

Murrumbidgee Irrigation Areas Occupiers Relief Act 1934 No 52

[1934-52]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Act was repealed by Sch 8 (e) to the [Crown Land Management Act 2016 No 58](#) with effect from 1.7.2018.

Authorisation

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Murrumbidgee Irrigation Areas Occupiers Relief Act 1934 No 52



New South Wales

An Act to provide for the reduction of certain indebtedness to the Crown and to the Water Conservation and Irrigation Commission, and for the reduction of the annual rental of certain lands within the Murrumbidgee Irrigation Areas; to make further provisions with respect to water rights; to provide for review of the capital cost of the Murrumbidgee Irrigation Scheme; to validate certain matters; to amend the *Irrigation Act 1912-1931*, the *Water Act 1912-1930*, the *Crown Lands Consolidation Act 1913* and certain other Acts; and for purposes connected therewith.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Murrumbidgee Irrigation Areas Occupiers Relief Act 1934*, and shall be read and construed with the *Irrigation Act 1912-1931*, and the *Crown Lands Consolidation Act 1913*.

2 (Repealed)

3 Definitions

In this Act, unless the context or subject matter otherwise indicates or requires:

Arrears of indebtedness means so much of the indebtedness of an occupier to the Crown or the Water Conservation and Irrigation Commission, whether for instalments, interest, rent, water charges, goods supplied to the occupier or his predecessors in title or otherwise, as had become payable before but was not actually paid on or before the first day of January, one thousand nine hundred and thirty-three.

Crown includes the Rural Bank of New South Wales but only in respect of the Irrigation Agency of that Bank.

Current indebtedness means so much of the indebtedness of an occupier to the Crown or the Water Conservation and Irrigation Commission, whether for instalments, interest, rent, water charges, goods supplied to the occupier or his predecessors in title or otherwise, as was owing but had not become payable on the first day of January, one

thousand nine hundred and thirty-three.

Occupier means the person holding under any tenure any land within the Yanco No 1 Irrigation Area or the Mirrool No 1 Irrigation Area.

Part 2 Reduction of indebtedness

4 Reduction of indebtedness

(1)

(a) Subject to this section the current indebtedness to the Crown or to the Commission of each occupier of:

- (i) any irrigation farm lease or irrigation farm purchase held by him, or
- (ii) any non-irrigable lease or non-irrigable purchase held by him and used for farming purposes,

which is of an area exceeding five acres and is within the Yanco No 1 Irrigation Area or the Mirrool No 1 Irrigation Area is hereby reduced by an amount equal to one-third of such current indebtedness.

(b) Where the current indebtedness of an occupier is reduced by the operation of paragraph (a) of this subsection, and in the case of such occupier there are special circumstances which, in the opinion of the Minister warrant a greater reduction than that provided for by such paragraph, the Minister may reduce the said current indebtedness by an amount greater than that so provided for.

The power conferred by paragraph (b) of this subsection shall be deemed to have become exercisable on the first day of July, one thousand nine hundred and thirty-four, and shall be exercisable for a period of one year from that date.

(2) Subject to this section the current indebtedness to the Crown or to the Commission (other than indebtedness for or in connection with the sinking of a bore) of each holder of one of the parcels of land described in the Schedule to this Act is hereby reduced by an amount equal to one-third of such current indebtedness.

(3) Where the current indebtedness of any occupier or holder is reduced by or under subsection one or subsection two of this section the amount thereof remaining owing after such reduction shall, except as to so much thereof as represents the balance of purchase money on an irrigation farm purchase or a non-irrigable purchase, be paid by fifty-four regular half-yearly instalments (including both principal and interest at the rate of four per centum per annum) calculated on the principle of equalised payments.

