

## IRRIGATION (AMENDMENT) ACT.

Act No. 38, 1918.

George V, An Act to make further provision with regard to  
No. 38. irrigation and irrigation areas ; to vest certain powers, rights, and property in the Commission ; to validate the constitution of certain areas and the reduction of certain debts to the Crown ; to amend the Murrumbidgee Irrigation Act, 1910, the Irrigation Act, 1912, the Irrigation (Amendment) Act, 1916, the Crown Lands Consolidation Act, 1913, the Crown Lands Amendment Act, 1916, the Water Act, 1912, the Hay Irrigation Act, 1902, the Real Property Act, 1900, and certain other Acts ; and for purposes consequent thereon or incidental thereto. [Assented to, 12th December, 1918.]

**B**E 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.*

Short title. **1.** (1) This Act may be cited as the "Irrigation (Amendment) Act, 1918."

This Act is divided into Parts as follows :—

PART I.—*Amendment of the Murrumbidgee Irrigation Act, 1910.*

PART II.—*Amendment of the Principal Act.*

PART III.—*Amendment of the Irrigation (Amendment) Act, 1916.*

PART

PART IV.—*Amendment of the Water Act, 1912.*

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PART V.—*Amendment of the Crown Lands Consolidation Act, 1913.*

PART VI.—*Amendment of the Hay Irrigation Act, 1902.*

(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, and the Irrigation (Amendment) Act, 1916. Definition.

## PART I.

*Amendment of the Murrumbidgee Irrigation Act, 1910.*

**2.** The Murrumbidgee Irrigation Act, 1910, is amended as follows:—

Amendments of  
Murrumbidgee  
Irrigation Act,  
1910.  
Sec. 6.

(i) Section six—

(a) by omitting the words “not under lease or license”;

(b) by adding new subsection three, as follows:—

(3) The Minister of the Crown for the time being administering the Acts relating to irrigation shall be the constructing authority for the purposes of this section, and within the meaning of the Public Works Act, 1912.

(ii) By inserting after section six new section 6A as follows:—

New s. 6A.

6A. The Governor may, by proclamation in the Gazette, declare that any lands therein mentioned, within the boundaries described in Schedule One to this Act shall not be subject to the provisions of section six of this Act, and thereupon such provisions shall not apply to such lands. Governor may remove land from operation of s. 6.

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## PART II.

*Amendment of the Principal Act.*

Amendments of  
Principal Act.  
Sec. 3.

**3.** The Principal Act is amended as follows:—

## (i) Section three—

(a) by inserting after the word “ quantity ” in the definition of “ water right ” the word “ annually ” ;

(b) by inserting in their appropriate alphabetical order the following definitions:—

“ Noxious animal ” where used in this Act, or in any notification published in the Gazette in respect of any land in an irrigation area either before or after the passing of this Act, means any animal which the Commission may from time to time notify in the Gazette to be noxious.

“ Noxious weed ” or “ noxious plant ” where used in this Act, or in any notification published in the Gazette in respect of any land in an irrigation area either before or after the passing of this Act, means any weed, plant, grass, or growth, which the Commission may from time to time notify in the Gazette to be noxious, and includes any part and seeds of any such weed, plant, grass, or growth.

Sec. 4A.

(ii) Section 4A : By adding at the end of the section the words:—“ and may in that name sue and be sued in any court, and shall, in respect of all lands within any irrigation area, have all such powers of distress, eviction, ejection, recovering rent, and other powers, as are given by law to any landlord.”

(iii) By inserting after section 4C new sections 4D and 4E as follow:—

New s. 4D.  
Recovery of  
moneys owing  
to, enforcement  
of contracts  
with, Commis-  
sioner for Water  
Conservation  
and Irrigation  
or Murrumbidgee  
Irrigation  
Trust.

4D. All moneys owing by or to the Murrumbidgee Irrigation Trust immediately prior to the first day of January, one thousand nine hundred and thirteen, and all moneys owing by or to the Commissioner for Water Conservation and Irrigation as such Commissioner immediately

immediately prior to the twentieth day of April, one thousand nine hundred and sixteen, are hereby made recoverable from or by the Commission, and not from or by the said Murrumbidgee Irrigation Trust or the said Commissioner for Water Conservation and Irrigation, but only so far as they would at the time of any proceedings which may be brought to recover the same, be recoverable from or by the said Murrumbidgee Irrigation Trust, if the Irrigation Act, 1912, the Irrigation (Amendment) Act, 1916, and this Act had not been passed, or as the case may be, would at such time be recoverable from or by the said Commissioner for Water Conservation and Irrigation as such or his personal representatives if the Irrigation (Amendment) Act, 1916, and this Act had not been passed, and all contracts, agreements, leases, mortgages, bonds, covenants, and securities made with the said Murrumbidgee Irrigation Trust may be enforced or sued upon by or against the Commission, and not by or against the said Murrumbidgee Irrigation Trust, but only so far as they would at the time of any proceedings which may be brought in respect thereof be enforceable or capable of being sued upon against the said Murrumbidgee Irrigation Trust, or would at such time be enforceable or capable of being sued upon by the said Murrumbidgee Irrigation Trust if the Irrigation Act, 1912, the Irrigation (Amendment) Act, 1916, and this Act had not been passed, and all contracts, agreements, leases, mortgages, bonds, covenants, and securities made with the said Commissioner for Water Conservation and Irrigation as such may be enforced or sued upon by or against the Commission, and not by or against the said Commissioner for Water Conservation and Irrigation as such, or his personal representatives, but only so far as they would at the time of any proceedings which may be brought in respect thereof, be enforceable or capable of being

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being sued upon against the said Commissioner for Water Conservation and Irrigation as such, or his personal representatives or would at such time be enforceable or capable of being sued upon by the said Commissioner for Water Conservation and Irrigation as such, or his personal representatives, if the Irrigation (Amendment) Act, 1916, and this Act had not been passed.

