

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1927.

A BILL

To

to amend the Irrigation Act, 1912-1926, the Irrigation (Amendment) Act, 1916, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith.

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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Irrigation and Crown Lands (Amendment) Act, 1927."

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, the Irrigation (Amendment) Act, 1918, the Irrigation Holdings (Freehold) Act, 1924, and the Irrigation (Amendment) Act, 1926.

The Principal Act as amended by this Act may be cited as the Irrigation Act, 1912-1927.

Amendments of the Principal Act.

3. The Principal Act is amended as follows:—

(i) Section two: By inserting after the section new section 2A as follows:—

Amendments
of Principal
Act, No. 73
of 1912.

2A. The Governor may by proclamation in the Gazette declare that any part of the land described in the Schedules to the Murrumbidgee Irrigation Area Resumption Act, 1910, and not within an irrigation area, shall not be affected by the provisions of that Act, and the said Act shall thereupon cease to apply to that part of the said land mentioned in the proclamation.

(ii) Section three:—

By omitting the word "Conservation" from the definition of "The Commission."

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 prior to the commencement of the Irrigation and Crown Lands (Amendment) Act, 1927, under the provisions of the Murrumbidgee Irrigation Act, 1910, the Irrigation Act, 1912, and under the last-mentioned

Act

Act as amended by subsequent Acts (exclusive of the Coomealla Irrigation Area) and any irrigation area which may be constituted of lands adjacent to or adjoining such areas.

“Sewer” means any work for carrying off sewage, and “sewage” includes any foul, polluted, or objectionable water, waste, or refuse.

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

4. (1) The Governor shall constitute a Water and Irrigation Commission of three commissioners, two of whom, when the Commission is constituted in the first instance, shall be the commissioners holding office by appointment under the Principal Act at the date of the passing of the Irrigation and Crown Lands (Amendment) Act, 1927. The Governor shall appoint one of such three commissioners to be president of the Commission and another to be the deputy president of the Commission, and whenever a vacancy occurs in the office of president or deputy president the Governor shall appoint one of the commissioners to fill such vacancy. At all meetings of the Commission the president, or in his absence the deputy president, shall preside. The president or deputy president so presiding shall have a deliberative vote only.

Constitution of Commission.

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

(3) Each commissioner shall, subject to this Act, hold office for five years from the date of his appointment, and shall be eligible for reappointment.

The commissioners shall be paid such salaries as are fixed by the Governor from time to time, provided that the president's rate of salary

salary shall not be less than pounds per annum, and the rate of salary of each of the other commissioners not less than pounds per annum, and such salaries are hereby charged upon the Consolidated Revenue Fund, which to the extent so charged is hereby permanently appropriated.

(4) A commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except in the following mode: 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 in session, and if not in session, within seven days after the commencement of its next session or sitting. The commissioner so suspended 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 it be so declared, the commissioner shall be so removed by the Governor.

(5) At any time considered necessary, either on account of the absence from duty of a commissioner or other sufficient cause, the Governor may appoint a deputy commissioner, who shall for the period of such absence exercise the powers and functions of such commissioner.

Such deputy commissioner may be paid such salary or remuneration as the Governor may fix.

(6) The commissioners shall be granted by the Minister such leave of absence as may be prescribed. Any rights as to leave of absence; contribution to any Superannuation Fund, and payment of any pension or gratuity accrued or accruing to a commissioner in respect of previous

previous employment in the service of the State are hereby preserved and shall continue in respect of service as such commissioner.

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

(8) 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 the three commissioners are present.

(9) The Commission shall keep minutes of its proceedings in such manner and form as the Governor may from time to time direct.

(10) In any Act and in any proclamation, notification, regulation or by-law made thereunder, and 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 Crown Lands (Amendment) Act, 1927, by or against the Water Conservation and Irrigation Commission, may be continued by or against the Commission.

(iv) Section 4A :—

By omitting the word "Conservation."

By inserting after the word "lease" the words "let on hire."

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

4F. The Water Conservation and Irrigation Commission as constituted prior to the commencement of the Irrigation and Crown Lands

Continuance
of present
Commission.

