

# Irrigation Act 1912 No 73

[1912-73]



New South Wales

## Status Information

### Currency of version

Repealed version for 31 March 2000 to 31 December 2000 (accessed 24 November 2024 at 5:54)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Repeal**

The Act was repealed by Sch 7 to the [Water Management Act 2000 No 92](#) with effect from 1.1.2001.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Irrigation Act 1912 No 73



New South Wales

An Act to make better provision for the construction, control, and management of works of water conservation, irrigation, and water supply, and for the constitution, administration, and management of irrigation areas; for the resumption and the disposal of land; to repeal certain Acts; to amend certain other Acts; and for purposes consequent thereon or incidental thereto.

## Part 1 Preliminary

### 1 Name of Act and commencement

- (1) This Act may be cited as the *Irrigation Act 1912*.
- (2) This Act originally commenced on 1 January 1913.

### 2 Repeal

- (1) The *Murrumbidgee Irrigation Act 1910* is repealed.
- (2) Such repeal shall not:
  - (a) affect any lease, reservation, dedication, proclamation, appointment, or notification lawfully made before the commencement of this Act, or
  - (b) prejudice or affect any proceeding matter or thing lawfully done or commenced, or contracted to be done, under the authority of any enactment hereby repealed.

### 3 Definitions

In this Act the following terms shall, if not inconsistent with the context or subject matter, have the following meanings:

**Discharged soldier** shall have the same meaning as that assigned to that expression by the *Returned Soldiers Settlement Act 1916*.

**Improvements** includes all works, buildings, machinery, plantations, and other improvements provided or effected under the authority of the Act hereby repealed, or by or under the authority of the Ministerial Corporation or this Act.

**Irrigation area** means irrigation area constituted under the *Murrumbidgee Irrigation Act*

1910 or under this Act.

**Local government area** has the same meaning as **area** has in the [Local Government Act 1993](#).

**Ministerial Corporation** means the Water Administration Ministerial Corporation constituted by the [Water Administration Act 1986](#).

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

**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 Ministerial Corporation 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 Ministerial Corporation 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.

**Occupier** means person holding under any tenure any land in an irrigation area.

**The Construction Act** means the [Barren Jack Dam and Murrumbidgee Canals Construction Act 1906](#).

**Valuer-General** means the Valuer-General appointed under the [Valuation of Land Act 1916](#).

**Water right** means right to a quantity of 1 megalitre of water annually.

## Part 2 Irrigation areas

### 4-5F (Repealed)

### 5G Acquisition of land

- (1) The Ministerial Corporation may, for the purposes of the constitution, or alteration, of an irrigation area, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the [Land Acquisition \(Just Terms Compensation\) Act 1991](#).
- (2) For the purposes of the [Public Works Act 1912](#), any such acquisition of land is taken to

be for an authorised work and the Ministerial Corporation is, in relation to that authorised work, taken to be the Constructing Authority.

## 6 Constitution of irrigation areas

- (1) The Governor may, by proclamation published in the Gazette, constitute any specified area of land of the Crown as an irrigation area.

The Governor may by proclamation published in the Gazette alter an irrigation area constituted or deemed to be constituted under this section by including additional lands of the Crown.

On such proclamation being made such land shall, whether such land is situate within the Eastern and Central Division or Western Division, be Crown land within the meaning of the Crown Lands Acts, and may be dealt with thereunder or used for such purposes as the Ministerial Corporation thinks fit.

- (2) The Governor may by proclamation published in the Gazette alter an irrigation area constituted or deemed to be constituted under this section by:
  - (a) excising lands, or
  - (b) transferring lands from one irrigation area to another.
- (3) Any proclamation made under the [Murrumbidgee Irrigation Act 1910](#) and any proclamation made under this section may be corrected, amended, modified or revoked whether as to the whole or any part thereof by the Governor by proclamation in the Gazette.

The provisions of this subsection shall be deemed to have been in force from the commencement of the [Irrigation \(Amendment\) Act 1918](#).

- (4) For the purposes of this section the expression **land of the Crown** shall include land vested under section 5G as from time to time in force and shall include and shall be deemed always to have included land vested in the Ministerial Corporation and land vested pursuant to section 6 of the [Murrumbidgee Irrigation Act 1910](#) in the Minister of the Crown administering the Acts relating to irrigation and any land purchased or resumed under the [Closer Settlement \(Amendment\) Act 1907](#).

### 6A Change of Principal under contract

- (1) The Ministerial Corporation may serve on the holder of a lease, licence or permissive occupancy under this Act a notice in writing stating that, on and from a date that is specified in the notice and is later than the date of service, a reference in any agreement or other instrument relating to the lease, licence or permissive occupancy to the Ministerial Corporation is taken to be a reference to the Lands Administration Ministerial Corporation constituted by the [Crown Lands Act 1989](#).

(2) A notice under this section has effect according to its tenor.

**6B, 7 (Repealed)**

**7A Water rights on subdivision etc**

(1) This section applies if:

- (a) a holding is subdivided, or
- (b) a holding is altered by the surrender or resumption of part or by the addition of land, or
- (c) a holding is affected by a redesign under section 16 of the *Crown Lands (Continued Tenures) Act 1989*, or
- (d) two or more holdings or parts of holdings are, under section 16 of the *Crown Lands (Continued Tenures) Act 1989*, constituted as one holding for the purposes of this Act, or
- (e) a declaration, under that section, that two or more holdings or parts of holdings are to be a single farm unit is revoked, or
- (f) the irrigable area of a holding is increased, or
- (g) the Ministerial Corporation provides additional facilities for watering a holding.

(2) If this section applies, the Ministerial Corporation may by notification in the Gazette:

- (a) determine the number of water rights (if any) which shall, for that reason, attach to the holding or to any part of the holding (or to each holding constituted by the subdivision, redesign or revocation of declaration), and
- (b) specify the number of those water rights which are to be a fixed charge on the holding or any part of the holding (or on each holding), and
- (c) attach to the holding, to the part of the holding or to each holding any provisions and conditions not inconsistent with this Act that the Ministerial Corporation thinks should apply to or in respect of, or be incidental to, the supply of water to, the drainage of, or the attachment of water rights to, the holding, part of the holding or each holding.