New s. 4E.  
Property,  
powers, &c.,  
vested in  
Murrumbidgee  
Irrigation Trust  
or Commissioner  
for Water Con-  
servation and  
Irrigation  
vested in  
Commission.

4E. All property, whether real or personal, and all powers, rights, remedies, and capacities in respect thereof which immediately prior to the first day of January, one thousand nine hundred and thirteen, were vested in the said Murrumbidgee Irrigation Trust, and all property whether real or personal and all powers, rights, remedies, and capacities in respect thereof which immediately prior to the twentieth day of April, one thousand nine hundred and sixteen, or subsequently were vested in the said Commissioner for Water Conservation and Irrigation as such or his personal representatives or in any person on behalf of the said Murrumbidgee Irrigation Trust, Commissioner for Water Conservation and Irrigation as such or his personal representatives, are hereby vested in the Commission as from the said dates respectively.

Sec. 6.

(iv) Section six—

- (a) by omitting the words “for Lands” and substituting the words “by notification in the Gazette”;
- (b) by adding at the end of the section the following further proviso--

Provided also that lands so set apart and not thereafter disposed of, and lands which upon forfeiture or surrender under the provisions of the Crown Lands Consolidation Act, 1913, or any Act amending the same become re-vested in the Crown, may be used for any purpose deemed proper by the Commission or leased by it as hereinbefore provided.

(v)

- (v) By inserting after section six new section 6A as follows:— George V,  
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6A. (1) The irrigation areas known as Yanco Number One, Yanco Number Two, Yanco Number Three, and Mirrool Number One, and any variations of the boundaries of any of such areas, shall be deemed to have been validly constituted and made, and the requirements of the Murrumbidgee Irrigation Act, 1910, the Irrigation Act, 1912, the Crown Lands (Amendment) Act, 1912, the Crown Lands Amendment and Declaratory Act, 1912, and the Crown Lands Consolidation Act, 1913, and any Acts amending the same, shall in regard to the proclamation of such areas and variations of the boundaries thereof and all procedure and action relating to the setting apart by notification in the Gazette and disposal of lands in the said irrigation areas and to the allotting of water rights and the supply of water which has or should have been taken under any of the said Acts be deemed to have been validly carried out.

New s. 6A.  
Constitution  
of certain irri-  
gation areas,  
setting apart  
lands, and  
allotting of  
water-rights,  
validated.

(2) The water rights and the prices or rates therefor specified in the Gazette notifying lands for disposal as irrigation farms prior to the commencement of the Irrigation Amendment Act, 1918, shall be deemed to be and to have been the water rights and prices or rates thereof constituting a fixed charge on each of such farms respectively.

- (vi) Section seven: By omitting the section and substituting the following sections 7 and 7A:— Substituted  
s. 7.

7. (1) The Minister shall in every notification setting land apart for disposal as irrigation farms— Setting land  
apart as  
irrigation  
farms.

(a) state the number of water rights which are a fixed charge on each farm specified in such notification;

(b) fix the price for such water rights;

(c)

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(c) specify such provisions and conditions not inconsistent with this Act as, according to the facts and circumstances of each case, the Minister thinks fit.

(2) Any notification as aforesaid setting land apart for disposal as irrigation farms shall have the effect of revoking any previous notification or any proclamation by the Governor, regarding such land in respect of the particulars referred to in paragraphs (a) and (b).

(3) Any notification under this section may be corrected, amended, modified, or revoked, whether as to the whole or any part thereof, by notification in the Gazette.

(4) The Minister may at any time he may deem expedient alter by notification in the Gazette the price or rate fixed for any water rights in respect of any farm granted after the passing of the Irrigation (Amendment) Act, 1918.

New s. 7A.  
Number and  
price of water  
rights where  
farm is  
subdivided,  
part  
surrendered,  
or area added  
to.

7A. Where—

- (a) an occupier lawfully subdivides his farm and disposes of part thereof; or
- (b) an occupier surrenders part of his farm under the provisions of section two hundred and thirty-one of the Crown Lands Consolidation Act, 1913, as amended by the Crown Lands and Irrigation (Amendment) Act, 1914; or
- (c) additional land has been included in a farm; or
- (d) the irrigable area of a farm or block is increased by the construction of additional works with the consent of the lessee, or otherwise increased, or additional facilities for watering are provided by the Commission,

the Minister shall, by notification in the Gazette, fix the number of water rights and the price or rate therefor, which are to be a fixed charge on—

- (a) each part of the farm so subdivided;
- (b) the part of the farm not surrendered;
- (c)

- (c) the farm as added to; or
- (d) the farm with such increased irrigable area or additional facilities for watering, as the case may be.
- (vii) Section eight: By omitting paragraph (a) of subsection three. George V,  
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- (viii) Section 8A— Sec. 8A.
- (a) by omitting the word "area" where twice appearing and substituting the word "areas," and by inserting after the word "on" the words "any one of";
- (b) by omitting the words "of its powers or functions under the Water Act, 1912, to any one commissioner," and substituting the words "other of its powers or functions to a commissioner: Provided that where any such other power or function so delegated relates to an irrigation area as defined in this Act the condition of residence prescribed above shall not apply."
- (ix) By inserting after section 8A new section 8B as follows:— New s. 8B.
- 8B. (1) The Commission may, on the application by the owner or occupier of any land, sink, under agreement with such owner or occupier bores or wells on such terms and conditions as may be prescribed. Sinking of  
bores or  
wells.
- (2) The Commission may, subject to the approval of the Governor, make regulations relating to the sinking of such bores or wells, and prescribing the form of agreement to be entered into by such owner or occupier, and the terms and conditions on which the bores and wells will be sunk, and of the payment therefor.
- (3) Any sum payable by an owner or occupier to the Commission in respect of the sinking of a bore or well shall until paid be and remain a charge on the land on which the bore or well has been sunk, and shall be recoverable in any court of competent jurisdiction from the owner or occupier of the land for the time being



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being. The provisions of this subsection shall be deemed to be applicable in respect of any sum due or owing, or to become due or owing, to the Commission in connection with any bore or well sunk or being sunk by the Commission prior to or at the date of the passing of the Irrigation (Amendment) Act, 1918.