Lands (Amendment) Act, 1927, 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.

(vi) Section five: By adding at the end of the section the following new subsections four, five, six, seven, eight, and nine :—

(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 employed by it, irrespective of the rate of salary or remuneration of such officers, servants, or 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—

(a) fines, not exceeding *fifty* pounds ;
and

(b) penalties, including—

(i) reduction of salary, remuneration, or wages, or to a lower grade ;

(ii) forfeiture of salary during any period ;

(iii) deprivation of leave of absence ;

(iv) enforcement of resignation ; and

(v) dismissal,

for any breach of any such regulations.

(6) On proof to the satisfaction of the Commission of a breach of any such regulations, it may impose the prescribed fine or penalty, by deduction as prescribed from any salary, remuneration,

remuneration, or wages due or to become due to the officer, employee, or workman guilty of such breach : 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 or employee 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 months respectively for twenty years service : Provided that nothing in this subsection shall affect any other provisions of this section, and service with any department of, or corporation acting for, the State, prior to transfer by appointment under this section to the service of the Commission, shall be deemed to be service with the Commission for the purposes of this section.

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

(9)

(9) The provisions of the foregoing subsections seven and eight shall be deemed to apply to any commissioner appointed under this Act.

(vii) Section six:—

By omitting the words “vary the boundaries of” and substituting the words “may by similar proclamation add to or reduce.”

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

The Governor may by proclamation published in the Gazette add to an irrigation area the whole or any part of the lands contained in any irrigation area or irrigation areas adjoining or in the vicinity of the first mentioned irrigation area and thereafter such lands shall form part of the irrigation area to which they are added and where the whole of the lands of an irrigation area are so added the addition shall abolish that irrigation area.

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. This provision and also the provision of the last preceding paragraph shall be deemed to have been in force from the date of the commencement of the Irrigation (Amendment) Act, 1918. For the purposes of this section the expression “land of the Crown” shall be deemed to include any land vested in the Commission.

(viii) Section seven, subsection one:—

By adding at the end of paragraph (a) the following words “and may, if he deems fit, state a varying number of such water rights instead of a constant number.”

(ix) Section seven:—

By adding at the end of the section the words “and may at any time in like manner increase or decrease the number of any such water rights.”

(x)

(x) Section 7A:—

By omitting the words “farm and disposes of part thereof; or” and substituting the words “holding into two or more parts and disposes of all or any of the said parts; or”

By adding at the end of the section the words “Provided, however, that in respect of the part or parts retained by the occupier the price or rate for fixed or additional water rights shall be the same as in respect of the holding before subdivision.”

By inserting after the section new sections 7B and 7C as follow:—

7B. (1) The Governor, on the recommendation 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.

Power to purchase or resume land.

(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) The Commission shall be the Constructing Authority under the said Act for the purposes of this section.

7C. In determining the value for the purpose of the acquisition by the Government of any land required for irrigation or other purposes other than land vested in the River Murray Commission there shall be excluded any added value which may have accrued or which may accrue

accrue to the land from the construction of any works under the River Murray Waters Act, 1915, and amendments of that Act.

(xi) Section eight:—

Subsection one: By omitting paragraph (d) and substituting the following:—

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

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

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

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

8A. The Commission with the approval of the Minister may from time to time— Power to delegate.

- (1) for the purposes of better administration delegate for any period not to exceed twelve months to respective commissioners or to any two of them any of its powers, duties, or functions, either absolutely or with modifications. Such delegations shall be by documents which shall define the powers, duties, and functions.

functions so delegated and may be altered or revoked by the Commission with the like approval.

(2) The Commission may for the purposes of giving formal effect to its approvals—

- (i) empower the secretary to the Commission to sign and execute documents on its behalf, and to affix the seal of the Commission thereto;
- (ii) direct the secretary or other officers to exercise such of its powers, functions, or duties other than those mentioned in preceding paragraph, as it or any of its members under delegation in pursuance of the preceding subsection may determine.

