

IRRIGATION (AMENDMENT) ACT.

Act No. 6, 1926.

An Act to provide for the revision of indebtedness to the Crown and to the Water Conservation and Irrigation Commission of discharged soldiers and certain other occupiers of land within irrigation areas; to extend the law relating to remission of rents, charges for water, and interest; to validate certain actions of the said Commission or the authority for the time being administering the Irrigation Act, 1912; to amend the Irrigation Act, 1912-1924, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 17th March, 1926.]

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

1. (1) This Act may be cited as the "Irrigation (Amendment) Act, 1926." Short title,
&c.

(2) In this Act 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, and the Irrigation Holdings (Freehold) Act, 1924, is referred to as the Principal Act.

(3)

George V, (3) The Principal Act, as amended by this Act,
No. 6. may be cited as the Irrigation Act, 1912-1926.

Amendments of the Principal Act.

Amendments
of Principal
Act, No. 73,
1912.
Sec. 3.

2. (1) The Principal Act is amended as follows:—

(a) Section three is amended by inserting in their appropriate alphabetical order the following definitions:—

“Discharged soldier” shall have the same meaning as that assigned to that expression by the Returned Soldiers Settlement Act, 1916, as amended by the Returned Soldiers Settlement (Amendment) Act, 1917, and the Returned Soldiers Settlement (Amendment) Act, 1919.

“Murrumbidgee Irrigation Scheme” includes the irrigation areas known respectively as Yanco No. 1, Yanco No. 2, Yanco No. 3, Mirrool No. 1, and Mirrool No. 2, and any irrigation area which may be constituted of lands adjoining or adjacent to such irrigation areas, and all works, services, and operations in connection with any of such areas or works constructed under the Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906, and the railway from Goondah to Burrinjuck.

Sec. 19 (1).

(b) Section nineteen, subsection one, is amended:—

(i) By omitting from paragraph (b) the words “not exceeding in the whole four years.”

(ii) By omitting from paragraphs (c) and (d) the words “not exceeding sixteen years.”

(iii) By inserting after paragraph (e) the following new paragraph:—

(f) extend the period fixed for payment of any money or debt.

(iv)

(iv) By inserting new subsection five as follows:— George V,
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(5) Any action taken since the first day of January, one thousand nine hundred and sixteen, which, if taken after the passing of the Irrigation (Amendment) Act, 1926, would be authorised by subsection one of this section, as amended by that Act, shall be deemed to be valid and effectual for all purposes.

(2) The Principal Act is further amended by Sec. 19A. omitting section 19A, and by inserting the following section in lieu thereof:—

19A. (1) In any case where on the report of the Commission the Minister is satisfied that the circumstances so warrant, he may— Power to
remit rent,
&c.

- (a) remit either wholly or in part the payment by an occupier of any rent or charge for water or interest on rent or charge for water for which the occupier is indebted to the Crown or the Commission;
- (b) exempt the occupier either wholly or in part from the payment of rent or charge for water to become due and payable by the occupier to the Crown or the Commission;
- (c) where payment for any rent or charge for water or interest on rent or charge for water has been made, apply the money so paid in payment wholly or in part of any moneys due or to become due by the occupier to the Crown or the Commission, and may remit the rent or charge for water or interest on rent or charge for water in respect of which the payment was made.

(2) This section shall be deemed to have been in force from the first day of June, one thousand nine hundred and twelve, and to apply with regard to holdings within any irrigation area and extend to holdings within an irrigation area constituted under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902.

(3)

George V, (3) The Principal Act is further amended
No. 6. by inserting after section 19c the following new
 sections :—

Further
 amendment of
 Act No. 73, 1912.
 New subsections
 19d-1.

Reclassification
 of
 holding and
 revision of
 indebtedness.

19d. In the case of—

- (a) an occupier who is a discharged soldier; or
- (b) an occupier who is not a discharged soldier and who makes application within six months of the commencement of the Irrigation (Amendment) Act, 1926, to the Commission for reduction of his debt,

the Commission shall in manner prescribed—

- (i) classify the holding;
- (ii) determine, having regard to the productive capacity of the holding, whether the debt of the occupier to the Crown and the Commission should be paid;
- (iii) if satisfied that such debt cannot, having regard to such productive capacity, be paid in full, determine what part of the debt should be paid;
- (iv) determine what (if any) additional area is required to constitute the holding a home maintenance area as defined in the Crown Lands Consolidation Act, 1913,

and may in the case of a discharged soldier and as a condition of acceptance by the occupier of the Commission's determination as to reduction of his debt—

- (a) take over from the occupier any improvements, plant and live stock in respect of which the Commission holds security and which is deemed by it to be no longer necessary for the proper working of the holding;
- (b) determine the value to an occupier of improvements on the holding and on any land to be added thereto;
- (c) determine the value to an occupier of plant and live stock on the holding held by the occupier in respect of which the Commission holds security and to be retained by the occupier;
- (d) add land to a holding;

(e)

(e) make arrangements to enable an occupier **George V,**
to continue to hold the farm. **No. 6.**

19E. (1) An occupier who is a discharged ^{Appeal.} soldier shall have the right of appeal to the Land and Valuation Court against any determination of the Commission in pursuance of section 19D.