(4) For the purposes of this section an occupier shall mean a person in actual occupation of any land whatsoever, and where there is no person in actual occupation the holder of the land under any tenure.

S c. 9.

(x) Section nine—

(a) By adding after the word “improvements” in paragraph (e) the words “and institute and carry on any trade, business, factory, service, or industry, and construct, establish, and maintain any works or buildings.”

(b) By adding new paragraphs (f), (g), and (h) as follow :—

(f) Establish and maintain sanitary sewerage and garbage systems, and regulate the same and the disposal of garbage, night-soil, and other refuse, and fix and recover fees and charges in respect thereof.

(g) Acquire, provide, sell, deal in, and dispose of goods and chattels of any kind, and make advances in money on such terms and conditions as the Commission may deem fit.

(h) “The Trust” constituted under the Murrumbidgee Irrigation Act, 1910, the “Commissioner” appointed under the Irrigation Act, 1912, and the “Commission” incorporated under the Irrigation (Amendment) Act, 1916, shall respectively be deemed to have had the powers conferred by this section nine on and from the respective dates from which those Acts came into force :

Provided that nothing in this Act shall render the Commission liable in respect of any agreement to erect or cause to be erected any

any factory or in respect of any agreement that any factory would be erected if such agreement was entered into with a person other than a person agreeing to erect such factory. **George V, No. 38.**

- (xi) By inserting after section nine new section 9A New s. 9A. as follows:—

9A. No person shall remove or cause to be removed without the consent in writing of the Commission being first obtained, or wilfully damage or destroy or wilfully cause to be damaged or destroyed any structure, building, fixture, fence, or other improvement on any lease within an irrigation area in respect of which any money is owing to the Commission, and any person committing a breach of this section shall be liable on conviction to a penalty not exceeding one hundred pounds in addition to payment of the value of any such property removed or of compensation for such damage or destruction, and such value or compensation may be ordered on such conviction to be paid by such person, but if no such order be made this section shall not abate or waive any civil remedy for recovery of such value or compensation or damages in respect of such removal, damaging, or destruction. Unauthorised removal, damage to or destruction of buildings or other improvements.

- (xii) Section eleven: By adding to subsection two Sec. 11. proviso as follows:—

Provided that notwithstanding anything contained in this subsection the Commission shall be relieved of any obligation to repay any money and interest thereon advanced by the Crown to the Hay Irrigation Trust.

- (xiii) Section twelve: By omitting the section, and substituting the following:— Substituted s. 12.

12. (1) The Commission shall each year, at the times and in the quantities fixed by it, supply water in pursuance of the water-rights which are a fixed charge on the land of any occupier— Water rights.

(a) to the boundary of any land held by any one person bona fide in his own interest; and

(b) to such other points as may be agreed upon. (2)

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(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 that water is available, and shall be paid by the occupier whether the water is or is not taken by him, unless he proves that the water was not available: Provided that 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.

(3) Any omission to notify the occupier as to water being available shall not relieve him from payment of such charge. Where an occupier prior to the passing of the Irrigation (Amendment) Act, 1918, was not so notified, such charge shall be payable from the date shown in the books of the Commission as that from which the charge is payable.

(4) This substituted section shall be deemed to have been in force from the first day of January, one thousand nine hundred and thirteen.

Substituted  
s. 13.

Additional  
water-rights.  
Supply of  
water as  
additional  
water-rights,  
for special  
purposes, &c.

(xiv) Section thirteen: By omitting the section, and substituting the following:—

13. (1) After providing for the water-rights, which are a fixed charge, the Commission, on application by any occupier of any land, may, by agreement with such occupier, allot to him additional water-rights from time to time, and may fix the prices to be paid for such additional water-rights.

All water may be supplied under this subsection in the same manner as provided for with respect to water supplied in pursuance of water rights which are a fixed charge.

(2) The Commission may also supply water for special purposes in such manner and at such charges as the Commission may determine.

(3) The Commission, on application by persons occupying lands within, adjoining, or adjacent to the boundaries of an irrigation area,

area, may supply water to any such lands in such quantities, at such times and at such prices as the Commission may determine. George V,  
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(1) This substituted section shall be deemed to have been in force from the first day of January, one thousand nine hundred and thirteen: Provided that the price to be paid for additional water rights allotted in pursuance of subsection one of this section shall not in respect of farms granted prior to the passing of the Irrigation (Amendment) Act, 1918, exceed the price which would have been payable for such additional water rights had such Act not been in force.

(xv) Section fourteen: By omitting the section and substituting the following:— Substituted  
s. 14.

14. (1) The Commission may provide a supply of water through pipes under pressure, and may— Supply of  
water under  
pressure.