(xiii) Section 8B: By adding at the end of the section the following new subsection five:—

(5) The Commission may in any case where it is satisfied that the circumstances so warrant remit either wholly or in part the payment for a bore or well and extinguish either wholly or partially the debt of the occupier or owner of the land in respect of the bore or well.

(xiv) Section nine:—

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

By inserting at the end of paragraph (e) the 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 and profits therefrom or bonuses to occupiers supplying to the Commission dairy, farm, or agricultural produce, or live stock in connection with such trade, business, factory, service, or industry. The Commission may sell, transfer, or otherwise dispose of to any person or company such improvements, trade, business, factory, service, industry, works, or buildings on such terms and conditions as the Commission may deem proper."
By

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

- (h) prevent the defacing, marking, or injuring of any building, wall, post, or fence fronting any road, or of any pavement, kerbing, carriage-way, tree, or part of a road, or any fence, post, bridge, culvert, or monument by the affixing of any paper or placard thereto, or by painting, chalking, or writing thereon: Provided that this power shall not apply to the affixing of any lawful advertisement or sign to or upon any building, fence, post, or monument by or with the authority of the owner of the building, fence, post or monument.

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

- (xv) 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, either within the meaning of this Act or of the Wentworth Irrigation Act or the Hay Irrigation Act, 1902, respectively, 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.

Power to prohibit introduction of plants, &c.

9c. (1) In respect of any land or parcel of land which by agreement between the Commission and the occupier is connected or is to be connected with any sewerage system established by the Commission, the Commission may, for the purpose of providing funds required to meet the cost of maintenance and management, interest on capital cost of the works, and sinking funds to repay such capital cost, levy a rate as prescribed. Such rate shall be paid to the Commission by the occupier as and when prescribed. The amount due for such

Power to levy sewerage rates.

such rate shall bear at the rate prescribed interest 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 for the time being.

(2) The Commission may exempt either wholly or partially 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 also exempt either wholly or partially from payment of the rate any public reserve and such other lands as the Commission may from time to time see fit.

(3) Upon a municipal or shire council taking over the management and maintenance of such sewerage works under and by virtue of the provisions of section twenty of this Act, the power of the Commission to levy the said rate shall determine in so far as it was exercisable in respect of the works so taken over.

(xvi) 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, or of any person occupying lands not within the boundaries of an irrigation area, may supply electricity to such council or person on such terms and conditions as the Commission may deem proper.

(xvii) 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

required to obtain same; and this provision shall be deemed to have been in force from the first day of January, one thousand nine hundred and thirteen.

By inserting after the section new section 11A as follows:—

11A. The Minister may by notification in the Gazette declare what lands within the irrigation areas constituted under the provisions of the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, shall be reserved for public purposes, and may by similar notification revoke the whole or any part of any such reserve.

(xviii) Section fifteen: By omitting the words “of five per centum per annum” and substituting the words “prescribed not exceeding six and a quarter per centum per annum.”

(xix) 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.

(xx) Section 191: By omitting the words “in each case in excess of ten acres.”

(xxi) Section twenty:—

By omitting the symbols and letter “(k)” where first occurring in subsection four and substituting the symbols and letter “(h).”

By omitting paragraph (d) and substituting new paragraph (d) as follows:—

(d) In connection with the making and levying of the rates and imposition of the charges aforesaid the Commission shall take steps as hereinafter provided for the constitution of an Executive Board or Boards in respect of an irrigation area or, if the Commission so decides, in respect of a group of irrigation

irrigation areas. The Commission may, by notification in the Gazette, divide the irrigation area or group of irrigation areas, as the case may be, into ridings. By a similar notification the Commission may alter any division of an irrigation area or group of irrigation areas into ridings: Provided that such alteration shall not affect the representation of the irrigation area or group of irrigation areas on the Executive Board until the next ordinary election of members of the board. An Executive Board shall consist of seven members, four of whom shall be elected by the electors having the requisite qualification (hereinafter in this section referred to as the electors), and three of whom shall be appointed by the Commission.