(3) In this section, **holding** means:

- (a) an irrigation farm lease, or
- (b) an irrigation farm purchase, or
- (c) a purchase under the *Crown Lands (Continued Tenures) Act 1989* of land comprised in an irrigation farm lease, or



- (d) land formerly comprised in an irrigation farm purchase or a purchase referred to in paragraph (c), or
- (e) any two or more holdings or parts of holdings for the time being declared to be a single farm unit under section 16 of the *Crown Lands (Continued Tenures) Act 1989*,  
whether or not the lease, purchase, land, holdings or parts of holdings has or have been brought under the provisions of the *Real Property Act 1900*.

#### **7B Water rights etc on conversion or purchase**

- (1) Subject to subsection (5), where an irrigation farm lease is converted into an irrigation farm purchase, or an application to purchase the land comprised in an irrigation farm lease is granted the number of water rights which were attached to the lease or any part thereof, any prices which were fixed therefor, and the number of the said water rights which were a fixed charge on the lease or any part thereof and which were applicable in relation to the lease immediately before the date upon which the conversion or purchase took effect shall continue to apply to the land formerly comprised in the lease, before and after completion of the purchase.
- (2)-(4) (Repealed)
- (5) Where any prices of water rights continue to apply pursuant to subsection (1), they do so only until the next thirtieth day of June after the date on which they first continue to apply under subsection (1).

#### **7C Alteration of number of water rights**

- (1) The Ministerial Corporation may with the consent of the occupier alter the number of water rights which attach to or are a fixed charge on any land within an irrigation area.
- (2) Where in the opinion of the Ministerial Corporation the number of water rights which attach to any land within an irrigation area has been determined having regard to:
  - (a) the fact that no fruit trees or vines were planted on the land, or
  - (b) the area of fruit trees or vines planted on the land, or
  - (c) the maximum area of fruit trees or vines which may at the date of such determination be planted on the land in accordance with any condition attaching to the land in pursuance of the provisions of the Crown Lands Acts,and since the date on which the attaching of the said water rights took effect fruit trees or vines have been planted on land of the class referred to in paragraph (a) or an area of fruit trees or vines in excess of the area referred to in paragraph (b) or paragraph (c) has been planted on the land, the Ministerial Corporation may, if it is of the opinion that the circumstances so warrant, determine:

- (i) the number of water rights to attach to such land or any part thereof,
- (ii) (Repealed)
- (iii) the number of the said water rights which are to be a fixed charge on such land or any part thereof.

The numbers so determined shall be notified in the Gazette. Such notification shall specify the date on and from which the determination shall take effect and the numbers so determined shall be in lieu of the numbers applying in respect of the water rights which before the date so specified were attached to such land or any part thereof.

- (3) The powers conferred by this section may be exercised from time to time as occasion may require.

#### **7D Leases and sales under [Crown Lands Act 1989](#)**

Section 7A applies:

- (a) to a lease under the [Crown Lands Act 1989](#) in the same way as it applies to an irrigation farm lease, and
- (b) to a sale of land under the [Crown Lands Act 1989](#) in the same way as it applies to an irrigation farm purchase,

if the land sold or leased is in an irrigation area and is served with water by works provided by the Ministerial Corporation.

### **Part 3 Powers and duties of Ministerial Corporation**

#### **8 Powers, authorities, duties and functions of Ministerial Corporation**

The Ministerial Corporation, in addition to the powers, authorities, duties and functions conferred or imposed expressly on it by or under this Act:

- (a) shall, subject to this Act and any regulations made under this Act, have control of any irrigation area and any works within or used in connection with any such area, and
- (b) (Repealed)

#### **8A (Repealed)**

#### **8AA Price of water rights**

- (1) The Ministerial Corporation may, by order, in respect of and during the year commencing on 1 July 1975 and in respect of and during each subsequent year, fix the prices for water rights attached to the whole or to any part, or fix different prices for water rights attached to different parts of:

- (a) an irrigation farm referred to in section 6A (2),
  - (b) an irrigation farm purchase and an irrigation farm lease the subject of a notification referred to in section 7 (1) and made before the repeal of that section,
  - (c) any holding referred to in section 7A (1) (a)-(g),
  - (d) land comprised or formerly comprised in a purchase referred to in section 7B (1),
  - (e) a lease under the *Crown Lands Act 1989* referred to in section 7D of this Act, and
  - (f) land sold under the *Crown Lands Act 1989* as referred to in section 7D of this Act.
- (2) Subsection (1) applies to water rights whether attached before or after the commencement of Part 3 of the *Irrigation (Amendment) Act 1974*.

### **8B Sinking of bores or wells**

- (1) The Ministerial Corporation 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.
- (2) The Ministerial Corporation 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) The form of agreement to be prescribed in pursuance of subsection (2) shall provide that any sum payable by an owner or occupier in respect of the sinking of a bore or well shall be paid to the Minister.

Any such sum owing to the Ministerial Corporation in respect of the sinking of a bore or well shall be payable to the Minister and shall until paid be and remain a charge in the Minister's favour on the land on which the bore or well has been or is being sunk and shall be recoverable by the Minister in any court of competent jurisdiction from the owner or occupier of the land for the time being.

(3A)

- (a) The Ministerial Corporation shall have power to enter into an agreement with the owner or occupier of any land to clean out, deepen, examine, repair or alter any bore or well, or to alter, dismantle, remove or re-erect any equipment or fittings connected with a bore or well, and to carry out such works pursuant to the agreement.

Any such agreement may be made on such terms and subject to such conditions as the Ministerial Corporation may think fit.

- (b) Any sum payable under an agreement made under this subsection shall be paid to

the Minister and shall, until so paid, be and remain a charge in the Minister's favour on the land upon which such works are carried out, and shall be recoverable by the Minister in any court of competent jurisdiction from the owner or occupier of the land for the time being.

- (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.