- (a) on or in respect of all or any land situate within a distance of two hundred and fifty yards from any of such pipes, irrespective of whether such land is or is not supplied with water from such pipes, make and levy a rate, and may prescribe a minimum amount of payment in regard to such rate, and may prescribe the maximum quantity of water to be supplied in consideration of such rate; or
- (b) make and levy charges by measure for all water supplied, and may make a minimum charge; or
- (c) both make and levy such rate, and for water in excess of the said maximum quantity make and levy charges by measure.

(2) The Commission may fix different charges according to the purposes for which the water is supplied.

(xvi) Section fifteen—

- (a) by inserting before the word "charge" where firstly, secondly, and thirdly occurring the words "rate or"; Sec. 15.

(b)

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(b) by adding new subsection four as follows:—

(4) The land in respect of which such rate or charge is due may upon default in payment thereof be forfeited under the provisions of the Crown Lands Consolidation Act, 1913.

Sec. 16.

(xvii) Section sixteen: By inserting before the word "charges" the words "rates or"

Sec. 18.

(xviii) Section eighteen: By omitting the words "collect on behalf of the Minister for Lands all rents due to the Crown in respect of holdings in an irrigation area," and substituting the words "collect all rent and other moneys due or owing by an occupier in respect of his holding to the Crown or Commission, and may recover such rent and other moneys in any court of competent jurisdiction."

Substituted  
s. 19.

(xix) Section nineteen: By omitting the section and substituting the following:—

Advances to  
occupiers,  
suspension of  
payments of  
rent, &c.,  
and  
repayment by  
instalment.

19. (1) The Commission may at any time or from time to time, subject to such conditions as it may deem fit to impose by regulation or otherwise—

- (a) make advances to occupiers;
- (b) suspend for any period or periods not exceeding in the whole four years the payment by any occupier of any money due or owing, or to become due or owing, to the Crown or the Commission on any account whatsoever, together with any interest on such money due or owing, or to become due or owing;
- (c) allow any money or debts due or owing, or to become due or owing, to the Crown or the Commission by any occupier, to be repaid, with interest thereon, by instalments within a period to be fixed not exceeding sixteen years, which period may, where suspension has been granted, commence on the day next following the date of expiry of the term of suspension;

(d)

- (d) consolidate all or any money or debts due or owing, or to become due or owing, to the Crown or the Commission, by any occupier and allow the money or debts so consolidated, with interest thereon, to be repaid by instalments within a period to be fixed not exceeding sixteen years, which period may, where suspension has been granted, commence on the day next following the date of expiry of the term of suspension ;
- (e) allow either before, or after suspension, consolidation, or other action pursuant to this section, the whole or any portion of any advances, moneys, debts, or instalments mentioned in this section to be paid before the due date thereof and to waive interest thereon from such date as the Commission may determine or to place amounts so paid to the credit of the occupier in its books and allow him interest thereon from such date and at such rates as it may determine, provided that where portion only is paid no such payment or credit shall affect the obligation of the occupier to continue paying the instalments arranged prior to such prepayment : Provided further that the Commission may at its discretion apply the whole or any part of moneys so prepaid and standing to the credit of any such occupier in or towards satisfaction of any moneys or debts due or owing or to become due or owing by him to the Crown or the Commission on any account whatsoever, and thereupon interest on any money so applied shall cease and determine.

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(2) Where any of the powers conferred under this section have been exercised, or shall be exercised, subject to any conditions imposed by the Commission, such conditions shall attach to the holding and the non-performance or  
breach

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breach of any of such conditions shall render the holding liable to be forfeited under the provisions of the Crown Lands Consolidation Act, 1913, or any Act amending or consolidating the same.

(3) The provisions of this section shall be deemed to have been in force from the date of the passing of the Irrigation (Amendment) Act, 1916. The powers conferred by such provisions may be exercised independently of each other, and in such order as the Commission may deem fit.

(4) The powers conferred by subsection (b) of this section may be exercised with or without regard to any suspensions of payment of rent granted prior to the twentieth day of April, one thousand nine hundred and sixteen.

(xx) By inserting after section nineteen new sections 19A, 19B, and 19c, as follow :—

New s. 19A.  
Minister may remit payment of rent or charges for water.

19A. In any case where the Minister is satisfied that the circumstances so warrant, he may remit either wholly or in part the payment by an occupier of any rent or charges for water or interest thereon respectively for which such occupier is indebted to the Crown or the Commission.

New s. 19B.  
Performance of contracts on default by occupier.

19B. The Commission may, by any of its officers or servants, after notice given as prescribed, perform and observe at the costs and expense of the occupier of any farm, any contracts between the Crown or the Commission and him under which he is in default in respect of the maintenance, care, reparation, or insurance against fire, of any improvements, goods, or chattels provided, effected, or supplied, for or in connection with such farm, and the Commission may in like manner recover in any court of competent jurisdiction such costs and expenses and interest thereon from such occupier. The amount of such costs, expenses, and interest shall be a charge on such farm.

19c.

19c. The Commission may, by any of its officers or servants, after notice given as prescribed, enter upon any land within any irrigation area, including the Hay Irrigation Area and the Wentworth Irrigation Area, and at the costs and expense of the occupier of the land swab, spray, prune, clean, or otherwise treat, and, if thought necessary by the Commission, destroy and dispose of any trees, plants, vines, fruit, fruit-cases, packages, weeds, growths or refuse on such land, which, in the opinion of the Commission, are likely to convey, harbour, or spread disease, or are otherwise noxious, and the Commission may recover in any court of competent jurisdiction such costs and expense and interest thereon from such occupier. The amount of such costs, expenses, and interest shall be a charge on such land.

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New s. 19c.  
Entry on land  
for treatment  
of trees, &c.