Subject to the provisions of this Act and unless disqualified by this or any other Act, every person being a natural-born or naturalised British subject of the full age of twenty-one years, and every occupier (as defined in section three of this Act) irrespective of his age, whether male or female, married or unmarried, shall, if he has the requisite qualification, be qualified to be an elector, and shall be entitled—

- (a) to be enrolled for the riding in respect of which he has the requisite qualification; and
- (b) to vote at any election of members of an Executive Board for the riding.

In order to have the requisite qualification of an elector in respect of a riding a person must, on the day prescribed for enrolment, be either an owner or ratepaying lessee of ratable land in the riding or occupier of land in the riding.

For the purposes of this subsection ratable land shall include all land upon which any rate is leviable or levied under this section.

A

A person shall be an "owner" for the purposes of enrolment and voting if—

- (a) he is jointly or severally the owner of ratable land; or
- (b) he is the person nominated in writing as an elector by a body corporate, which is, or trustees who are, such owner as aforesaid: Provided that the body corporate or trustees may not nominate more than one person for enrolment as owner in any one riding; or
- (c) he is the holder of a lease, promise, or contract of lease from the Crown of ratable Crown land; or
- (d) he is the resident manager of a lease, promise or contract of lease from the Crown of ratable Crown land.

A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if—

- (a) he is severally the lessee of ratable land, and under a lease in writing or other document of title relating to such land, liable to pay to any person the whole or any part of any rates which may be made and levied under this section in respect of such land; or
- (b) he is jointly such lessee as aforesaid and so liable as aforesaid; or
- (c) he is the person nominated in writing as an elector by a body corporate which is, or trustees who are, such lessee so liable as aforesaid: Provided that the body corporate or trustees may not nominate more than one person for enrolment as ratepaying lessee in any one riding.

A person shall be an "occupier" for the purposes of enrolment and voting if—

- (a) he has been continuously, during the three months next preceding such prescribed day, in joint or several occupation

occupation as direct tenant (but not as ratepaying lessee as defined in paragraph (a) next above) of the owners or ratepaying lessees of ratable land of the yearly value of five pounds or upwards ;
or

- (b) he is the person nominated in writing as an elector by a body corporate which is, or by trustees who are, in occupation as tenant or occupier as aforesaid of ratable land of the yearly value of five pounds or upwards : Provided that the body corporate or trustees may not nominate more than one person for enrolment as occupier in any one riding ; or
- (c) he has been continuously during the three months next preceding such prescribed day jointly or severally the occupier of ratable land by virtue of a miner's right or business license under the Acts relating to mining ;
- (d) upon such prescribed day he is residing or has his principal place of abode on land, whether ratable or not, in the riding, and has continuously during the period of six months next preceding such prescribed day resided or had his principal place of abode in the irrigation area :

Provided that where the land jointly tenanted or occupied as aforesaid is of less yearly value than ten pounds only one of the joint tenants or occupiers shall be entitled to be placed on the roll, and where the land jointly tenanted or occupied as aforesaid is of the yearly value of ten pounds or upwards, such number of the joint tenants or occupiers as, when divided into the said yearly value, gives a quotient of five pounds with a remainder of less than five pounds shall be entitled to be placed on the roll ;

roll; and the joint tenants or occupiers who shall be so entitled shall in either case be determined by a majority of the tenants or occupiers evidenced by agreement signed by such majority and delivered to the Commission, or, failing such agreement, according to the alphabetical order of their surnames.

A person shall be disqualified to be an elector, and shall not be entitled to be enrolled or to vote if, at the time for enrolment or for holding an election, as the case may be—

- (a) he is subject to any of the disqualifications mentioned in subsection three of section twenty of the Parliamentary Electorates and Elections Act, 1912, the provisions of which subsection shall *mutatis mutandis* apply to enrolment and voting under this Act.

Subject to this Act a person shall not be entitled to vote unless—

- (a) his name is on the roll for the riding for which he claims to vote; and
- (b) he retains the requisite qualification and fulfils the conditions and requirements prescribed in respect of voting:

Provided that a married woman who is enrolled under her name prior to marriage may vote under that name pending correction of the rolls:

A person shall not cease to retain the requisite qualification by reason only of a change of residence within the same irrigation area.

