

IRRIGATION (AMENDMENT) ACT.

Act No. 22, 1916.

An Act to constitute a Water Conservation and Irrigation Commission; to amend the Irrigation Act, 1912, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 20th April, 1916.]

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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. This Act may be cited as the "Irrigation (Amendment) Act, 1916." short title.

2. References in the Irrigation Act, 1912, the Crown Lands Consolidation Act, 1913, or any Act amending the same, to "the commissioner," or to "the irrigation commissioner," References to "the commissioner".

George V, commissioner," or to "the commissioner appointed under No. 22. the Irrigation Act, 1912," shall be read as references to the commission, and "him" and "his" where referring to the commissioner shall be read as "it" and "its".

References to "the Commissioner for Water Conservation and Irrigation" in any Act shall be read as references to the commission.

References to "the Minister".

3. References in the Crown Lands Consolidation Act, 1913, the Irrigation Act, 1912, or any Act amending the same, to "the Minister" shall, in the case of a holding within an irrigation area, be read as references to the Minister for Agriculture.

Definition of "the commission".

4. (1) Section three of the Irrigation Act, 1912, is amended by omitting the definition of "Commissioner" and inserting the following:—

"The Commission" means the Water Conservation and Irrigation Commission constituted under this Act.

"Commissioner" means member of the Commission.

(2) Section five of the Crown Lands Consolidation Act, 1913, is amended by omitting the definition of "Commissioner" and inserting the following:—"The Commission", when used in connection with an irrigation area, means the Water Conservation and Irrigation Commission constituted under the Irrigation (Amendment) Act, 1916.

Amendment of s. 5 (2).

5. Subsection two of section five of the Irrigation Act, 1912, is amended by adding thereto the words "and may suspend or dismiss such officers, servants, and workmen."

New sections 4, 4A, 4B, and 4C.

6. Section four of the Irrigation Act, 1912, is repealed and the following sections are inserted in its place:—

Appointment of commission.

4. (1) The Governor may constitute a Water Conservation and Irrigation Commission consisting of the Minister for Agriculture, who shall be chairman of the commission, and two other commissioners.

(2) The said two commissioners shall hold office for five years from the date of their appointment, and shall be eligible for reappointment. They may be removed from office by the Governor only for misbehaviour or incapacity, or upon resolutions passed by both Houses of Parliament. Any vacancy that may occur during the term

term of any such commissioner shall be filled by the appointment by the Governor of a commissioner who shall hold office for the unexpired portion of such term. George V,
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(3) Each commissioner except the Minister for Agriculture shall be paid a salary at the rate of one thousand two hundred and fifty 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.

(4) At any time considered necessary, either on account of the absence from duty of a commissioner or the non-appointment of a commissioner, the Governor may appoint a deputy commissioner, who shall for the time being have the powers and perform the duties of a commissioner.

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

(5) 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.

(6) 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 all the commissioners are present.

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

4A. The commission shall be a body corporate by the name of "The Water Conservation and Irrigation Commission," and by that name shall have perpetual succession and a common seal, with power to take, purchase, sell, lease, and hold lands, goods, chattels, and other property for the purpose of the exercise and performance of its powers and duties under this Act. Incorporation
of commis-
sion.

4B. All courts, judges, and persons acting judicially shall take judicial notice of the incorporation, and of the common seal of the Commission, affixed to any Judicial
notice of
incorpora-
tion.

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any deed, instrument, or writing, and shall presume that such seal was properly affixed thereto; and such deed, instrument, or writing, when sealed, whether such instrument or writing is required to be sealed or not, shall be admissible in evidence for and against the commission on the mere production thereof, without any other or further proof of the making of such deed, instrument, or writing.

Disqualifica-
tions of com-
missioners.

4c. No uncertificated bankrupt or insolvent shall be capable of being appointed a commissioner, and any commissioner who is declared a bankrupt, or who applies to take the benefit of any Act for the relief of insolvent debtors, or who compounds by deed or instrument in writing with his creditors, shall be incapable of continuing a commissioner, and his office shall thereupon be vacant.