**8BA Sinking of bores or wells etc on payment therefor being made in advance**

- (1) Section 8B does not apply in any case where the owner or occupier of land pays in cash in advance to the Ministerial Corporation an amount which the Ministerial Corporation estimates will be not less than the probable cost of sinking a bore or well on that land, or of carrying out thereon any works, being works referred to in section 8B (3A).
- (2) In any such case the Ministerial Corporation may, on the application of the owner or occupier of the land, sink the bore or well, or carry out the works, on such terms and conditions (including terms and conditions relating to the charge for so doing) as are agreed upon by the Ministerial Corporation and the owner or occupier of the land.
- (3) Where the charge agreed upon by the Ministerial Corporation and the owner or occupier of the land for sinking the bore or well, or for carrying out the works, is the actual cost to the Ministerial Corporation of so doing, there may be included as part of that cost all proper supervision costs and overhead expenses incurred by the Ministerial Corporation.
- (4) When the bore or well has been sunk or the works carried out the Ministerial Corporation shall certify an amount as the amount of the charge for sinking the bore or well, or for carrying out the works, and a copy of that certificate shall be sent to the owner or occupier of the land.
- (5) A certificate issued pursuant to subsection (4) shall be received in evidence in any proceedings and shall:
- (a) in any case where the charge agreed upon by the Ministerial Corporation and the owner or occupier of the land for sinking the bore or well, or for carrying out the works, is the actual cost to the Ministerial Corporation of so doing—be conclusive evidence that the amount certified therein is the amount of such actual cost, or
  - (b) in any other case—be prima facie evidence that the amount certified therein is the amount of the charge agreed upon by the Ministerial Corporation and the owner or occupier of the land for sinking the bore or well, or for carrying out the works.
- (6) Where the amount of the charge for sinking a bore or well, or for carrying out any works:

- (a) is less than the amount paid in advance pursuant to this section to the Ministerial Corporation by the owner or occupier of the land, the Ministerial Corporation shall pay the excess to the person who so paid the amount in advance, or
  - (b) is greater than the amount so paid, the balance shall be a debt due to the Ministerial Corporation and may be recovered by the Ministerial Corporation in any court of competent jurisdiction from the person who so paid the amount in advance.
- (7) For the purposes of this section **occupier**, in relation to any land, means the person in actual occupation of that land or, where there is no person in actual occupation, the holder of the land under any tenure.

### **8C (Repealed)**

### **9 Ministerial Corporation to construct works etc**

- (1) The Ministerial Corporation may, in or in connection with any irrigation area:
- (a) construct works for storage or diversion of water,
  - (b) construct conduits, lay pipes, and erect posts through or on any lands or through or on roads for the purpose of conveying or transmitting water or power, or for any other purpose, and fix electric wires or cables to any buildings,
  - (c) construct drainage and other works,
  - (d) subject to the provisions of the [Public Works Act 1912](#), construct roads, railways and tramways, and may construct any such railway or tramway across, over, or along any roads,
  - (e) provide or effect improvements, and institute and carry on any trade, business, factory, service, or industry, and construct, establish, and maintain any works or buildings,
  - (f) establish and maintain sanitary sewerage and garbage systems, and regulate the same and the disposal of garbage, nightsoil, and other refuse, and fix and recover fees and charges in respect thereof,
  - (g) for the purposes of this section 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 Ministerial Corporation may deem fit:
  - (h) (Repealed)

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

(2)

- (a) Every work which the Ministerial Corporation is authorised by this section to construct shall be constructed under the *Public Works Act 1912*.
  - (b) Any such work shall be deemed to be an authorised work within the meaning of the *Public Works Act 1912*, and the provisions of that Act, sections 34, 35, 36 and 37 excepted, shall apply to and in respect of any such work.
  - (c) The Ministerial Corporation shall be the constructing authority for any such work within the meaning of that Act, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.
- (3) Without prejudice to the generality of subsections (1) and (2) the provisions of section 38 of the *Public Works Act 1912* shall apply to and in respect of any of the contracts referred to in subsection (2) (c).

(4) (Repealed)

**9A Unauthorised removal, damage to or destruction of buildings or other improvements**

- (1) No person shall remove or cause to be removed any structure, building, fixture, fence or other improvement on any holding within an irrigation area in respect of which any moneys are owing:
  - (a) to the Ministerial Corporation—without the consent in writing of the Ministerial Corporation,
  - (b) to the Minister—without the consent in writing of the Minister.
- (2) No person shall wilfully damage or destroy or wilfully cause to be damaged or destroyed, any structure, building, fixture, fence, or other improvement on any holding within an irrigation area in respect of which any moneys are owing to the Ministerial Corporation or the Minister.
- (3) Any person committing a breach of this section shall be liable on conviction to a penalty not exceeding 10 penalty units, and 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.

## **10 Fares and rates charged on railways etc vested in Ministerial Corporation**

The Ministerial Corporation may on any railway or tramway vested in it, including the railway between Goondah and Barren Jack, use any motive power, and draw or propel carriages and waggons for passenger and goods traffic, and may charge such fares and rates as may on its recommendation be prescribed in respect of such traffic.

## **11-11G (Repealed)**

## **11H Agreements for the supply of electricity**

- (1) The Ministerial Corporation may on such terms and conditions as it thinks fit (including such valuable consideration as is agreed upon) by agreement grant to the council of a local government area or to any person for a period not exceeding twenty years permission to supply electric current to the Ministerial Corporation and to the public within any irrigation area (as defined in this Act) or part thereof and for such purpose to lay or erect and maintain pipes, wires, poles and other apparatus, on, under or over the roads and lands within the irrigation area or part thereof under the immediate control of the Ministerial Corporation.
- (2) Any agreement under subsection (1) granting any person the right to supply electric current to the public within an irrigation area or part thereof which is within a local government area shall not relieve that person from any obligation to obtain the permission of the council of the local government area to supply the electric current to the public and to lay or erect and maintain pipes, wires, poles and other apparatus on, under or over any public place.

## **11I (Repealed)**

## **Part 4 Supply of water**

### **12 Water rights**

- (1) The Ministerial Corporation shall each year, at the times and in the quantities fixed by it, supply water in pursuance of the water rights which are attached to the land of any occupier:
  - (a) to the boundary of any land held by any one person bona fide in the person's own interest, and
  - (b) to such other points as may be agreed upon.
- (1A) While any part of water rates and charges relating to any land, or any interest that has accrued on them, is due and unpaid, the Ministerial Corporation may, without affecting the liability to pay the rates, charges or interest, discontinue until payment has been made the supply of water to the land.
- (2) The charge in respect of such water rights as are a fixed charge on the land at the

price fixed shall commence to be payable from the date of notification by the Ministerial Corporation to the occupier that water is available, and shall be paid by the occupier whether the water is or is not taken by the occupier, unless (except where the supply has been discontinued under subsection (1A)) the occupier 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 Ministerial Corporation of such occupier.