A person possessing qualification for enrolment in respect of several parcels of land in a riding but actually enrolled in respect of one parcel of land therein who ceases to hold qualification in respect of that parcel shall not on that account be debarred from voting at an election held within twelve months after

so ceasing, if he retains a qualifying interest in another parcel in the same riding and so satisfies the returning officer.

For the purposes of enrolments and elections an irrigation area which is not divided into ridings shall be deemed to consist of one riding, and the word "riding" shall apply thereto accordingly.

For the election of the four members mentioned a poll shall be taken of the electors in manner prescribed, and only electors shall be eligible for election. The members so elected and nominated shall hold office for two years, at the expiration of which period and each successive period of two years thereafter there shall be a reconstitution of the board, in connection with which the members holding office at that date shall be eligible for re-election and renomination, if not rendered ineligible by anything contained in this section. Any vacancy which may occur on the board shall be filled by nomination or election as the case requires.

By omitting the word "occupiers" from paragraph (f) and substituting the word "electors."

By adding new paragraph (j) as follows :—

- (j) Notwithstanding anything contained in the Impounding Act, 1898, the Commission may by regulation prescribe deterrent fees and driving charges in respect of animals impounded by the Commission. All such fees and charges paid or recovered shall be the property of the Commission, and all such fees and charges payable in respect of any animal shall be paid before such animal is released from the pound, or shall be deducted from the proceeds of sale of the animal. Where an animal impounded by the Commission is not released and cannot

cannot be sold, or is sold for a less sum than will meet the said fees and charges, the Commission may recover from the person who was the owner of the animal when impounded a sum equivalent to the said fees and charges or to the difference by which the sale price of the animal falls short of the said fees and charges.

By adding at the end of the section the following new subsection ten :—

(10) The Governor may from time to time by proclamation published in the Government Gazette confer and impose on an Executive Board with relation to the irrigation area any power and duty of a council of a municipality or shire under the Local Government Act, 1919, with relation to the municipality or shire and may by such proclamation to give full effect to same suspend any of the provisions of this Act.

(xxii) Section 23B: By inserting at the end of the section the following :—

In making the calculation the said capital cost shall also be reduced by the total cost incurred—

(a) in the construction of—

- (i) the dam across the Murrumbidgee River at Burrinjuck and of the railway from Goondah to Burrinjuck;
- (ii) the diversion weir across the said River at Berembed; and
- (iii) the main canal (inclusive of its enlargement) from such weir; and

(b) of land acquisition for the purpose of such construction;

and there shall be a further deduction each such year from the balance of interest-bearing capital cost of such a percentage of such balance

balance as is represented by the proportion which the unallotted water rights bears to two hundred and twenty-five thousand water rights, the total water rights which the works mentioned in paragraphs (i), (ii), and (iii) above are estimated to ultimately provide.

“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.

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

- (a) no interest shall be chargeable for a period of ten years from the first day of July, one thousand nine hundred and twenty-four, in respect of any overdraft or bank credit authorised by the Colonial Treasurer in connection with the financing of the said scheme prior to the thirtieth day of June, one thousand nine hundred and twenty-five, or upon losses or interest accumulated prior to that date;
- (b) the provisions of the said Act with respect to sinking fund shall not apply to the said scheme.

(xxiii) Section 23B: By inserting after the section new sections 23C and 23D as follow:—

23c. (1) For the purposes of this section there shall be constituted a committee consisting of five members who shall be appointed by the Governor. Three members of the committee shall be respectively the Auditor-General or a representative approved by him, a commissioner of the Commission or a representative approved by such Commission, and the Under Secretary of the Treasury or a representative approved by him.

Constitution
of committee.