The first instalment shall be deemed to have become payable on the thirtieth day of June, one thousand nine hundred and thirty-three:

Provided that the Minister may, in any particular case, determine that the first instalment shall be deemed to have become payable on any later date and thereupon the first instalment shall be deemed to have become payable on the date so determined. The power to make any such determination shall be deemed to have become exercisable on the first day of July, one thousand nine hundred and thirty-four, and shall be exercisable for a period of one year from that date.

If an instalment is not paid on or before the due date for payment interest shall accrue in respect thereof as from such due date at the rate of eight dollars per centum per annum.

As to so much of the current indebtedness remaining owing after such reduction, as represents the balance of purchase money on an irrigation farm purchase or a non-irrigable purchase, the same shall be paid, in accordance with the provisions of the *Crown Lands Consolidation Act 1913*, over the balance of the period remaining after the thirty-first day of December, one thousand nine hundred and thirty-two, fixed for payment of such purchase money; and the instalments shall be adjusted in accordance with such reduction.

(4)

- (a) Subject to this section the Minister may, in any case where, in his opinion, the circumstances so warrant, reduce the current indebtedness to the Crown or to the Commission of any occupier of any holding or tenure held by him within the Yanco No 1 Irrigation Area or the Mirrool No 1 Irrigation Area (other than a holding or tenure of one of the classes referred to in subsection one of this section), which is of an area exceeding five acres and is used for farming purposes, by an amount equal to or greater than one-third of such current indebtedness.
- (b) So much of the current indebtedness as remains owing after such reduction shall be paid by regular half-yearly instalments (including both principal and interest at the rate of four per centum per annum) calculated on the principle of equalised payments payable over a period to be fixed by the Minister.

The first instalment shall become payable on such date as the Minister may determine. The powers conferred by this subsection shall be deemed to have become exercisable on the first day of July, one thousand nine hundred and thirty-four and shall be exercisable for a period of one year from that date.

If any instalment is not paid on the due date for payment, interest shall accrue in respect thereof as from such due date at the rate of eight dollars per centum per annum.

5 Special provision where only indebtedness is arrears of indebtedness

Where the only indebtedness to the Crown or to the Commission of an occupier of any

holding or tenure of any of the classes referred to in subsection one or subsection four of section four of this Act is arrears of indebtedness the Minister may, in any case where, in his opinion, the circumstances so warrant, determine that a specified part or proportion of such indebtedness shall for the purposes of this Act be deemed to be current indebtedness and the remaining part arrears of indebtedness. The power to make any such determination shall be deemed to have become exercisable on the first day of July, one thousand nine hundred and thirty-four, and shall be exercisable for a period of one year from that date.

Where any such determination is made the provisions of section four of this Act shall apply to and in respect of such part as is deemed to be current indebtedness, and the provisions of section six and section seven of this Act shall apply to such part as is deemed to be arrears of indebtedness.

6 Power to reduce arrears of indebtedness

- (1) The Minister may in any case where in his opinion the circumstances so warrant, reduce the arrears of indebtedness to the Crown or to the Commission of the occupier of any holding or tenure of any of the classes referred to in subsection one or subsection four of section four of this Act by such an amount or by such proportion of the arrears of indebtedness, as he thinks fit.

The power conferred by this subsection shall be deemed to have become exercisable on the first day of July, one thousand nine hundred and thirty-four, and shall be exercisable for a period of one year from that date.

- (2) Every remission granted in respect of payments due during the year ended on the thirtieth day of June, one thousand nine hundred and thirty, by an occupier to the Crown or to the Commission, shall, where the Minister deems the circumstances so warrant, be null and void.

7 Postponement of payments

- (1) This section shall commence on the day upon which Division 8 of Part 6B of the *Government Savings Bank Act 1906* commences.
- (2) In respect of arrears of indebtedness (or of such part thereof as remains owing after any reduction thereof is made pursuant to section six of this Act) of any occupier of any holding or tenure of any of the classes referred to in subsection one or subsection four of section four of this Act, if the Rural Bank of New South Wales is satisfied that the occupier is unable to pay the whole of such arrears of indebtedness immediately interest on such arrears of indebtedness shall not be charged until a date to be appointed by such bank not being later than the thirty-first day of December, one thousand nine hundred and forty-seven.
- (3) After the date so appointed interest upon such arrears of indebtedness or such part thereof as remains unpaid shall accrue at the rate of eight dollars per centum per

annum and shall be paid by the occupier, at the times directed by the Rural Bank of New South Wales.