- (3) Any omission to notify the occupier as to water being available shall not relieve the occupier 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 Ministerial Corporation as that from which the charge is payable.
- (4) (Repealed)

### **13 Additional water rights, supply of water for special purposes etc**

- (1) After providing for the water rights, which are attached to land, the Ministerial Corporation, on application by any occupier of any land, may, by agreement with such occupier, allot to the occupier additional water rights from time to time, and may fix the prices to be paid for such additional water rights.

After the full quantity of water to which an occupier is entitled pursuant to the water rights attached to the occupier's land and to any additional water rights which may have been allotted to the occupier has been supplied, the Ministerial Corporation may, on application by the occupier, supply the occupier with additional water at such charges as the Ministerial Corporation may determine.

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 attached to land.

- (2) The Ministerial Corporation may also supply water for special purposes in such manner and at such charges as the Ministerial Corporation may determine.
- (3) The Ministerial Corporation, on application by persons occupying lands within, adjoining, or adjacent to the boundaries of an irrigation area, may supply water to any such lands, in any such quantities, at such times and at such prices as the Ministerial Corporation may determine.
- (4) (Repealed)

### **13A Supply of water during hours of daylight**

- (1) Where the Ministerial Corporation is prepared to make available and makes available to any land a supply of water solely during the hours of daylight, it may impose such special charge per megalitre for all water so supplied as it may from time to time



determine. Notification of any such determination shall be published in the Gazette.

- (2) The special charge shall be in addition to the charges for any water rights which are attached to the land and for any additional water rights and for any water supplied to the land additional to the water supplied pursuant to such water rights and additional water rights.
- (3) The special charge shall be determined by the Ministerial Corporation having regard to the additional cost per megalitre which the Ministerial Corporation estimates will be incurred by it in supplying water solely during the hours of daylight.
- (4), (5) (Repealed)

#### **14 Supply of water under pressure**

- (1) The Ministerial Corporation may provide a supply of water through pipes under pressure, and may:
  - (a) on or in respect of all or any land situate within a distance of 220 metres 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 Ministerial Corporation may fix different charges according to the purposes for which the water is supplied.

#### **15 Payment of rates and charges**

- (1) Every rate or charge for water made and levied under section 14 shall be paid to the Ministerial Corporation by the occupier of the land as and when prescribed.

Every other rate or charge (including the special charge imposed under section 13A) made and levied under this Act and all other moneys due or payable for water in pursuance of this Act or for maintenance charges arising in relation to the supply of water shall be paid to the Ministerial Corporation by the occupier of the land.

The charges in respect of water rights which are attached to the land, the charges in respect of additional water rights, and the charges in respect of the water supplied to the land additional to water supplied pursuant to such water rights and additional water rights shall be paid at the times and in the manner prescribed, and all other rates or charges for water and maintenance charges shall, except where otherwise

expressly provided, be paid at the times and in the manner determined by the Ministerial Corporation and when no such determination has been made then at such times and in such manner as may have been agreed between the Ministerial Corporation and the occupier.

- (2) The amount due for any such rate or charge shall bear interest in respect of so much of the period between the due date and payment as occurred:
- (a) before the date of commencement of section 3 of the *Irrigation (Amendment) Act 1976*—at the rate of five per centum per annum,
  - (b) on or after that date and:
    - (i) before the date of payment, or
    - (ii) where a regulation referred to in paragraph (c) is made, before the date that regulation takes effect,whichever date referred to in subparagraph (i) or (ii) first occurs—at the rate of ten per centum per annum, or
  - (c) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—at that rate.
- (2A) The Ministerial Corporation, with the approval of the Governor, may make regulations prescribing rates of interest for the purpose of subsection (2) (c).
- (2B) Interest under subsection (2) on the amount due for a rate or charge accrues on a daily basis and is payable even if judgment for the amount has been given by a court, and any payment made in respect of such a rate or charge shall be applied first in payment of all accrued interest.
- (3) Any rate or charge, or interest on a rate or charge, that is due and unpaid is a charge on the land to which it relates and is recoverable as a debt due to the Ministerial Corporation by the occupier of the land for the time being.
- (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 Acts.

## **16 Determination of quantity of water supplied**

Where a quantity of water was, during any period, supplied at any outlet or point of supply to, or to the occupier of, any land and:

- (a) there was no prescribed method of measuring the quantity, or
- (b) there was a prescribed method of measuring the quantity but, in the opinion of the Ministerial Corporation, the method did not function correctly at any time during that period,

the Ministerial Corporation may, by whatever means it considers fit, determine the quantity of water supplied, during the period, at the outlet or point of supply to, or to the occupier of, the land.

### **16A Evidence**

- (1) A certificate, purporting to be issued under subsection (2) for the purposes of this subsection, shall, in any proceedings, be admissible in evidence and be conclusive evidence of the matters certified in and by the certificate.
- (2) A certificate purports to be a certificate issued under this subsection for the purposes of subsection (1) if:
  - (a) it purports to be executed by the Ministerial Corporation, and
  - (b) it certifies that, during a specified period, a specified quantity of water was supplied to any specified land or to the specified occupier of any specified land, and was so supplied as referred to in any one or more of the following subparagraphs:
    - (i) pursuant to any water rights, including any additional water rights, attached to the land or to any specified part of the land,
    - (ii) as additional or excess water,
    - (iii) pursuant to any provision of this Act so specified,
    - (iv) for any specified purpose,
    - (v) at any specified outlet or specified point of supply,
    - (vi) solely during the hours of daylight on specified days.
- (3) The Ministerial Corporation shall not issue a certificate under subsection (2) certifying that a quantity of water was supplied as referred to in subsection (2) (b) unless that quantity was ascertained by a prescribed method of measuring or was the subject of a determination made by the Ministerial Corporation under section 16.

## **Part 5 Miscellaneous and supplemental**

### **17 Expense—how defrayed**

The expenses of the Ministerial Corporation in carrying out the provisions of this Act shall be defrayed from such moneys as may be appropriated by Parliament for the purpose.