(2) The appeal shall be made as prescribed by rules of Court within thirty days after the date the Commission has notified in writing the discharged soldier of its determination, and be accompanied by a fee of three pounds as security for the costs of the appeal.

(3) Notice in the prescribed form of an appeal shall be given by the discharged soldier to the Commission simultaneously with the lodging of the appeal in the Court.

(4) The Court may if it considers it expedient so to do require each of the parties to an appeal to nominate an assessor to advise the Court.

(5) The decision of the Land and Valuation Court on any appeal made under this section shall be final.

19F. The Commission, having regard to its ^{Reduction} determination under section 19D, or, in the case ^{debt.} of an appeal in pursuance of section 19E, the decision of the Land and Valuation Court, may reduce the debt of an occupier.

19G. The Commission may, in respect of any ^{Extinguish-} surrendered or forfeited holding within an irriga- ^{ment of debt.} tion area, extinguish the debt to the Crown and to the Commission of the occupier prior to surrender or forfeiture, as the case may be, in respect of such holding.

19H. The Commission shall in any case where the ^{Reduction} rate of interest on the debt of a discharged soldier ^{of interest.} exceeds five and one-half per centum per annum reduce the rate of interest to five and one-half per centum per annum from such date as the Commission may fix in each case. Any interest paid after the date so fixed at a rate in excess of
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five and one-half per centum per annum shall be set off against interest to be paid by the discharged soldier thereafter.

A reduction in the rate of interest shall not be made in respect of moneys advanced to the discharged soldier, where the time allowed by the Commission at the date of making the advance for repayment of such moneys is five years or less except where the money was so advanced for the purchase of bulls, cows, and pigs.

This section shall only apply to the interest payable by a discharged soldier who was an occupier and acquired his holding before the commencement of the Irrigation (Amendment) Act, 1926.

Application
and interpre-
tation.

19I. Sections 19D, 19E, 19F, and 19H of this Act shall apply only in respect of holdings occupied at the date of the commencement of the Irrigation (Amendment) Act, 1926, and extend to holdings within the irrigation area constituted either by the Wentworth Irrigation Act or the Hay Irrigation Act, 1902.

In the said sections "discharged soldier" includes any occupier who acquired his holding by purchase from a discharged soldier, and "holding" means an irrigation farm lease or irrigated lot in each case in excess of ten acres.

(4) The Principal Act is further amended by inserting after section 23A the following section:—

Murrumbidgee
Irrigation
Scheme
capital cost.

23B. (1) The sum chargeable as interest under the Special Deposits (Industrial Undertakings) Act, 1912, on the capital cost of the Murrumbidgee Irrigation Scheme shall be calculated on the capital cost of such scheme as at the thirtieth day of June in each year, reduced by an amount equal to the remissions and reductions of payments granted and allowed to occupiers in pursuance of sections 19A, 19E, and 19H, and debts extinguished in accordance with section 19G, and by the amount of any irrecoverable expenditure incurred by the Commission in any way whatsoever in the settlement of discharged soldiers under the Murrumbidgee Irrigation Scheme.

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In the case of extinguished debts the reduction shall be only the difference between the debt and the value of any assets of the occupier retained by the Commission. George V,
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3. (1) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by inserting after section one hundred and forty-three the following section :— Amendment
of Act No. 7
of 1913.

143A. (1) Subject to this section the capital value of each holding subsisting at the twenty-third day of December, one thousand nine hundred and twenty-four, shall, as from the date of the commencement of the Irrigation (Amendment) Act, 1926, be reduced to one-half of the amount determined prior to that date, and such reduced value shall be the capital value of the holding for the then unexpired portion of the current period of the lease. Capital value.

(2) Subject to this section the annual rent of each lease subsisting at the twenty-third day of December, one thousand nine hundred and twenty-four, shall, for the said unexpired portion of the current period of the lease, be one-twentieth of the capital value so reduced of the holding. Rent.

(3) The occupier of any holding subsisting at the twenty-third day of December, one thousand nine hundred and twenty-four, may apply in the prescribed manner to have the capital value of the holding determined by the Special Land Board. Reappraise-
ment.

Any such determination shall be subject to appeal to the Land and Valuation Court in manner prescribed.

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

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

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

In determining the capital value, the board or Court shall have regard to the following provisions:—

- (i) The capital value of the holding shall be the fair market value of the land at the date of application for determination, irrespective of any improvements thereon.
- (ii) Where the value of the holding has become reduced by any acts, defaults, or neglects of the lessee thereof, the capital value shall be determined as if such reduction in value had not taken place.

Where the capital value of any holding is determined by the Special Land Board or by the Land and Valuation Court on appeal or reference, the value so determined and one-twentieth of same shall be respectively the capital value and the annual rent for the said unexpired portion of the current period of the lease.

Sec. 138 (2)

(2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by omitting from subsection two of section one hundred and thirty-eight the words "be composed of officers" and by inserting in lieu thereof the words "include one officer."

ec. 142b.

(3) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by omitting from subsection six of section 142B the words "five years" and by inserting in lieu thereof the words "ten years."