(2)

(2) The said committee shall consider and report to the Governor the reduced amount which should be fixed as the capital cost of the trading concern known as the Canning Factory, Leeton, including the dining rooms and dormitories connected therewith. Such amount shall be notified by the Governor in the Gazette. Thereupon the amount so notified shall be deemed to be the capital cost of the trading concern mentioned as at the first day of July, one thousand nine hundred and twenty-six, for all purposes whatever, inclusive of the determining of the capital cost of the Murrumbidgee Irrigation Scheme and any other purpose of the Special Deposits (Industrial Undertakings) Act, 1912, and purposes in connection with all trading accounts prepared by the Water Conservation and Irrigation Commission and audited by the Auditor-General. Interest and sinking fund charges with relation to such accounts shall be fixed accordingly.

23D. (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,

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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 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.

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) 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.

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

(xxv)

(xxv) Section twenty-six:—

By omitting paragraph (r).

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 inserting after the word “sanitation” at the end of paragraph (y) the following words:—
“and fixing the minimum area and frontage of land upon which any building or class of building may be erected.”

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 such 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) with respect to the licensing, control, and regulation of peddlers and hawkers of fruit and vegetables;

(ff) to prescribe and regulate the destruction of noxious weeds or plants on roads and streets within the irrigation areas within the meaning of the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, respectively (other than roads and streets vested in the Wentworth and Hay Municipal Councils, as the case may be), reserves, and lands designed or reserved or used for drainage or supply channels in the said irrigation areas, 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 said irrigation areas.

“Noxious

“Noxious animal,” “noxious weed,” or “noxious plant,” where used in the foregoing paragraph (ff), or in any regulations made in pursuance thereof, or in any notification published in the Gazette in respect of any land within either of the said irrigation areas, means, for the purposes of the said respective areas, any animal, weed, plant, grass, or growth which the Commission may from time to time notify for the said purposes in the Gazette to be noxious, and includes any part and seeds of any such weed, plant, grass, or growth.

By further inserting the following paragraph:—

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

4. The Irrigation (Amendment) Act, 1916, as amended by the Irrigation (Amendment) Act, 1918, is amended as follows:—Section ten: By the repeal of the section.

5. The Hay Irrigation Act, 1902, as amended by subsequent Acts, is further amended as follows:—

- (i) Section five: By inserting in its proper alphabetical order the following definition:—

“Irrigated lot” means any lot of the irrigation area classified by the Commission as an irrigated lot.
- (ii) Section seventeen: By omitting subsection two.
- (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.”

6.

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

Amendment
of Act 1913
No. 7.

- (i) Section five: By omitting the definition of "The Commission" and substituting the following definition :—
"The Commission" means the Water and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by the Irrigation and Crown Lands (Amendment) Act, 1927.
- (ii) 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."
- (iii) Section one hundred and forty: By inserting after the word "age" the words "or her marriage."
- (iv) Section one hundred and forty-two :—
By omitting from subsection seven the word "repaid" and inserting in lieu thereof the word "prepaid."
By omitting from subsection eight the words "any moneys due" and inserting in lieu thereof the words "all moneys owing."
- (v) Section 142B, subsection seven: By omitting the words "any moneys due" and inserting in lieu thereof the words "all moneys owing."
- (vi) Section 142B, subsection nine: By the repeal of the subsection.
- (vii) Section 142B, subsection ten: By omitting the subsection and inserting a new subsection nine as follows :—
(9) Land notified in the Gazette as available for disposal for the purpose of residence shall not except with the written consent of the Commission be used as a place of amusement or meeting or for any business which involves the manufacturing, repairing, selling, buying or cleansing of any article or commodity or for any other business purpose. This provision shall

shall be a covenant running with the land and shall bind the land and the successive owners thereof.

(viii) Section one hundred and forty-three, subsection two:—

By omitting the words “in pursuance of the provisions hereinbefore contained” and inserting in lieu thereof the words “making the land available for disposal.”

By adding at the end of the subsection the following:—“The provisions of this subsection shall apply to the annual rental for the first period of any lease subsisting at the passing of the Irrigation Holdings (Freehold) Act, 1924.”

