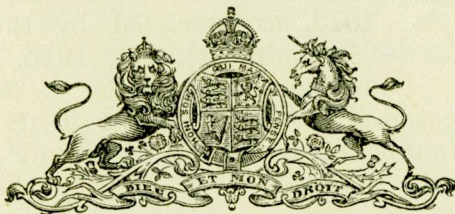


New South Wales



ANNO QUINTO DECIMO

GEORGI V REGIS.

Act No. 4, 1924.

An Act to make certain provisions as to private irrigation schemes and water and drainage trusts; to amend the Water Act, 1912, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 4th September, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Water (Amendment) Act, 1924." Short title.

Water (Amendment).

(2) In this Act the expression "the Principal Act" means the Water Act, 1912, as amended by subsequent Acts.

Amendment of
Parts I and II
of Act No. 44
of 1912.

2. The Principal Act is amended as follows:—

Sec. 4.

(a) Section four: By inserting in its appropriate alphabetical order the following definition:—

"The Commission" means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by the Irrigation (Amendment) Act, 1916, or any Act amending those Acts.

Sec. 5.

(b) Section five: By inserting in its appropriate alphabetical order the following new definition:—

"Private irrigation scheme" means any scheme under which lands are supplied or are proposed to be supplied by a work with water from a river or lake to be used by two or more persons for purposes of irrigation. For the purposes of this definition two or more persons holding land in the same interest to which the water is supplied or proposed to be supplied shall be deemed to be one person.

Sec. 10.

(c) Section ten: By omitting the section and substituting the following new section:—

10. (1) Any occupier of land whereon any work to which this Part extends is constructed or used, or is proposed to be constructed or used, for the purpose of—

(a) water conservation, irrigation, water supply, or drainage; or

(b) the prevention of inundation of land and overflow of water thereon; or

(c) changing the course of a river,

may apply to the Commission in the form prescribed for a license to construct and use the said work, and to take and use for the purposes specified

Application
for licenses.
No. 51, 1902,
s. 10.

Amended,
Act No. 38,
1918, s. 5.

Water (Amendment).

specified in the application the water, if any, conserved or obtained thereby, and to dispose of such water for the use of occupiers of land for any purpose other than irrigation.

- (d) Section seventeen: By omitting the word Sec. 17. "thereby" in the section and substituting the following words:—"or obtained thereby to the extent and in respect of the land and in the manner specified in the license."
- (e) Division 4: By omitting the Division and Secs. 19, 20. substituting the following new Division 4:—

DIVISION 4.—Private irrigation schemes.

19. (1) No water shall be taken from any Private irrigation schemes. river or lake for the purposes of any private irrigation scheme, except under authority granted in pursuance of the provisions of this Division:

Provided that nothing in this Division shall make it unlawful to take water for the purposes of any private irrigation scheme existing at the passing of the Water (Amendment) Act, 1924, where such water is taken under a license granted in pursuance of the provisions of this Act before the passing of the Water (Amendment) Act, 1924.

(2) The Commission may, on applica- Application for and grant of authority. tion in the manner prescribed and on payment of the prescribed fee, grant to the person or persons by whom is owned or occupied the site of the pump or other work by means of which water is diverted from a river or lake for the purpose of a private irrigation scheme an authority for such a scheme for a period not exceeding ten years, on such terms and conditions as the Commission may consider fit, and subject to payment to the Commission of the prescribed charges for water during the currency of the authority.

(3)

Water (Amendment).

Effect of
authority.

(3) An authority shall operate and ensure at the discretion of the Commission for the benefit of the owner or occupier as the case may be for the time being of the site of the works by which the water is obtained from the river or lake; such owner or occupier shall be bound by the terms and conditions of the authority, and upon breach of any of such terms and conditions or failure in payment of the prescribed charge for water, the authority may be cancelled by the Commission. In the event of the site of the works being occupied by two or more persons they shall be jointly and severally bound by the authority and liable to payment of the said charges.