(xxi) Section twenty: By adding a further proviso at the end of the section as follows:—

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 Government Act, 1906, or any Act amending the same. Any rates so imposed shall be collected from the occupier.

(xxii) By inserting after section twenty new section 20A as follows:—

New s. 20A.

20A. Where it appears to the Minister that any lands purchased, resumed, or appropriated under the Public Works Act, 1900, or the Public Works Act, 1912, in accordance with the provisions of the Construction Act, the Murrumbidgee Irrigation Area Resumption Act, 1910, the Murrumbidgee Irrigation Act, 1910, or this Act, and vested in him, or in the Secretary for Public Works, or in the Commission are not required for the purpose for which such

Sale of lands  
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such lands were so purchased, resumed, or appropriated, then any such lands may be sold by the Commission to the persons from whom they were acquired, or may by public auction be offered for sale, and sold subject to such conditions as the Minister may impose, and any such appropriation may be revoked by notification in the Gazette.

The proceeds of any such sale shall be paid into the Treasury and shall be credited to the loan expenditure votes out of which the purchase resumption or appropriation of such lands was paid for.

New s. 23A.

(xxiii) By inserting after section twenty-three new section 23A as follows:—

Claims for  
misrepresentation.

23A. No person under section 4D aforesaid or otherwise howsoever shall have any claim or any title to relief or any ground of defence against the Commission by reason of any misrepresentation, agreement, or breach of agreement in regard to the character, quality, productiveness, or situation of any holding if such misrepresentation, agreement, or breach was made, entered into, or occurred prior to the passing of the Irrigation (Amendment) Act, 1916, nor shall any person plead or seek to avail himself of any such misrepresentation, agreement, or breach in, any action, suit, or other proceeding whatsoever, either directly or indirectly, by way of action, cross action, set off, or otherwise howsoever.

Any person who deems himself to have any claim against the Commission in respect of any such misrepresentation, agreement, or breach as aforesaid may within six months from the passing of this Act, but not otherwise, submit his claim to the Minister, and the Minister may in his absolute discretion deal with such claim in any way he thinks fit:

Provided that nothing in this section shall affect any claim or title the subject of any legal proceedings begun before the commencement of this Act or within six months thereafter.

Section

Sections 4D and 4E of this Act shall operate subject to this section.

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(xxiv) Section twenty-six is amended—

Sec. 26.

- (a) by adding at end of paragraph (d) the words “and for licensing vehicles and conveyances and the owners, drivers, and persons in charge of the same to ply for hire on or otherwise use such roads, and for preventing the use thereof without such licenses, and for charging and recovering fees for such licenses”;
- (b) by inserting after the word “supply” in paragraph (g) the words “and for determining, making, and levying the rate mentioned in section fourteen of this Act, and for carrying out the provisions of that section”;
- (c) by inserting after the word “roads” in paragraph (m) the words “avenues, streets, reserves, lands designed or reserved or used for drainage channels, or supply channels or comprised within any irrigation area and not under lease in pursuance of the provisions of the Crown Lands Consolidation Act, 1913, or of this Act”;
- (d) by omitting paragraph (n) and substituting the following :—
  - (n) for the prevention, treatment, or eradication of diseases in trees, vines, plants, fruit, seed, live stock, poultry, or other thing in any irrigation area, and the exclusion from any irrigation area of any trees, vines, plants, fruit, fruit-cases, packages, seed, live stock, poultry, or other thing which, in the opinion of the Commission, would be likely to harbour or spread disease; and
- (e) by adding at the end of the section—
  - (t) prescribing and regulating the destruction of noxious weeds or plants on roads, streets, reserves, lands designed or reserved or used for drainage or supply channels, and enforcing such destruction by occupiers of land fronting such roads, streets, reserves, or lands;

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- (u) regulating the introduction into, the destruction within, and removal from any irrigation area of any plant, grass, or seed, or any part thereof, which the Commission considers to be injurious or which may be declared to be a noxious weed or noxious plant ;
- (v) prescribing and regulating the registration of entire live stock in an irrigation area, and prohibiting the introduction into or retention in any irrigation area of any such live stock which, after report by an officer of the Department of Agriculture, or other person authorised by the Commission, the Commission deems to be inferior ;
- (w) prescribing and regulating the furnishing by occupiers of returns giving—
  - (i) the numbers and descriptions of their live stock ;
  - (ii) the area of their cultivated land, description of the trees, vines, crops, and cultivation thereon, and the yields per acre from same ;
- (x) regulating street lighting, stormwater or other drainage, sewerage, the suppression of nuisances, the removal and disposal of garbage, nightsoil, filth, and refuse, and the fixing, recovery, and collection by the Commission of charges for the rendering of such services ;
- (y) regulating fencing and the erection of buildings as to height, design, structure, building materials, building line, and sanitation ;
- (z) for the regulation or prevention of the erection of any structure of calico or canvas or other inflammable material, and the removal and disposal of any structure used as a dwelling-place which, in the opinion of the Commission, is unfit for human habitation ;
- (aa) for the suppression and destruction of noxious animals ; (bb)

- (bb) regulating the introduction or consign- George V,  
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ment into any irrigation area of meat or  
flesh of any animal, and the slaughtering  
on or within any such area of any animal;
- (cc) prescribing the forms of any notices re-  
quired under this Act, and the manner  
of and periods for giving same.
- (xxv) By inserting after section twenty-nine new Sec. 30.  
section thirty as follows:—

30. Whenever by any section of this Act, or Recovery of  
penalties.  
any regulations made thereunder, any person  
is liable to a penalty, or to pay any sum of  
money, whether as compensation or in any  
other way, such penalty or sum may be re-  
covered before any stipendiary magistrate or  
police magistrate or two or more justices of  
the peace in petty sessions in accordance with  
the Acts in force for the time being regulating  
summary proceedings before justices.