By adding at the end of section one hundred and forty-three the following subsection five:—

(5) The annual rental shall commence from the date of service of notification by the Commission to the occupier of the granting of the lease, or in the case of sale of the lease by auction from the date of sale. Any such notification shall be deemed to be duly served if posted by ordinary course of post to the address last known to the Commission of such occupier. The proportion of the annual rental for the period from the date of commencement of annual rental to the thirtieth day of June next following such date shall be due on and payable on or before such thirtieth day of June, and thereafter the annual rental shall be due on and payable on or before the thirtieth day of June in each and every year.

(ix) Section 143A: By omitting from the end of the section the words “the said unexpired portion of the current period of the lease” and substituting the words “the unexpired portion of the current period of the lease. Such capital value and annual rental shall take effect as from the date of application to have the capital value of the holding determined.”

(x)

- (x) Section one hundred and forty-four, subsection two:—

By inserting after the word “such” where last appearing the words “of the.”

By omitting the words “as have been duly” and adding at the end of subsection the words “as are applicable after the issue of the grant.”

- (xi) Section 144E, subsection five: Omit the word “upset.”

- (xii) Section 144E: By inserting after the section new section 144F as follows:—

144F. (1) Except in the circumstances hereinafter in this section provided no more than—

(a) three adjoining allotments notified in the Gazette as being available for the purpose of residence; or

(b) four adjoining allotments notified in the Gazette as being available for the purpose of business,

may be held in any city, town, or village by any one person or in his interest except as a mortgagee: Provided that the Minister may subject to the provisions of this Act where he considers it to be in the public interest allow a greater number of adjoining allotments to be held by any one person.

(2) Any transfer, agreement, contract or other dealing whatsoever whether before or after the issue of the perpetual lease grant, or grant in fee simple, as the case may be, which would contravene or have the effect of contravening the provisions of this section shall be void.

(3) For the purpose of this section the term “allotment” shall mean any one parcel of land notified in the Gazette as being available for disposal as a town land purchase or town land lease: Provided that such allotment may comprise one or more surveyed areas.

- (xiii) Section 145A, subsection four: By omitting the words “(Amendment) Act, 1918,” and substituting the words “Act, 1912.”

(xiv)

- (xiv) Section one hundred and forty-seven: By inserting after the section new section 147A as follows:—

147A. Each lease in force under this Act at the date of the passing of the Irrigation Holdings (Freehold) Act, 1924, of—

- (i) an irrigation farm;
 - (ii) a town land block; and
 - (iii) a block of non-irrigable land,
- shall on and after that date be deemed respectively to be—

- (i) an irrigation farm lease;
 - (ii) a town land lease; and
 - (iii) a non-irrigable lease,
- and all the conditions and provisions which prior to the passing of the Irrigation Holdings (Freehold) Act, 1924, attached to any of such leases shall continue to attach thereto, save that where any such conditions and provisions have been repealed, replaced, or superseded by anything contained in that Act the repealed conditions and provisions shall not attach to the leases, and the conditions and provisions superseded or replaced shall cease to attach to the lease to the extent they have been superseded or replaced.

- (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' was read the words 'the Commission,' and the third paragraph hereof shall be read as if in place of the words 'local land board' was read the word 'Commission.'"

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

(xvii)

(xvii) Section 175A :—

By inserting after the words "homestead selection" wherever occurring the words "holding within an irrigation area."

By omitting the words "lease" and "Commissioner" from the last sentence of the section, and substituting the words "holding" and "Commission" respectively.

(xviii) 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 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."

(xix) Section two hundred and six, subsection one :

By adding the following proviso to the subsection :—

Provided, however, that in the case of a holding within an irrigation area, forfeiture thereof shall take effect on the day of notification in the Gazette of the forfeiture of the holding.

(xx) 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."

(xxi) Section two hundred and forty-one, subsection three :—

By inserting after the words "Crown lease" the word "or."

By omitting the words "or lease within an irrigation area."

By inserting after the word "years" the words "or in the case of a holding within an irrigation area five years."

(xxii)

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(xxii) 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 Commission may determine, but not exceeding the rate of six and a quarter per annum."