Renewal of
authority.

(4) On application by the holder of the authority and on payment of the prescribed fee, the authority shall, subject to this Act, be renewed by the Commission from time to time, for successive periods not exceeding ten years each, subject to such terms and conditions as the Commission may think fit to impose, and, further, to the payment to the Commission of the prescribed charges for water.

Penalty for
certain
alterations
to work.

(5) If during the time that an authority under this Division is in force, alterations have been made in or in connection with the work which materially and prejudicially affect the quantity or quality of water flowing in, to, or from, or being in any river or lake, without the previous consent of the Commission, the person who has made the alterations shall be liable to a penalty not exceeding one hundred pounds, and, in addition to the imposition of the said penalty, the authority may be cancelled by the Commission.

Amended
authority.

(6) The holder of an authority may, during the currency thereof, in the prescribed manner and on payment of the prescribed fee, apply for an amended authority allowing alterations to the work as originally authorised,

and

Water (Amendment).

and such authority may be granted, subject to such conditions and charges as the Commission thinks fit.

No such authority shall be required for any repairs or alterations rendered necessary for maintenance or any sudden or unforeseen emergency.

(7) Notwithstanding the provisions of this section, the Commission may supply water to the occupiers of any of the lands within a private irrigation scheme by means of works under the Commission's control. Power of Commission.

(8) In respect of any private irrigation scheme existing at the date of the passing of the Water (Amendment) Act, 1924, an application for such authority may be made to the Commission by such owner or occupier within a period of six months from such date, in which event, pending a decision of the Commission as to the granting or otherwise of such application, the Commission may permit the applicant to take water from a river or lake in connection with such scheme, subject to such conditions and for such period as it may determine. Authority for existing schemes.

(9) The Commission may before the granting of any permission or authority under the provisions of this section require the owner of the site of the work in respect of which permission or authority is applied for to carry out any works in connection with a private irrigation scheme existing at the time of the passing of this Act, or proposed. Commission may require certain works to be carried out.

20. (1) Any person who contravenes the provisions of section nineteen, or contravenes or fails to carry out any condition of an authority, shall be liable to a penalty not exceeding fifty pounds, and a further penalty of five pounds for each day during which the contravention continues after such conviction; and, in addition to the imposition of the said penalty, the authority may be cancelled by the Commission. Penalties.

(2)

*Water (Amendment).*Cancellation
of authority.

(2) An authority under this Division may be cancelled by the Commission by notification in the Gazette, which shall be conclusive evidence of such cancellation.

Sec. 21.

(f) Section twenty-one: By inserting after the words "licensed work" the following words:—
"or any work authorised under Division 4 of this Act."

Sec. 22.

(g) Section twenty-two: By omitting the word "Minister" and substituting the word "Commission," and by omitting the word "him" and substituting the word "it."

Sec. 27.

(h) Section twenty-seven: By omitting the section and substituting the following new section:—

Regulations.
No. 51, 1902,
s. 21.Amended,
Act No. 38,
1918, s. 5.

27. (1) The Governor may make regulations prescribing or relating to—

- (a) forms of application, notices, licenses, renewals of licenses, authorities in connection with private irrigation schemes, renewals of such authorities;
- (b) fees payable in respect of licenses, renewals of licenses, authorities in connection with private irrigation schemes, renewals of such authorities;
- (c) the prevention of the pollution of water and the obstruction or injury to or interference with works;
- (d) the furnishing by licensees, holders of authorities in respect of private irrigation schemes, or persons occupying land comprised within such schemes, of returns specifying the area of their irrigated land, crops watered, number of days on which irrigation is carried on, times of irrigation, and such other particulars as the Governor may consider fit;
- (e) the terms and conditions governing private irrigation schemes, including charges for water;

(f)

Water (Amendment).