### PART III.

#### *Amendment of the Irrigation (Amendment) Act, 1916.*

**4.** The Irrigation (Amendment) Act, 1916, is amended Amendments of  
the Irrigation  
(Amendment)  
Act, 1916.  
as follow:—

- (i) Section three: By omitting the words “a hold- Sec. 3.  
ing within”
- (ii) Section ten— Sec. 10.
- (a) by inserting after the word “granted” wher-  
ever occurring the words “or sold”;
- (b) by inserting after the words “made on”  
wherever occurring the words “or before”;
- (c) by adding at the end of the section proviso  
as follows:—

Provided that in the case of any lease  
granted under the Crown Lands Consolida-  
tion Act, 1913, after the commencement of  
the

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the Irrigation (Amendment) Act, 1918, the rent shall commence from the date of service of notification by the Commission to the occupier of the granting of the lease, and the first payment thereof shall be made on or before the thirtieth day of June next following the date of such service for the broken period from that date. 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.

Sec. 11.

(iii) Section eleven is amended—

(a) by omitting the first sentence of subsection three and substituting the following :—“The vesting in the Commission of any land in pursuance of this section shall not affect any lease of, or any license relating to, such land in force at the time of such vesting ;

(b) by adding new subsections four and five :—

(4) The Commission may in its discretion lease or otherwise deal with on such terms and conditions as it may impose any land so vested in it.

(5) With respect to any land for the time being vested in the Commission the following provisions shall apply :—

(a) The Registrar-General shall from time to time, on the application of the Commission, issue to the Commission a certificate of title under the Real Property Act, 1900, to all or any part of such land without causing any examination or report to be made as to the title of such land, and without considering such title. No contribution shall be payable by the Commission under the provisions of section one hundred and nineteen of the said Act in respect of the issue of any such certificate.

(b) In dealing with such application it shall not be necessary to locate the boundaries of the Crown grants (if any)  
of

Issue of  
certificates of  
title under  
Real  
Property  
Act, 1900.

of any such land, and it shall be sufficient if the Registrar-General is satisfied with respect to any certificate of title proposed to be issued by him under this Act, in respect of any such land, that the said land is included in the land vested as aforesaid.

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- (c) With respect to any land already under the said Act and comprised in an application under this subsection, the existing certificate of title or Crown grant shall be surrendered to the Registrar-General for cancellation before the issue of a certificate of title in favour of the Commission.
- (d) The withdrawal from the Commission of any land in respect of which a certificate has been issued to the Commission under this subsection shall be notified forthwith by the Commission to the Registrar-General, who shall thereupon or upon otherwise being satisfied of such withdrawal enter on the relevant folio of the register-book an appropriate memorandum of such withdrawal, and may issue a certificate of title to the person in whom such land shall be vested by subsection two of this section in any case where such land was under the provisions of the Real Property Act immediately before the issue to the Commission of a certificate of title therefor.

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## PART IV.

*Amendment of the Water Act, 1912.*

Amendments of  
Water Act, 1912.  
Sec. 5.

**5.** The Water Act, 1912, is amended as follows:—

- (i) Section five: By inserting after the word “dam” in definition of “work” the words “levee bank,” and after the word “cutting” the words “well, excavation.”
- Sec. 6. (ii) Section six: By omitting the words “of rivers” at the end of the first paragraph, and substituting the words “or change of the course of rivers or the unauthorised erection or use of levee banks.”
- Sec. 9. (iii) Section nine: By inserting after the word “drainage” appearing in paragraph (a) the words “or the prevention of flooding of land by water or of changing the course of a river.”
- Sec. 10. (iv) Section ten—  
 (a) by inserting after the word “drainage” the words “or of the prevention of inundation of land and overflow of water thereon or of changing the course of a river”;  
 (b) by inserting after the words “dispose of” the words “either for his own use or for the use of occupiers of lands in the neighbourhood of the site or proposed site of the work.”
- Sec. 12. (v) Section twelve: By omitting paragraph (b), and substituting the following:—  
 (b) A license shall be issued only upon payment of a fee and the charge for water calculated in the manner and according to the scale prescribed by regulations under this Act; and
- Sec. 13. (vi) Section thirteen—  
 (a) by inserting after the word “construct” where first appearing, the words “or use”;  
 (b) by omitting the words “to construct and use the said work.”
- Sec. 14. (vii) Section fourteen—  
 (a) by omitting the words “except in the case of dams and weirs included in Class IV in Schedule Two”;  
 (b)

- (b) by omitting the words “a fee calculated in the manner and according to the scale set forth in Schedule Two,” and substituting the words “the fee and charge for water prescribed by regulations under this Act.” George V,  
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- (viii) Section twenty-seven: By inserting after the word “same” where first appearing the words “the fees payable for licenses and renewals thereof, the charges for water.” Sec. 27.
- (ix) Section thirty: By inserting after the word “Part” the words “and a Commissioner and such officer or officers of the Water Conservation and Irrigation Commission.” Sec. 30.
- (x) Section seventy-one: By adding at the end of the section the following sentence:—“In any prosecution under this section proof that the flow of water in any channel has been obstructed shall be prima facie evidence that such obstruction has been caused by the occupier of the land where such obstruction occurs.” Sec. 71.
- (xi) Section seventy-three: By adding at the end of the section the following paragraph:—  
Notwithstanding anything contained in this section, the provisions of sections thirty-four, thirty-five, thirty-six, and thirty-seven of the Public Works Act, 1912, shall not apply to the works to be constructed for the Thule Creek Water Trust. Sec. 73.
- (xii) By inserting after section seventy-three new section 73A:— New s. 73A.
- 73A. There is hereby validated— Validations
- (1) The reduction in the annual charge which, under this Act, the Bourbah Bore Water Trust was liable to pay to the Crown for water supplied to such trust from the Bourbah Bore, from one hundred and twelve pounds to eighty-four pounds.
  - (2) The reduction in the amount which the Three Corners Bore Water Trust was liable to repay the Crown under this Act,



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Act, from one thousand five hundred and thirty pounds four shillings and fourpence to eight hundred and thirty pounds four shillings and fourpence.

