

Act No. 15, 1902.

An Act to amend the Hay Irrigation Act and the Hay Irrigation (Amendment) Act, 1896. [21st January, 1902.]

HAY IRRIGATION
(AMENDING). —

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. This Act shall be construed with the Hay Irrigation Act ^{incorporation and} (hereinafter referred to as the "Principal Act") and the Hay Irrigation ^{short title.} (Amendment) Act, 1896, and may be cited as the "Hay Irrigation (Amending) Act, 1901."

2. The whole of sections fourteen, sixteen, and twenty-three of the Principal Act, and the provision in section thirty-seven of the Principal Act for determining any dispute by arbitration, are repealed.

3. Where any compensation is claimed from the trust on account of injury, loss, or damage alleged to have been sustained by any person, and such claim is disputed by the trust, the dispute may be referred to the arbitration of an arbitrator or of an umpire and arbitrators, as may be agreed upon by the trust and the person so claiming.

Hay Irrigation (Amending).

Land may be let for ninety-nine years and in any area up to forty acres.

Lots leased to be improved.

Rent of lots.

Lessee to pay for water supplied.

Rates recoverable in any court.

Penalties.

4. The term of any lease under section fifteen of the Principal Act shall not exceed ninety-nine years, and land may be let under that section in one or more portions of any area, but so that the total area let to any one person shall not exceed forty acres.

5. All lots leased before or after the commencement of this Act shall be improved to the value of ten pounds per acre.

In the case of a lot applied for before the commencement of this Act, such improvement shall be effected within two years after such commencement.

In the case of a lot applied for after the commencement of this Act, such improvement shall be effected within two years after the date of the application.

After the expiration of any such period of two years, the trust may require the lessee of any lot, by notice in writing, served on him personally or by post, or published in a newspaper circulating in the neighbourhood of the lot, or affixed on the lot, to effect the improvements within three months from the serving, publishing, or affixing of the notice. And if the lessee fails to effect the improvements within the said three months, the trust may retake possession of the lot and eject the lessee without any compensation for improvements or otherwise, and relet the lot to another tenant.

6. The rents of lots leased after the commencement of this Act shall be fixed at the time of letting and shall not be afterwards altered.

The rents of lots leased before the commencement of this Act may, on application by the lessee and with the approval of the Secretary for Lands and after such inquiry as he may direct, be reduced by the trust; but such reduction shall be made only once.

The lessee of a lot shall not sublet except with the approval in writing of the trust.

7. The lessee of any lot, whether leased before or after the commencement of this Act, shall pay to the trust at the rate prescribed by by-laws which the trust is hereby authorised to make in pursuance of the Principal Act, for any water supplied to such lot or to such lessee through any channel which has been constructed by the trust.

8. All rates, rents, and moneys due, before or after the commencement of this Act, to the trust for water supplied and otherwise may be recovered in any court of petty sessions or District Court having jurisdiction, or in the Supreme Court.

9. Whosoever without lawful authority—

(a) allows cattle, horses or sheep to trespass on any enclosed part of the irrigation area not leased by the trust or to damage any works of the trust; or

(b) removes any soil, timber, or water from any part of the irrigation area not leased by the trust

shall be liable to a penalty not exceeding twenty pounds.

Any

Hay Irrigation (Amending).

Any such penalty may be recovered in a summary way before a court of petty session.

10. (1) Upon the determination of the lease of any lot, the lessee shall be entitled to receive the value to an incoming tenant of the improvements from any persons who takes a lease of the land containing the improvements. And in the event of such persons not paying the amount then due and unpaid for the value of such improvements, such amount or so much thereof as remains unpaid for the time being shall, until payment thereof, be and remain a charge upon the land containing such improvements while in the hands of a lessee. The value of the improvements to an incoming tenant shall be appraised by the local land board in the manner prescribed by section forty-four of the Crown Lands Act of 1889, but shall be calculated on the basis of the value of such improvements to the land leased, and the payment of the value shall be made by such instalments, and at such dates, as may be prescribed by regulations made by the Governor.

The improvements, in respect of which tenant-right is conferred by this Act, shall in all cases be—

- (a) of a permanent, fixed, and substantial character, and necessary for the profitable occupation of the land; and
- (b) the property of the person claiming to have tenant-right in respect thereof;

and improvements which were forfeited or forfeitable to, or vested in, the trust immediately prior to the accruing of the tenant-right shall not be included:

- (2) Provided that—
 - (a) the tenant-right shall lapse after the expiration of twelve years from the date of its first accruing, and thereafter the improvements shall be the property of the trust; but such lapsing shall not affect any agreement, appraisement, or order for payment previously made; and
 - (b) the holder of the lease of the land containing the improvements shall be liable to pay any instalments of the value thereof, as appraised by the local land board, which may accrue due during his holding.

11. Any loans of money made before the commencement of this Act to the trust out of the General Loan Account shall be deemed to have been lawfully made subject only to any terms or conditions in respect of such loans binding on or to be performed by the trust in pursuance of any bond or agreement of the trust. And all the property and all the revenues of the trust are hereby charged with the repayment of such loans and interest thereon at the rate agreed upon.