- (f) the imposition of a penalty not exceeding fifty pounds for any breach of the regulations, or where the breach is a continuing one not exceeding five pounds for every day during which the breach continues;
- (g) generally for the purposes of carrying out the provisions of this Part and providing for the procedure thereunder.
 - (2) Such regulations shall—
 - (i) be published in the Gazette;
 - (ii) take effect from the date of publication, or from a later date to be specified in such regulations;
 - (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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

Amendment of
Part III of Act
No. 4 of 1912.

- (a) Section thirty-one: By omitting the words “for the construction of such works and” and substituting the following:—“for—
 - (a) the construction;
 - (b) the acquisition;
 - (c) the utilisation; or
 - (d) the part construction, part acquisition, and part utilisation of such works; and
 - (e).”

(b)

Sec. 31.

Water (Amendment).

Sec. 35.

- (b) Section thirty-five: By omitting the section and substituting the following new section:—

Construction
of works.
Act No. 93,
1902, s. 9 (3).
Act No. 59,
1906, s. 7.
Amended
Act No. 48,
1916, s. 2 (a).

35. Upon such notification the conditions of the proposal with such modification, if any, as aforesaid, shall be binding on the trust and on the Crown, and the Minister may—

- (a) construct;
- (b) acquire;
- (c) utilise; or
- (d) partly construct, acquire, and utilise,

the works described in the proposal.

The cost of so—

- (a) constructing;
- (b) acquiring;
- (c) utilising; or
- (d) partly constructing, acquiring, and utilising

such works may be defrayed from such loan votes as are now or may hereafter be applicable to the purpose, or out of appropriations from the Public Works Fund.

Sec. 37.

- (c) Section thirty-seven: By inserting after the word "completion" the words "acquisition or the transfer to the trust."

Sec. 42.

- (d) Section forty-two: By omitting subsection one and substituting the following subsection:—

Appointment
or election
of trustees.
No. 93, 1902,
s. 15.

(1) Prior to the notification directed by section thirty-seven of this Act to be made with respect to the trust taking over works, the Minister shall, by notice in the Gazette, appoint trustees and direct the first election of trustees in pursuance of this Part.

Sec. 52.

- (e) Section fifty-two: By omitting the words "thereafter constructed within the trust district" and by inserting in lieu thereof the words "at any time taken over by the trust."

Sec. 73.

- (f) Section seventy-three: By omitting the words "shall be carried out" after the words "carry out" and substituting the words "or acquire, shall be respectively carried out or acquired."

Water (Amendment).

INDEX.

	Section.	Page.
Water (Amendment) Act, 1924, No. 4.		
Amendments and Repeals—		
Irrigation (Amendment) Act, 1918, No. 38—		
s. 5 (iv) (a) (b), repealed and substituted ...	2 (c)	2
s. 5 (viii), repealed and substituted ...	2 (h)	6
Water Act, 1912, No. 44—		
s. 4, added to ...	2 (a)	2
s. 5, added to ...	2 (b)	2
s. 10 (as amended by 1918 No. 38, s. 5 (iv) (a) (b)), repealed and substituted ...	2 (c)	2
s. 17, amended ...	2 (d)	3
ss. 19-20 (Div. 4) repealed and substituted ...	2 (e)	3
s. 21, amended ...	2 (f)	6
s. 22, amended (twice)...	2 (g)	6
s. 27 (as amended by 1918 No. 38, s. 5 (viii)), repealed and substituted ...	2 (h)	6
s. 31, amended ...	3 (a)	7
s. 35 (as amended by 1916 No. 48, s. 2 (a)), repealed and substituted...	3 (b)	8
s. 37, amended ...	3 (c)	8
s. 42 (1), repealed and substituted ...	3 (d)	8
s. 52, amended ...	3 (e)	8
s. 73, amended ...	3 (f)	8
Water (Amending) Act, 1916, No. 48—		
s. 2 (a) (amending 1912 No. 44, s. 35), repealed	3 (b)	8
Authority, cancellation of, mode of, 1912 No. 44, s. 20 (2), repealed and substituted by ...	2 (e)	6
Definitions—		
private irrigation scheme, 1912 No. 44, s. 5 ...	2 (b)	2
the Commission, 1912 No. 44, s. 4 ...	2 (a)	2
Entry, power of, of Commission, 1912 No. 44, s. 22 (1), as amended ...	2 (g)	6
Licenses—		
application for, 1912 No. 44, s. 10, repealed and substituted ...	2 (c)	2
Licenses, holders of, rights of, 1912 No. 44, s. 17, as amended by ...	2 (d)	3
Offence—		
alterations prejudicially affecting flow of water, penalty for, 1912 No. 44, s. 19 (5), as repealed and substituted ...	2 (e)	4
injuries to works, 1912 No. 44, s. 21, as amended penalty for, 1912 No. 44, s. 20 (1), repealed and substituted by ...	2 (f)	6
	2 (e)	5