- (3) The reduction from three thousand seven hundred and forty-one pounds eleven shillings and ninepence to six hundred and sixty-eight pounds thirteen shillings and sixpence, in the amount which the Baroma Bore 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.

(xiii) By the repeal of Schedule Two.

#### PART V.

#### *Amendment of the Crown Lands Consolidation Act, 1913.*

Amendments of  
the Crown Lands  
Consolidation  
Act, 1913.  
Sec. 17.

**6.** The Crown Lands Consolidation Act, 1913, is amended as follows:—

(i) Section seventeen—

- (a) by inserting after the word “ Acts ” in subsection one the words “ or the Irrigation Act, 1912, or any amendments thereof ”;
- (b) by inserting after the word “ board ” where first appearing in such subsection, the words “ or in the case of land within an irrigation area by the special land board ”;
- (c) by inserting after the word “ board ” where secondly and thirdly appearing in such subsection, the words “ or special land board, as the case may be ”;
- (d) by inserting after the word “ board ” wherever appearing in subsection two, the words “ or special land board, as the case may be.”

(ii)

- (ii) Section one hundred and thirty-eight— **George V,  
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- (a) by omitting the word "Governor" and substituting the word "Minister"; **Sec. 138.**
- (b) by omitting the words "and may also" and substituting the words "and the Governor may."
- (iii) Section one hundred and thirty-nine: By inserting new subsection (3A) as follows:— **Sec. 139.**
- (3A) The Commission may, subject to such terms and stipulations as it may deem fit to impose, grant extension of the time to comply with any special conditions, or may partially or wholly exempt any holder of an irrigation farm from compliance with any such conditions, or may alter or modify the same: Provided that the breach of any such terms or stipulations shall render the holding liable to be forfeited under the Crown Lands Consolidation Act, 1913.
- (iv) By inserting new section 139A as follows:— **New s. 139A.**
- 139A. Blocks of irrigable or non-irrigable land within an irrigation area may be sold at auction or by tender as leases within an irrigation area subject to such terms and conditions as the Commission may deem fit to impose. The provisions of this Act relating to the making and dealing with applications for farms or blocks of irrigable or non-irrigable land in other cases, and to the terms and conditions required to be performed before or after the issue of perpetual lease grants in respect thereof, shall not be taken to extend to blocks of irrigable or non-irrigable land so sold. **Disposal of irrigable or non-irrigable land by auction or tender.**
- (v) Section one hundred and forty: By adding at end of the section the words "but this disqualification shall not extend to any applicant under or in pursuance of section 144A of this Act." **Sec. 140.**
- (vi) By inserting after section one hundred and forty-four new sections 144A and 144B:— **New s. 144A.**
- 144A. The Commission, subject to such conditions as it may deem fit to impose, may by notification in the Gazette in any case where it considers **Home maintenance areas.**

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considers that an existing farm held under lease is less than a home maintenance area add to such farm after application by the lessee in the form and manner prescribed any Crown lands within an irrigation area either adjoining or separated from the original farm, and such original and additional areas shall be deemed to be one holding.

The Commission shall disallow any application for the addition of an area not adjoining the original farm if in its opinion such areas are not within reasonable working distance.

New s. 144B.  
Determining  
capital value  
in certain  
cases.

144B. If the irrigable area of a farm or block is increased by the construction of additional works with the consent of the lessee, or otherwise increased, or additional facilities for watering are provided by the Commission, or if the area of a farm or block is altered by addition thereto, or surrender of part thereof, or if the farm or block is subdivided, the Commission shall determine the capital value of the farm as added to, remaining, or of each portion of the subdivided farm or block as the case may be, due regard being had to the additional value, if any, given or to be given thereto by reason of the works constructed or to be constructed for irrigation or other purposes, and to the benefits derived or to be derived therefrom. The Commission shall also adjust the amount, if any, owing on account of survey fee, and the amount to be paid for Crown improvements, and improvements effected or provided by the Commission, and shall fix the terms under which such payments are to be made: Provided that the capital value so determined, the annual rental, particulars of any adjustments made, terms fixed, and the date from which such payments 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 nonperformance or breach of such condition shall render the lease liable to forfeiture.

Where

Where the Commission has, in pursuance of this section, determined the capital value of any farm to which an additional area has been made for the purpose of making such farm a home maintenance area, the first period of the lease referred to in section one hundred and forty-three of this Act shall be extended to expire twenty-five years after the date notified in the Gazette of such determination of the capital value, and with this exception the provisions of section one hundred and forty-three shall apply to such farm.

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Where the capital value of any farm has been determined, in accordance with the provisions of this section following upon a farm or block being altered in area otherwise than for the purpose of making a home maintenance area, such determination shall be deemed to be for the unexpired portion of the then current period of the lease.