New sec. 8A.

7. The following new section is inserted next after section eight of the said Act:—

Delegation by
commission
of its powers.

8A. The commission may, for the better administration of any irrigation area, delegate any of its powers or functions to any one commissioner, and in such case such commissioner shall, during the time he exercises any of those powers or discharges any of those functions, reside on such irrigation area. This delegation shall be by a document which shall define the powers and functions delegated and the period during which such delegation shall remain in force.

The commission may in like manner delegate any of its powers or functions under the Water Act, 1912, to any one commissioner, and such delegation shall be made as hereinbefore provided.

The commission may in like manner alter or revoke any delegation made under this section.

Amendment
of s. 18.

8. Section eighteen of the said Act is amended by the addition of the following words to the section:—
“Provided that any part of such moneys may be paid into any special deposit account established under the Special Deposits (Industrial Undertakings) Act, 1912.”

Sec. 19.

9. Section nineteen of the said Act is repealed and the following is inserted in its place:—

Suspension of
payments of
rent, &c., and
repayment by
instalments.

19. The commission may, subject to such conditions as may be thought fit to impose—

(a) make advances to occupiers; (b)

- (b) suspend for any period or periods not exceeding in the whole four years the payment by any occupier in respect of his holding of any money due to the Crown for rent, or charges for water, or survey fees, or for improvements effected on the land before or after the application for the holding together with any interest due on such rent, charges, fees, or improvements ;
- (c) allow any money then due to the Crown by an occupier for such rent, charges, fees, or improvements to be repaid, with interest thereon, by equal instalments within a period to be fixed not exceeding sixteen years ;
- (d) consolidate all or any debts then due to the Crown by an occupier in respect of his holding or any improvements thereon and allow the debts so consolidated, with interest thereon, to be repaid by equal instalments within a period to be fixed not exceeding sixteen years.

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10. Notwithstanding the provisions of the Crown Lands Consolidation Act, 1913, the payment to the Crown of rent and instalments of survey fees and improvements in respect of any lease within an irrigation area granted before or after the commencement of this Act shall, with any interest due thereon, be made on the thirtieth day of June in each year, and the first of such payments shall be made on the thirtieth day of June next following the date on which the lease was granted for the broken period from such date.

Payment of
rent and in-
stalments to
be made on
30th June in
each year.

11. (1) The Governor may by proclamation published in the Gazette vest in the commission free from any trusts or dedications affecting the same any land of the Crown, or any land vested in the Minister for Public Works, and any work deemed to be necessary for the purposes of the Irrigation Act, 1912, or of the Water Act, 1912, and may by a similar proclamation withdraw from the commission any such land or work as may be found to be unnecessary for the said purposes.

Power to vest
land and
works in
commission,
and with-
drawal from
commission.

(2) Upon the publication in the Gazette of a proclamation withdrawing any land or work from the commission under the provisions of the next preceding subsection

Effect of
withdrawal.

George V, subsection, such land or work shall vest in the person
No. 22. who would be entitled to the same for such estate and interests and subject to the like trusts, dedications, limitations, powers, and authorities as if this Act had not been passed. For the purposes of this subsection, the word "person" shall include the Crown or any person or corporation entitled to hold land on behalf of the Crown.

Leases and licenses in force at time of vesting.

(3) No lease or license in force at the commencement of this Act, of or relating to any land vested in the commission in pursuance of the above provisions of this section shall be affected by such vesting. Provided that any rent payable after the said vesting in respect of any such lease shall be paid to and may be recovered by the commission.

On the expiration of the term of the lease or license the commission may renew such lease or license on such conditions and for such term as may be thought fit, or may deal with the land comprised therein under this Act.

Amendment of s. 6 of Irrigation Act, 1912.

12. Section six of the Irrigation Act, 1912, is amended by the addition, after the word "purpose" at the end of the section of the following words: "and may lease such lands for any other purpose for any term not exceeding seven years."