*Water (Amendment).*INDEX—*continued.*

	Section.	Page.
Water (Amendment) Act, 1924, No. 4—<i>contd.</i>		
Penalty. [<i>See</i> Offence.]		
Principal Act, Water Act, 1912 No. 44, as amended	1 (2)	2
Private Irrigation Schemes—		
authority; 1912 No. 44, s. 19 (8), as repealed		
and substituted by	2 (e)	5
amended, 1912 No. 44, s. 19 (6), as		
repealed and substituted by ...	2 (e)	4
application for and grant of, 1912		
No. 44, s. 19 (2), as repealed and		
substituted	2(e)	3
effect of, 1912 No. 44, s. 19 (3), as		
repealed and substituted ...	2 (e)	3
renewal of, 1912 No. 44, s. 19 (4), as		
repealed and substituted ...	2 (e)	4
to take water, 1912 No. 44, s. 19, as		
repealed and substituted ...	2 (e)	3
commission, power of, 1912 No. 44, s. 19 (7), as		
repealed and substituted by ...	2 (e)	5
works may be required by, to be		
carried out, 1912 No. 44, s. 19		
(9), as repealed and substituted		
by	2 (e)	5
Public Works Act, 1912 No. 45, application of, 1912		
No. 44, s. 73, as amended	3 (f)	8
Regulations, 1912 No. 44, s. 2 (h), as repealed and		
substituted	2 (h)	6
Title, short	1 (1)	1
Trustees—		
appointment or election of, 1912 No. 44, s. 42		
(1), as amended	3 (d)	8
duties of, 1912 No. 44, s. 52, as amended ...	3 (e)	8
Works—		
construction of, 1912 No. 44, s. 35, as repealed		
and substituted by	3 (b)	8
proposals for, 1912 No. 44, s. 31, as amended ...	3 (a)	7
transfer of, to trust, 1912 No. 44, s. 37, as		
amended	3 (c)	8

By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1924.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,

Clerk of the Legislative Assembly.

Legislative Assembly Chamber,

Sydney, 28 August, 1924.

New South Wales



ANNO QUINTO DECIMO

GEORGI V REGIS.

Act No. 4, 1924.

An Act to make certain provisions as to private irrigation schemes and water and drainage trusts; to amend the Water Act, 1912, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 4th September, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Water (Amendment) Act, 1924." (2) Short title.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,

Chairman of Committees of the Legislative Assembly.

Water (Amendment).

(2) In this Act the expression "the Principal Act" means the Water Act, 1912, as amended by subsequent Acts.

Amendment of
Parts I and II
of Act No. 44
of 1912.

2. The Principal Act is amended as follows:—

Sec. 4.

- (a) Section four: By inserting in its appropriate alphabetical order the following definition:—
"The Commission" means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by the Irrigation (Amendment) Act, 1916, or any Act amending those Acts.

Sec. 5.

- (b) Section five: By inserting in its appropriate alphabetical order the following new definition:—

"Private irrigation scheme" means any scheme under which lands are supplied or are proposed to be supplied by a work with water from a river or lake to be used by two or more persons for purposes of irrigation. For the purposes of this definition two or more persons holding land in the same interest to which the water is supplied or proposed to be supplied shall be deemed to be one person.

