hundred and forty-six of this Act may convert the same into an irrigable or non-irrigable purchase respectively, provided that such holding is not liable to forfeiture. With any application for conversion of such a holding for which the perpetual lease grant has issued there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed.

(2) Conversion under this section shall not take effect until granted by the Water Conservation and Irrigation Commission.

(3) An irrigable or non-irrigable purchase shall be subject—

(a) to any special conditions which attached to the lease of the block of irrigable or non-irrigable land, and to the general provisions of this Act and the Irrigation Act, 1912, as amended by the Irrigation (Amendment) Act, 1916, and the Irrigation (Amendment) Act, 1918, relative to leases of such blocks except as modified by the enactments contained in this section ;

(b) to purchase money being paid as follows :—Five per centum being paid within thirty days of notification of granting of the application for conversion, together with interest at the rate of six and one-half pounds per centum per annum from such date to date of payment, and the balance by thirty equal half-yearly consecutive instalments

instalments, including principal and interest at the rate aforesaid, the first of such instalments to be due and payable on or before the thirtieth day of June or thirty-first day of December next following the date of notification of granting: Provided, however, that it shall be lawful for the purchaser to pay off the whole or any number of such instalments at any time after the other conditions attaching to the purchase have been performed, and upon payment of the whole of the purchase money and interest a Crown grant shall be issued as prescribed;

- (c) to the purchase money being such sum as the Water Conservation and Irrigation Commission and the applicant for conversion agree upon, or failing such agreement within the time allowed by the Commission (not being less than two months), such sum as shall be determined by the appraisement board constituted under section 138A of this Act.

(4) The applicant may withdraw his application at any time not later than after the expiration of thirty days from the date of notification of the granting thereof if, in the opinion of the Commission, sufficient reason exists.

- (xii) 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

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.

- (xiii) 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.

- (xiv) 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."

- (xv) 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 word 'Minister' were read the words 'the Water Conservation and Irrigation Commission,' and the third paragraph hereof shall

shall be read as if in place of the words 'local land board' were read the words 'Water Conservation and Irrigation Commission.'"

- (xvi) 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."
- (xvii) 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."
- (xviii) 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."
- (xix) 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."
- (xx) 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

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.

- (xxi) 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."
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