### **17A Unauthorised use of water**

- (1) Any person who, except under the authority of this Act or of the [Wentworth Irrigation Act](#) or of the [Hay Irrigation Act 1902](#), or with the permission of the Ministerial

Corporation:

(a) takes or uses water from:

- (i) any reservoir, aqueduct, channel or pipe used in or in connection with any irrigation area constituted under this Act or under the *Wentworth Irrigation Act*, the *Hay Irrigation Act 1902* or the *Murrumbidgee Irrigation Act 1910* and belonging to or under the control and management of the Ministerial Corporation, or
- (ii) any pipe leading to or from any such reservoir, aqueduct, channel or pipe, or
- (iii) any cistern or place used in or in connection with any irrigation area constituted under this Act or under the *Wentworth Irrigation Act*, the *Hay Irrigation Act 1902* or the *Murrumbidgee Irrigation Act 1910* and belonging to or under the control and management of the Ministerial Corporation or supplied by it with water for the use of any consumer, or
- (iv) any pipe through an unauthorised draw-off, or

(b) interferes with, or alters or adjusts, the flow of the water in any supply channel or pipe used in or in connection with any irrigation area constituted under this Act or under the *Wentworth Irrigation Act*, the *Hay Irrigation Act 1902* or the *Murrumbidgee Irrigation Act 1910* by opening or closing either in whole or in part any valve, sluice, gate, meter, or other like regulator or by removing or placing in position any dropbar or like appliance,

shall be guilty of an offence and shall be liable to a penalty not exceeding:

- (c) where the offence was committed by a corporation—200 penalty units, or
- (d) where the offence was committed by any other person—100 penalty units.

(2) Any person who, except under the authority of this Act or of the *Wentworth Irrigation Act*, or of the *Hay Irrigation Act 1902*, or with the permission of the Ministerial Corporation:

- (a) diverts or takes water supplying or flowing into any waterworks, watercourse, or reservoir, used in or in connection with any irrigation area constituted under this Act or under the *Wentworth Irrigation Act*, the *Hay Irrigation Act 1902* or the *Murrumbidgee Irrigation Act 1910* and belonging to or under the control and management of the Ministerial Corporation, or
- (b) does any act whereby the water from any such waterworks, watercourse, or reservoir may be drawn off or diminished in quantity,

shall be guilty of an offence and shall be liable to a penalty not exceeding 10 penalty units for every day during the whole or any part of which the said supply of water is

diverted, taken, drawn off or diminished by reason of any act done by or by the direction of such person.

- (3) Any person who destroys, damages or interferes with any reservoir, dam, weir, tank, channel, conduit, pipe, bridge, culvert, box, measuring device, valve, structure or other part whatsoever of the works used in or in connection with any irrigation area constituted under this Act or under the *Wentworth Irrigation Act*, the *Hay Irrigation Act 1902* or the *Murrumbidgee Irrigation Act 1910* and belonging to or under the control of the Ministerial Corporation shall be guilty of an offence and shall be liable to a penalty not exceeding:
  - (a) where the offence was committed by a corporation—200 penalty units, or
  - (b) where the offence was committed by any other person—100 penalty units.
- (4) Where, in any prosecution for an offence against this section, it is established that as a result of the acts complained of a benefit is conferred upon or derived by any occupier it shall be presumed in the absence of proof to the contrary that such occupier was guilty of the offence.

#### **17AA Damage to or interference with works**

- (1) Any person who destroys, damages or interferes in any way with any work, structure or other thing whatsoever vested in or made, constructed or provided by or otherwise under the control or management of the Ministerial Corporation shall where no other provision is expressly made by any other section of this Act be guilty of an offence and liable on summary conviction:
  - (a) where the offence was committed by a corporation—to a penalty not exceeding 200 penalty units, or
  - (b) where the offence was committed by any other person—to a penalty not exceeding 100 penalty units or to imprisonment for a term not exceeding 3 months.
- (2) Nothing in subsection (1) shall in any way affect any liability to which any person who commits a breach of that subsection is subject under any other Act or at common law but any such person shall not be liable to be punished twice for the same offence.

#### **17AB Liability for damage to bridges, culverts etc**

- (1) If a person causes damage to any bridge, culvert, canal, channel, drain or other work constructed or maintained across a public road (within the meaning of the *Roads Act 1993*) by the Ministerial Corporation in the exercise of its powers under this or any other Act in relation to an irrigation area, the amount of the cost incurred by the Ministerial Corporation in making good the damage is payable to the Ministerial Corporation by the person who caused the damage and is recoverable in a court of

competent jurisdiction.

- (2) If a person causes damage to a bridge, this section applies to each part of the bridge, including decking and a hand rail, approach guard rail, gate, pier, fender, dolphin or platform or any other thing incidental to the use or protection of the bridge.
- (3) In this section, a reference to damage does not include a reference to ordinary wear and tear.
- (4) A certificate purporting to be signed by an officer of the Department of Water Resources authorised to do so by the Director of the Department and certifying as to the cost incurred by the Ministerial Corporation in making good damage referred to in this section is admissible in any proceedings under this section and shall be prima facie evidence as to the cost so certified.

### **17B-17D (Repealed)**

### **18 Collection of rents etc**

- (1) The Minister shall, subject to this Act, collect all moneys due or owing by an occupier for purchase money, rental, improvements, interest or otherwise in respect of lands within any irrigation area set apart and disposed of under the Crown Lands Acts.
- (2) The Ministerial Corporation shall, subject to this Act, collect all other moneys due or owing by an occupier in respect of the occupier's holding to the Crown or Ministerial Corporation and may recover such moneys in any court of competent jurisdiction.

Where the whole or part of any money which is paid to the Ministerial Corporation as a deposit or otherwise in relation to any lease or purchase or application for a lease or purchase is available as a payment on account of purchase money, rental, or Crown improvements in relation to lands set apart and disposed of under the Crown Lands Acts, or lands within the irrigation areas constituted by the [Wentworth Irrigation Act](#) or the [Hay Irrigation Act 1902](#), such money or the part thereof so available, as the case may be, shall forthwith be paid to the Minister by the Ministerial Corporation.