- (vii) Section one hundred and forty-six: By adding at the end of the first paragraph the words "Provided that the holding of an irrigation farm or block shall not disqualify a person from being an applicant for non-irrigable land under this section, or necessitate any certificate or approval under section one hundred and fifty-seven hereof." Sec. 146.
- (viii) Section one hundred and fifty-seven: By adding at the end of the section subsection five as follows:—
- (5) Provided that nothing in this section shall necessitate any such certificate or approval in the case of any applicant for an added area under section 144A of this Act, or for non-irrigable land under section one hundred and forty-six hereof, or disqualify any person from applying for any such added area or non-irrigable land.
- (ix) Section two hundred and sixteen, as amended by the Crown Lands Amendment Act, 1916: By omitting the words "shall be made as notified in the Gazette in pursuance of the provisions" Sec. 216.

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provisions in that behalf contained in this Act: Provided that when the payment of the capital value of such improvements may be made by instalments, interest shall be charged on the unpaid balance at the rate of four per centum per annum, and two or more such instalments may be paid in any one year," and substituting the words "together with interest thereon at such rate as the Commission may determine shall be made as notified in the Gazette, in pursuance of the provisions in that behalf contained in this Act."

The amendment hereby effected shall be deemed to come into operation as from the date of the passing of the Crown Lands Amendment Act, 1916.

New s. 258A.

- (x) By inserting after section two hundred and fifty-eight new section 258A as follows:—

Subdivision  
of irrigation  
farms.

258A. The holder of an irrigation farm or block may make an application to the Commission for the subdivision of his holding into two or more portions.

The application shall be made in the prescribed manner and be accompanied by the prescribed deposit which shall be available for the payment of the costs of any survey inspections or reports which may be required.

The Commission may grant any application under this section, and may in granting the application do so with or without modification thereof and on such terms and conditions as it may deem fit to impose, and shall settle the lines of subdivision so as to conform to any regulations made or to be made in that behalf.

The holder of the irrigation farm or block shall surrender such land as may be necessary for providing roads of access to such subdivided portions, and for channels and drainage, which land shall thereupon become Crown land free from any claim thereto by such holder or to any compensation in respect thereof, or to tenant-right in any improvements thereon.

After

After subdivision the perpetual lease grant, if any, in respect of the holding forming the subject of the subdivision, shall be surrendered, and a perpetual lease grant issued for each portion, and such grants shall contain the same special conditions, mutatis mutandis, as were included in the perpetual lease grant issued in respect of the farm or block before subdivision.

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If the perpetual lease grant in respect of the holding forming the subject of the subdivision has not issued, each portion shall be held subject to the special conditions which applied to the farm or block before subdivision, and the perpetual lease grant may, subject to the provisions of section one hundred and forty-four of this Act, issue in respect of each portion of the subdivided farm after the expiration of five years after the granting or other disposal of the farm or block before subdivision.

Each portion of a subdivided irrigation farm or block shall, subject to this Act and the regulations hereunder, be held and be transferable as a separate irrigation farm or block.

- (xi) Section two hundred and fifty-nine: By adding at the end of the section the following sub-section:—

(3) All transfers of land within an irrigation area before grant after being lodged with the Commission as prescribed shall, if duly signed and otherwise in order, be recorded by it in its books, but it shall not be necessary to register or record any such transfer in the books of the Department of Lands, but subsection two of section two hundred and fifty-nine of this Act shall, as regards transfers of a farm or block within an irrigation area, be read and construed so as to substitute registration or record in the books of the Commission in lieu of registration or record in the books of the Department of Lands.

- (xii) Section two hundred and seventy: By inserting after the words "irrigation area" appearing in subsection two the words "other than a town lands block."

(xiii)

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Sec. 273.

(xiii) Section two hundred and seventy-three—

(a) by omitting subsection two and substituting the following:—

(2) Notwithstanding anything contained in this Act any lease within an irrigation area may be transferred at any time before the expiration of five years after the granting of the application therefor if the Commission is satisfied that the lessee is compelled by sickness of himself or family, financial difficulties, or incapacity, or other adverse circumstances to leave the holding, and the Commission consents thereto;

(b) by adding at the end of section new subsection five as follows:—

(5) No transfer of any lease within an irrigation area shall be registered or recognised if any payments due to the Commission are in arrear, and until the transferee shall have signed an agreement that all amounts of principal and interest remaining owing to the Commission in respect of such lease or of any improvement thereon, or of any goods supplied to the transferor or his predecessors in title shall be paid by such transferee and shall be a charge on the land, and until he executes or, at the option of the Commission, agrees to execute such security as the Commission may require for repayment of all moneys owing as aforesaid to it or to the Crown and interest thereon.

Sec. 274.

(xiv) Section two hundred and seventy-four—

(a) by inserting after the words "irrigation areas" appearing in subsection one the words "other than town lands blocks";

(b) by adding new subsection five as follows:—

(5) A town lands block within an irrigation area may be transferred at any time, and the foregoing provisions of this section shall not apply to a transfer of any such holding.

## PART VI.

George V,  
No. 38.*Amendment of Hay Irrigation Act, 1902.*

**7.** The following amendments are made in the Hay Irrigation Act, 1902:—

Amendments of  
the Hay Irriga-  
tion Act, 1902.

(i) Section seventeen: By omitting subsection two and substituting the following:—

Sec. 17.

(2) The maximum area which may be selected, leased, acquired, or held at any one time as an irrigated lot either by an individual lessee or lessees in common or joint lessees shall be forty acres. This restriction shall not affect any existing titles to land, or any lands devolving upon any executor, administrator, trustee, or other person in a trust capacity upon death, lunacy, bankruptcy, or other operation of law.

(ii) Section eighteen—

Sec. 18.

- (a) by inserting after the word "all" in subsection one the word "irrigated";
- (b) by inserting before the word "lot," where firstly occurring in subsection four, the word "irrigated."