Sec. 10.

- (c) Section ten: By omitting the section and substituting the following new section:—

10. (1) Any occupier of land whereon any work to which this Part extends is constructed or used, or is proposed to be constructed or used, for the purpose of—

- (a) water conservation, irrigation, water supply, or drainage; or
(b) the prevention of inundation of land and overflow of water thereon; or
(c) changing the course of a river,

may apply to the Commission in the form prescribed for a license to construct and use the said work, and to take and use for the purposes specified

Application
for licenses.
No. 51, 1902,
s. 10.
Amended,
Act No. 38,
1918, s. 5.

Water (Amendment).

specified in the application the water, if any, conserved or obtained thereby, and to dispose of such water for the use of occupiers of land for any purpose other than irrigation.

- (d) Section seventeen: By omitting the word Sec. 17. "thereby" in the section and substituting the following words:—"or obtained thereby to the extent and in respect of the land and in the manner specified in the license."
- (e) Division 4: By omitting the Division and Secs. 19, 20. substituting the following new Division 4:—

DIVISION 4.—*Private irrigation schemes.*

19. (1) No water shall be taken from any river or lake for the purposes of any private irrigation scheme, except under authority granted in pursuance of the provisions of this Division: Private irrigation schemes.

Provided that nothing in this Division shall make it unlawful to take water for the purposes of any private irrigation scheme existing at the passing of the Water (Amendment) Act, 1924, where such water is taken under a license granted in pursuance of the provisions of this Act before the passing of the Water (Amendment) Act, 1924.

(2) The Commission may, on application in the manner prescribed and on payment of the prescribed fee, grant to the person or persons by whom is owned or occupied the site of the pump or other work by means of which water is diverted from a river or lake for the purpose of a private irrigation scheme an authority for such a scheme for a period not exceeding ten years, on such terms and conditions as the Commission may consider fit, and subject to payment to the Commission of the prescribed charges for water during the currency of the authority. Application for and grant of authority.

(3)

Water (Amendment).

Effect of
authority.

(3) An authority shall operate and ensure at the discretion of the Commission for the benefit of the owner or occupier as the case may be for the time being of the site of the works by which the water is obtained from the river or lake; such owner or occupier shall be bound by the terms and conditions of the authority, and upon breach of any of such terms and conditions or failure in payment of the prescribed charge for water, the authority may be cancelled by the Commission. In the event of the site of the works being occupied by two or more persons they shall be jointly and severally bound by the authority and liable to payment of the said charges.

Renewal of
authority.

(4) On application by the holder of the authority and on payment of the prescribed fee, the authority shall, subject to this Act, be renewed by the Commission from time to time, for successive periods not exceeding ten years each, subject to such terms and conditions as the Commission may think fit to impose, and, further, to the payment to the Commission of the prescribed charges for water.

Penalty for
certain
alterations
to work.

(5) If during the time that an authority under this Division is in force, alterations have been made in or in connection with the work which materially and prejudicially affect the quantity or quality of water flowing in, to, or from, or being in any river or lake, without the previous consent of the Commission, the person who has made the alterations shall be liable to a penalty not exceeding one hundred pounds, and, in addition to the imposition of the said penalty, the authority may be cancelled by the Commission.

Amended
authority.

(6) The holder of an authority may, during the currency thereof, in the prescribed manner and on payment of the prescribed fee, apply for an amended authority allowing alterations to the work as originally authorised,
and

Water (Amendment).

and such authority may be granted, subject to such conditions and charges as the Commission thinks fit.

No such authority shall be required for any repairs or alterations rendered necessary for maintenance or any sudden or unforeseen emergency.

(7) Notwithstanding the provisions of this section, the Commission may supply water to the occupiers of any of the lands within a private irrigation scheme by means of works under the Commission's control. Power of Commission.