- (4) The arrears of indebtedness so postponed shall be paid in six regular half-yearly instalments, the first of which shall become payable on the thirtieth day of June, one thousand nine hundred and sixty.
- (5) If any interest or instalment is not paid on the due date for payment interest shall accrue thereon at the rate of eight dollars per centum per annum.

8 Cases in which no reduction is to be made

No reduction of current indebtedness or of arrears of indebtedness shall be made by or under this Act:

- (a) in any case where a determination of the Commission under section 19D of the *Irrigation Act 1912-1931*, which is not subject to appeal under section 19E of that Act, has not been accepted by the occupier—unless and until the determination is accepted by the occupier,
- (b) in any case where a determination of the Commission under section 19D of the *Irrigation Act 1912-1931*, is subject to an appeal under section 19E of that Act, and a decision of the Land and Valuation Court on the appeal has not been given before the commencement of this Act—unless and until the appeal is withdrawn by the occupier,
- (c) in any case where, in the opinion of the Minister, an equitable adjustment of the indebtedness of the occupier having regard to economic conditions and the value of farm products has been made before the commencement of this Act,
- (d) in any case where such indebtedness was incurred on condition that no reduction thereof would be granted: Provided that, in any case where the Minister deems the circumstances so warrant, he may exempt such indebtedness from the operation of this paragraph.

Part 3 Reduction of rents

9 Determination of capital value in certain cases

- (1) Where an application made under section 143A of the *Crown Lands Consolidation Act 1913* for the determination of the capital value of:
 - (a) an irrigation farm lease of an area exceeding five acres, or
 - (b) a non-irrigable lease used for farming purposes of an area exceeding five acres,within Yanco No 1 Irrigation Area or Mirrool No 1 Irrigation Area, before the commencement of the *Irrigation (Amendment) Act 1931*, was, after such commencement, withdrawn by an occupier at the instance of the Commission the

Minister may determine the capital value of the holding as at the date of the said application.

- (2) In determining the capital value the Minister shall have regard to the following provisions:
 - (a) the capital value of the holding shall be the fair market value of the land at the date of the application irrespective of any improvements thereon,
 - (b) 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.
- (3) Where the Minister determines the capital value of any such holding, one-twentieth of the same shall be deemed to be the annual rental of the holding as from the date of the said application.

10 Reduction of rents

- (1) The annual rental in respect of:
 - (a) each irrigation farm lease of an area exceeding five acres, and
 - (b) each non-irrigable lease used for farming purposes of an area exceeding five acres,

within the Yanco No 1 Irrigation Area or the Mirrool No 1 Irrigation Area is hereby reduced by one-third as on and from the first day of January, one thousand nine hundred and thirty-three.

- (2) The Minister may, in any case where in his opinion the circumstances so warrant, determine, in the case of any holding or tenure of an area exceeding five acres used for farming purposes (other than a holding or tenure referred to in subsection one of this section), that the annual rental of such holding or tenure shall be reduced by one-third as on and from the first day of January, one thousand nine hundred and thirty-three.

The power conferred on the Minister by this subsection shall be deemed to have become exercisable on the first day of July, one thousand nine hundred and thirty-four, and shall be exercisable for a period of one year from that date.