- (3) All moneys received by the Ministerial Corporation in connection with the Murrumbidgee Irrigation Scheme, the Coomealla Irrigation Area, the Hay Irrigation Area, the Wentworth Irrigation Area and any other irrigation area constituted or which may be constituted under the provisions of this Act, and Districts and Provisional Districts constituted under Part 6 and Part 7 of the [Water Act 1912](#) shall, subject to the provisions of subsection (2), be paid into the Treasury and carried to an account to be opened in the Special Deposits Account of the Treasury entitled the Water Administration Working Account and from which account so opened all payments may be made in connection with the Murrumbidgee Irrigation Scheme, those Irrigation Areas and those Districts and Provisional Districts, and into which account shall be transferred the balances remaining in the Special Deposits Accounts entitled Domestic and Stock Water Supply Districts and Domestic and Stock Water Supply and Irrigation

Districts Account and Murrumbidgee Irrigation Areas Working Account.

**18A-19A (Repealed)**

**19B Performance of contracts on default by occupier**

The Ministerial Corporation 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 Ministerial Corporation and the occupier under which the occupier 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.

The amount of such costs and expenses and interest thereon shall be payable by the occupier to the Minister, and shall be a charge on such farm.

**19C-19G (Repealed)**

**19H Reduction of interest**

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

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

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

**19I Application and interpretation**

Section 19H shall apply only in respect of holdings occupied at the date of the commencement of the [Irrigation \(Amendment\) Act 1926](#), and extend to holdings within the irrigation area constituted either by the [Wentworth Irrigation Act](#) or the [Hay Irrigation Act 1902](#).

In section 19H **discharged soldier** includes any occupier who acquired his or her holding by purchase from a discharged soldier, and **holding** means an irrigation farm lease or irrigated lot in each case in excess of 4 hectares.

## 20 Certain land exempted from rates

(1) Any land:

- (a) occupied by works vested in the Ministerial Corporation, or
- (b) within an irrigation area, or
- (c) covered by water which is used or intended to be used for the purposes of this Act, or
- (d) used for the purposes of the railway from Goondah to Barren Jack, or
- (e) purchased, resumed, or appropriated under the *Murrumbidgee Irrigation Resumption Act 1910* or the *Murrumbidgee Irrigation Act 1910*,

shall be exempted from all rates under the *Local Government Act 1993* and the provisions of those Acts shall not, except as hereinafter provided, apply within an irrigation area, and thereupon such exemption shall, as to the *Local Government Act 1993*, be of no effect.

Provided further that where any land under the control of the Ministerial Corporation is not within the boundaries of an irrigation area and is in occupation by any party except the Crown or the Ministerial Corporation for any definite purpose, and the Ministerial Corporation derives a benefit from such occupation, such land shall, whilst such occupation continues, be rateable under the *Local Government Act 1993*. Any rates so imposed shall be collected from the occupier.

- (2) Notwithstanding the provisions of subsection (1) the Governor may (without regard to the provisions of Part 1 of Chapter 9 of the *Local Government Act 1993*), by proclamation published in the Gazette, constitute any irrigation area or portion thereof as a local government area; and thereupon on and from a date to be specified in such proclamation such local government area shall be a local government area as if constituted in accordance with the provisions of that Act; and that Act shall apply to such local government areas, subject to such alterations as may be made by regulation as hereinafter provided.
- (3) Notwithstanding the provisions of subsection (1), the Governor may (without regard to the provisions of Part 1 of Chapter 9 of the *Local Government Act 1993*) add the whole or a portion of any irrigation area to any local government area to which such area or portion adjoins; and thereupon, on and from a date to be specified in such proclamation, such area or portion of an irrigation area shall be a portion of such local government area as if added thereto in accordance with the provisions of that Act; and that Act shall apply to such area or portion subject to such alterations as may be made by regulations as hereinafter provided.
- (4) For the purposes of the constitution of a local government area, or the addition of



portion or the whole of an irrigation area to a local government area under this section, the following provisions of the *Local Government Act 1993* apply, namely, sections 207, 213 and 737.

- (5) Prior to the issue of any proclamation under subsection (2) or subsection (3) the Governor may appoint a Commission of Inquiry, which shall consist of a Judge of the Land and Environment Court, who shall preside, a representative of the Department of Local Government and Co-operatives, and a representative of the occupiers under this Act; and such Commission shall make inquiry and report as to whether any sections of the *Local Government Act 1993* are inapplicable to the peculiar conditions of an irrigation area, and if so, whether any such sections require to be altered, modified, amended or suspended, and whether any additional provisions should be included.
- (6) Upon receipt of the recommendations of the Commission of Inquiry the Governor may make regulations under this Act altering, modifying, amending, or suspending any of the provisions of the *Local Government Act 1993* or including any additional provisions for the purpose of its application to any local government areas, or portions of local government areas, which may be within an irrigation area.
- (7) Upon the constitution of a local government area, or upon the addition of part or the whole of an irrigation area to a local government area under this section, the Ministerial Corporation may transfer to the control of the council, upon such terms and conditions as may be mutually agreed, any works the property of the Ministerial Corporation which are ordinarily local government works (such as electricity works, domestic water supply works, sanitary service works, garbage works, parks, reserves, quarries, road construction depots, offices, and the like), and in default of mutual agreement the matter shall be decided by arbitration under the *Arbitration Act 1902*, and pending such decision the Ministerial Corporation may continue to carry on such works and to perform the related services and to make charges therefor. In this section the word **works** includes not only the works under consideration, but also any land, buildings, machinery, plant, appliances, materials, and other things held by the Ministerial Corporation and necessary or advisable for the purpose of carrying on such works.
- (8) For the purposes of any inquiry under this section the Commission of Inquiry may through its president summon witnesses and take evidence on oath.
- (9)
  - (a) Pending the constitution of an irrigation area or portion thereof as a local government area, the Ministerial Corporation may by notification in the Gazette make on the prescribed basis and levy an ordinary rate and a special rate on any land within that area or portion, and may also impose charges as prescribed for local government services in respect of which the aforesaid rates are not made and levied. The ordinary rate shall be made and levied for the purpose of meeting

the cost of local government services generally, and the special rate for street lighting and other similar particular services.