(8) In respect of any private irrigation scheme existing at the date of the passing of the Water (Amendment) Act, 1924, an application for such authority may be made to the Commission by such owner or occupier within a period of six months from such date, in which event, pending a decision of the Commission as to the granting or otherwise of such application, the Commission may permit the applicant to take water from a river or lake in connection with such scheme, subject to such conditions and for such period as it may determine. Authority for existing schemes.

(9) The Commission may before the granting of any permission or authority under the provisions of this section require the owner of the site of the work in respect of which permission or authority is applied for to carry out any works in connection with a private irrigation scheme existing at the time of the passing of this Act, or proposed. Commission may require certain works to be carried out.

20. (1) Any person who contravenes the provisions of section nineteen, or contravenes or fails to carry out any condition of an authority, shall be liable to a penalty not exceeding fifty pounds, and a further penalty of five pounds for each day during which the contravention continues after such conviction; and, in addition to the imposition of the said penalty, the authority may be cancelled by the Commission. Penalties.

(2)

*Water (Amendment).*Cancellation
of authority.

(2) An authority under this Division may be cancelled by the Commission by notification in the Gazette, which shall be conclusive evidence of such cancellation.

Sec. 21.

(f) Section twenty-one: By inserting after the words "licensed work" the following words:—
"or any work authorised under Division 4 of this Act."

Sec. 22.

(g) Section twenty-two: By omitting the word "Minister" and substituting the word "Commission," and by omitting the word "him" and substituting the word "it."

Sec. 27.

(h) Section twenty-seven: By omitting the section and substituting the following new section:—

Regulations.
No. 51, 1902,
s. 21.

27. (1) The Governor may make regulations prescribing or relating to—

Amended,
Act No. 38,
1918, s. 5.

- (a) forms of application, notices, licenses, renewals of licenses, authorities in connection with private irrigation schemes, renewals of such authorities;
- (b) fees payable in respect of licenses, renewals of licenses, authorities in connection with private irrigation schemes, renewals of such authorities;
- (c) the prevention of the pollution of water and the obstruction or injury to or interference with works;
- (d) the furnishing by licensees, holders of authorities in respect of private irrigation schemes, or persons occupying land comprised within such schemes, of returns specifying the area of their irrigated land, crops watered, number of days on which irrigation is carried on, times of irrigation, and such other particulars as the Governor may consider fit;
- (e) the terms and conditions governing private irrigation schemes, including charges for water;

(f)

Water (Amendment).

- (f) the imposition of a penalty not exceeding fifty pounds for any breach of the regulations, or where the breach is a continuing one not exceeding five pounds for every day during which the breach continues;
 - (g) generally for the purposes of carrying out the provisions of this Part and providing for the procedure thereunder.
- (2) Such regulations shall—
- (i) be published in the Gazette;
 - (ii) take effect from the date of publication, or from a later date to be specified in such regulations;
 - (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

3. The Principal Act is further amended as follows :— Amendment of Part III of Act No. 4 of 1912.

- (a) Section thirty-one: By omitting the words “for the construction of such works and” and substituting the following :—“for—
- (a) the construction;
 - (b) the acquisition;
 - (c) the utilisation; or
 - (d) the part construction, part acquisition, and part utilisation of such works; and
 - (e).”

(b)

Water (Amendment).