- (3) In any case where the annual rental of a holding has been determined in pursuance of an application made after the commencement of the *Irrigation (Amendment) Act 1931*, under the provisions of section 143A of the *Crown Lands Consolidation Act 1913*, then:
 - (a) where the reduction consequent upon any such determination exceeds one-third of the rental obtaining immediately prior to the date of the said application, no

reduction under subsection one or subsection two of this section shall be made, and

(b) where the reduction consequent upon any such determination does not exceed one-third of the rental obtaining immediately prior to the date of the said application then the annual rental as at the first day of January, one thousand nine hundred and thirty-three, shall be further reduced so that the total reduction made shall be one-third of the said annual rental obtaining immediately prior to the date of the said application.

(4) In addition to the reduction of rental provided for in subsections one, two and three of this section the Minister in any case where he deems the circumstances so warrant may reduce the annual rental of a lease holding or tenure referred to in those subsections to a greater extent than one-third, and any such reduction may be made to take effect on or after the first day of January, one thousand nine hundred and thirty-three.

The provisions of this subsection shall be deemed to have been in force from the first day of July, one thousand nine hundred and thirty-four, and shall be exercisable within a period of one year after that date.

(5) Where in any case the reduction referred to in subsections one, two and three of this section is applied the reduction in rental provided by the *Crown Lands (Amendment) Act 1932* shall not apply.

(6) Where the rental of any holding has been reduced under subsection one or subsection two of this section and an application in respect of that holding made after the commencement of the *Irrigation (Amendment) Act 1931*, under section 143A of the *Crown Lands Consolidation Act 1913*, has not been disposed of at the commencement of this Act no further proceedings upon such application shall be taken.

11 Power of Minister

Notwithstanding anything contained in any Act the Commission when so directed by the Minister shall exercise any power conferred upon the Commission by section nineteen or section 19G of the *Irrigation Act 1912-1931*, and the Commission shall give effect to any direction by the Minister in respect of any of the matters referred to in those sections.

The Minister may exercise the powers conferred upon him by section 19A of the said Act notwithstanding that a report has not been made by the Commission.

This section shall be deemed to have been in force from the first day of July, one thousand nine hundred and thirty-four, and shall continue in force for a period of one year from that date.

Part 4 Water rights

12-14 (Repealed)

Part 5 Miscellaneous

15, 16 (Repealed)

17 Leases of irrigated lots subject to mortgage etc, to Rural Bank

The following provisions shall apply in any case where land within the irrigation area constituted under the Wentworth Irrigation Act is held under lease as an irrigated lot from the Commission and such lease is, immediately prior to the expiration thereof, subject to any mortgage charge or lien in favour of the Rural Bank of New South Wales:

- (a) on the expiration of the said lease the Commission shall grant to the lessee thereunder a further lease of the said irrigated lot on such conditions as the said Commission may determine,
- (b) the further lease so granted shall be subject to such mortgages, charges or liens as were existing in respect of the expired lease immediately prior to its expiry to the like extent to which the expired lease was subject to the same, and the Rural Bank of New South Wales or other person entitled to the benefit of any such mortgage, charge or lien may exercise its rights under such mortgage, charge or lien as if the same had been given or executed in respect of the further lease.

18-20 (Repealed)

21 Validation

There is hereby validated:

- (1) The alteration made on and after the fifteenth day of July, one thousand nine hundred and thirty-three, in the charge for water supplied by the Crown to the Bulyeroi Bore Water Trust from one hundred and forty-three pounds per annum to fifteen shillings and three pence per one thousand gallons of daily flow of the bore as ascertained by an annual measurement.
- (2) The consolidation of the debt amounting to one thousand four hundred and thirty-nine pounds two shillings and eleven pence of the Bama Irrigation Trust to the Crown at the first day of May, one thousand nine hundred and thirty-four, in respect of original and additional works and the authorisation to the trust to pay the said consolidated debt by quarterly instalments in advance over a period of sixteen years commencing on the said date.

Schedule

Parcel	Portion No	Parish	County	Land District
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H.F. 34/14	11	Munro	Sturt	Hay
H.F. 33/14	12	Munro	Sturt	Hay
H.F. 33/1	36	Denny	Sturt	Hay