- (b) The Ministerial Corporation may from time to time by notice in the Gazette define the lands on which such rates shall be levied. The amount due for any such rates shall be a charge upon the land upon which it is levied, and may be recovered from and shall bind the occupier of the land for the time being.
- (c) The Ministerial Corporation may in its discretion exempt any lands either wholly or partially from rates imposed by it.
- (d) In connection with the making and levying of the rates and imposition of the charges aforesaid, the Ministerial Corporation shall take steps as hereinafter provided for the constitution of an Executive Board in respect of an irrigation area, which board shall consist of seven members, four of whom shall be elected by the occupiers and three of whom shall be nominated by the Ministerial Corporation. For the election of the four members mentioned a poll shall be taken of the occupiers in manner prescribed, and only occupiers shall be eligible for election. The members so elected and nominated shall hold office for two years, at the expiration of which period and each successive period of two years thereafter there shall be a reconstitution of the board in connection with which the members holding office at that date shall be eligible for re-election and renomination. Any vacancy which may occur on the board shall be filled by nomination or election as the case requires.
- (e) The members of the board shall be paid fees as may be approved by the Governor.
- (f) The Ministerial Corporation shall from time to time refer to the Executive Board for consideration and report to the Ministerial Corporation any proposal to make and levy the rates or to impose the charges as aforesaid. Where the board deems it necessary or desirable a poll may be taken by the Ministerial Corporation in manner prescribed of the occupiers to ascertain their views as to the making and levying of any of the rates or imposing any of the charges.
- (g) The Ministerial Corporation may from time to time refer to an Executive Board for recommendation any question affecting the irrigation areas.
- (h) Where the Ministerial Corporation has determined to make and levy any rate or impose any charge in respect of any local government service in connection with an irrigation area, it may entrust to the Executive Board constituted for that area the administration of the service, including the collection of the rate or charge and the expenditure on the administration of the services of the moneys collected subject to the payment thereout to the Ministerial Corporation of an amount to be fixed by the Ministerial Corporation to meet the cost of providing the service.

- (i) In this subsection the word **service** includes any work, undertaking, and such other matters or things as the Ministerial Corporation may prescribe.

## **20A Sale of lands not required**

Where it appears to the Ministerial Corporation 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, or acquired by agreement or by compulsory process under this Act, and vested in the Ministerial Corporation or in the Minister for Public Works, are not required for the purpose for which such lands were so purchased, resumed, appropriated or acquired, then any such lands may be sold by the Ministerial Corporation 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 Ministerial Corporation may impose.

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, appropriation or acquisition of such lands was paid for.

## **21, 22 (Repealed)**

### **22A Power to vest land and works in Ministerial Corporation and withdrawal from Ministerial Corporation**

- (1) The Governor may by proclamation published in the Gazette vest in the Ministerial Corporation 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 this Act or of the *Water Act 1912* and, subject to subsection (2A), may by a similar proclamation withdraw from the Ministerial Corporation any such land or work as may be found to be unnecessary for the said purposes.
  - (2) Upon the publication in the Gazette of a proclamation withdrawing any land or work from the Ministerial Corporation under subsection (1), the land or work shall vest in the person 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 the *Irrigation (Amendment) Act 1916* 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.
- (2A) Where a resumption application relating to land vested in the Ministerial Corporation by a proclamation published under subsection (1) has been lodged under section 31A (2) of the *Real Property Act 1900* with the Registrar-General, a proclamation under subsection (1) published in the Gazette after the commencement of this subsection may not withdraw that land from the Ministerial Corporation.

- (3) The vesting in the Ministerial Corporation of any land in pursuance of this section shall not affect any lease of, or any licence relating to, such land in force at the time of such vesting. Provided that any rent payable after that vesting in respect of any such lease shall be paid to and may be recovered by the Ministerial Corporation.

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

- (4) The Ministerial Corporation 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 Ministerial Corporation the following provisions shall apply:
- (a) On the application of the Ministerial Corporation, the Registrar-General shall create, for the estate or interest of the Ministerial Corporation in that land or any part thereof, a folio of the Register kept under the [Real Property Act 1900](#), without causing any examination or report to be made as to the title of that land and without considering that title.
- (b) (Repealed)
- (c) With respect to any land already under that Act and comprised in an application under this subsection, the existing certificate of title or Crown grant shall, if the Registrar-General so requires, be surrendered to the Registrar-General for cancellation before the issue of a certificate of title in favour of the Ministerial Corporation.
- (d) On lodgment by the Ministerial Corporation with the Registrar-General of a copy of a proclamation published in the Gazette under subsection (1) that withdraws from the Ministerial Corporation land under the provisions of the [Real Property Act 1900](#), the Registrar-General shall:
- (i) make, in the Register kept under that Act, such recordings with respect to the withdrawal, and
- (ii) create or cancel such folios of that Register,
- as the Registrar-General considers appropriate.

### **23 Ministerial Corporation not bound to supply water**

- (1) Nothing in this Act shall be deemed to render it obligatory on the Ministerial Corporation to supply water to any area or person if by reason of drought, accident, or other cause, the Ministerial Corporation is of the opinion that it is impracticable to do so.

(2)

- (a) Without prejudice to the effect of subsection (1) the Ministerial Corporation may, if it is satisfied that by reason of an actual or threatened shortage of water or for any other sufficient cause it is necessary or expedient so to do, determine that:
- (i) the quantity of water which the Ministerial Corporation is required by or under this or any other Act or otherwise howsoever to supply to any area or person shall be reduced, or
  - (ii) such supply shall be discontinued.
- (b) Any such determination may be made in relation to all water, or to water used for any purpose or class of purposes, and may apply to and in respect of all areas and persons, or may apply to and in respect of any particular area or person specified in the determination, or to and in respect of any class of areas or persons so specified.
- (c) Every determination made under this subsection may be carried into effect by the Ministerial Corporation.
- (d) No matter or thing done by the Ministerial Corporation or by any person whomsoever acting under the direction of the Ministerial Corporation shall, if the matter or thing was done bona fide for the purpose of carrying this subsection into effect, subject the Ministerial Corporation or any such person to any action, liability, claim or demand whatsoever.

**23A (Repealed)**

**23B Murrumbidgee Irrigation Scheme capital cost**

- (1) The sum chargeable as interest on the capital cost of the Murrumbidgee Irrigation Scheme shall be calculated on the capital cost of such scheme as at the thirtieth day of June in each year, reduced by an amount equal to the remissions, exemptions, and reductions of payments granted and allowed to occupiers in pursuance of the [Murrumbidgee Irrigation Areas Occupiers Relief Act 1934](#), or in pursuance of section 19H, and by the amount of any irrecoverable expenditure incurred by the Ministerial Corporation in any way whatsoever in the settlement of discharged soldiers under the Murrumbidgee Irrigation Scheme.

In the case of extinguished debts the reduction shall be only the difference between the debt and the value of any assets of the occupier retained by the Ministerial Corporation.

(2)–(9) (Repealed)

## **24 Catchment areas**

The Governor, by proclamation in the Gazette, may constitute catchment areas for the works constructed under the Construction Act or the *Murrumbidgee Irrigation Act 1910* or this Act, and define the boundaries of such areas.

The Governor may also, by a like proclamation, revoke or vary any proclamation made as aforesaid.

### **24A Certain provisions of the *Water Act 1912* to apply to drainage works**

The provisions of Part 6 of the *Water Act 1912*, in so far as they apply to and in respect of drainage works constructed under that Part, shall apply to and in respect of drainage works constructed under this Act in the same way as they apply to and in respect of drainage works constructed under that Part.

## **25 Regulations for preventing pollution of catchment areas**

Notwithstanding anything to the contrary in the *Water Act 1912*, the *Mining Act 1992* or the *Offshore Minerals Act 1999*, or in any regulation made, or any licence, right, authority, or leave granted under or held in virtue of the provisions of any of those Acts, before or after the commencement of this Act, the Ministerial Corporation may, with the approval of the Governor, make regulations to prevent the pollution of any river, stream, or lake flowing through or being in any such catchment area, and to prevent any person allowing any sludge, slime, or solid matter to flow into any such river, stream, or lake, and for that purpose to authorise the entry on any land.

## **26 General regulations**

(1) The Governor may make regulations:

- (a) for the prevention of the pollution of water conserved or distributed in works constructed under the Construction Act, or the *Murrumbidgee Irrigation Act 1910*, or this Act,
- (b) for the prevention of injury to such works or any works used in connection therewith,
- (c) regulating the transmitting and the supply and sale of electrical or other power produced by such works,
- (d) regulating traffic on roads, railways, and tramways maintained by the Ministerial Corporation, 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 licences, and for charging and recovering fees for such licences,
- (e) prescribing quantities and times of supply of water in pursuance of water rights,

- (f) prescribing the procedure in and in connection with the disposal by agreement of additional water rights,
- (g) prescribing the charges for water supplied, and the conditions of such supply, and for determining, making, and levying the rate mentioned in section 14, and for carrying out the provisions of that section,
- (h) prescribing the method of measuring water rights and quantities of water,
- (i) prescribing the forms of agreement for the sale or disposal of water or power,
- (j) for the supply of water to any land, and for cutting off such supply,
- (k) for the prevention of nuisances or of the waste of water or power,
- (l) fixing charges for the use of improvements effected by or under the authority of any trust, person, or authority, or by the Ministerial Corporation,
- (m) for preventing stock from straying on roads, 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, and public places in an irrigation area,
- (n), (n1) (Repealed)
- (o) regulating the working and control of demonstration farms established under this Act,
- (p) regulating the width of tyres of vehicles used on roads in an irrigation area,
- (q) prescribing the powers and duties of local government bodies established for the local government of irrigation areas or portions thereof,
- (r) (Repealed)
- (s) generally for carrying out the provisions of this Act,
- (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,
- (u) regulating the introduction into, the destruction within, and removal from any irrigation area as defined in this Act, of any plant, grass, or seed, or any part thereof, which the Ministerial Corporation 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 Ministerial Corporation, the Ministerial Corporation deems to be inferior,

- (w) prescribing and regulating the furnishing by occupiers of returns giving:
    - (i) the number and description of their live stock,
    - (ii) the area of their cultivated land, description of the trees, vines, crops, and cultivation thereon, and the yields per hectare 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 Ministerial Corporation 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 Ministerial Corporation, is unfit for human habitation,
  - (aa) for the suppression and destruction of noxious animals,
  - (bb) regulating the introduction or consignment 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 required under this Act, and the manner of and periods for giving same.
- (2) Any regulation made in pursuance of this section may, whether or not the prescribing of a fee or charge is expressly authorised by any provision contained in subsection (1), prescribe such fees or charges as the Ministerial Corporation may deem appropriate and proper.
- (3) (Repealed)

## **27 Regulations may impose penalties**

The regulations made under section 26 may impose a penalty not exceeding 100 penalty units for an offence and where the offence continues, may impose a further penalty not exceeding 10 penalty units for every day during which the offence continues.

## **28 Regulations**

- (1) The Governor may make regulations for the purpose of giving effect to this Act, and



may by such regulations impose a penalty not exceeding 10 penalty units for any breach thereof.

(1A) A provision of a regulation made under this Act may:

- (a) apply generally or be limited in its application by reference to specified exceptions or factors,
- (b) apply differently according to different factors of a specified kind, or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by a specified person or body,

or may do any combination of those things.

(2) (Repealed)

### **29 Production of Gazette to be evidence of validity of regulations**

The production of a copy of the Gazette containing any regulation purporting to have been made under this Act shall be evidence, until the contrary is proved, of the due making of such regulation, and that all preliminary steps have been duly taken necessary to give full force and effect to the same.

### **30 Recovery of penalties**

Whenever by any section of this Act, or any regulations made thereunder, any person is liable to pay any sum of money, whether as compensation or in any other way (not being as a penalty), the sum may be recovered before a Local Court in accordance with the Acts in force for the time being regulating summary proceedings before justices.

### **31 Proceedings for offences**

- (1) In this section, **the Court** means the Land and Environment Court.
- (2) Proceedings for an offence under this Act or the regulations made thereunder may be taken before a Local Court or before the Court in its summary jurisdiction.
- (3) If proceedings referred to in subsection (2) in respect of an offence are brought in a Local Court the maximum monetary penalty that the court may impose in respect of the offence is, notwithstanding any other provision of this Act:
  - (a) where the offence was committed by a corporation—50 penalty units (including any daily penalty), or
  - (b) where the offence was committed by any other person—40 penalty units (including any daily penalty),

or the maximum monetary penalty provided by this Act or the regulations made

thereunder in respect of the offence, whichever is the lesser.

- (4) If proceedings referred to in subsection (2) in respect of an offence are brought in the Court in its summary jurisdiction, the Court may impose a penalty not exceeding the maximum penalty provided by this Act or the regulations made thereunder in respect of the offence.
- (5) Proceedings referred to in subsection (2) in the Court in its summary jurisdiction in respect of an offence may be commenced not later than 6 months after the offence was alleged to have been committed.