- Sec. 35. (b) Section thirty-five: By omitting the section and substituting the following new section:—
- Construction of works.
Act No. 93, 1902, s. 9 (3).
Act No. 59, 1906, s. 7.
Amended Act No. 48, 1916, s. 2 (a).
35. Upon such notification the conditions of the proposal with such modification, if any, as aforesaid, shall be binding on the trust and on the Crown, and the Minister may—
- (a) construct;
 - (b) acquire;
 - (c) utilise; or
 - (d) partly construct, acquire, and utilise, the works described in the proposal.
- The cost of so—
- (a) constructing;
 - (b) acquiring;
 - (c) utilising; or
 - (d) partly constructing, acquiring, and utilising
- such works may be defrayed from such loan votes as are now or may hereafter be applicable to the purpose, or out of appropriations from the Public Works Fund.
- Sec. 37. (c) Section thirty-seven: By inserting after the word "completion" the words "acquisition or the transfer to the trust."
- Sec. 42. (d) Section forty-two: By omitting subsection one and substituting the following subsection:—
- Appointment or election of trustees.
No. 93, 1902, s. 15.
- (1) Prior to the notification directed by section thirty-seven of this Act to be made with respect to the trust taking over works, the Minister shall, by notice in the Gazette, appoint trustees and direct the first election of trustees in pursuance of this Part.
- Sec. 52. (e) Section fifty-two: By omitting the words "thereafter constructed within the trust district" and by inserting in lieu thereof the words "at any time taken over by the trust."
- Sec. 73. (f) Section seventy-three: By omitting the words "shall be carried out" after the words "carry out" and substituting the words "or acquire, shall be respectively carried out or acquired."

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Governor.

Government House,
Sydney, 4th September, 1924.

WATER (AMENDMENT) BILL.

SCHEDULE of Amendments referred to in Message of 20th August, 1924.

Page 3, clause 2, line 17. *After* "Division" *add* "Provided that nothing in this
"Division shall make it unlawful to take water for the purposes of any
"private irrigation scheme existing at the passing of the Water
"(Amendment) Act, 1924, where such water is taken under a license
"granted in pursuance of the provisions of this Act before the passing
"of the Water (Amendment) Act, 1924"

Page 5, clause 2, line 18. *Omit* "three" *insert* "six"

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 30 July, 1924.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 20th August, 1924.

New South Wales



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. , 1924.

An Act to make certain provisions as to private irrigation schemes and water and drainage trusts; to amend the Water Act, 1912, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Water (Amendment) Act, 1924." Short title.

47803

71—

(2)

NOTE.—The word to be omitted is ruled through; those to be inserted are printed in black letter.

Water (Amendment).

(2) In this Act the expression "the Principal Act" means the Water Act, 1912, as amended by subsequent Acts.

2. The Principal Act is amended as follows:—

Amendment of
Parts I and II
of Act No. 44
of 1912.

5 (a) Section four: By inserting in its appropriate Sec. 4.
alphabetical order the following definition:—

10 "The Commission" means the Water Con-
servation and Irrigation Commission
constituted under the Irrigation Act,
1912, as amended by the Irrigation
(Amendment) Act, 1916, or any Act
amending those Acts.

15 (b) Section five: By inserting in its appropriate Sec. 5.
alphabetical order the following new defini-
tion:—

20 "Private irrigation scheme" means any
scheme under which lands are supplied
or are proposed to be supplied by a work
with water from a river or lake to be
used by two or more persons for purposes
of irrigation. For the purposes of this
definition two or more persons holding
land in the same interest to which the
water is supplied or proposed to be
25 supplied shall be deemed to be one
person.

(c) Section ten: By omitting the section and sub- Sec. 10.
stituting the following new section:—

30 10. (1) Any occupier of land whereon any Application
work to which this Part extends is constructed for licenses.
or used, or is proposed to be constructed or used, No. 51, 1902,
for the purpose of— s. 10.

(a) water conservation, irrigation, water Amended,
supply, or drainage; or Act No. 38,
1918, s. 5.

35 (b) the prevention of inundation of land
and overflow of water thereon; or

(c) changing the course of a river,
may apply to the Commission in the form pre-
scribed for a license to construct and use the
40 said work, and to take and use for the purposes
specified

Water (Amendment).

specified in the application the water, if any, conserved or obtained thereby, and to dispose of such water for the use of occupiers of land for any purpose other than irrigation.

5 (d) Section seventeen: By omitting the word ^{Sec. 17.} "thereby" in the section and substituting the following words:—"or obtained thereby to the extent and in respect of the land and in the manner specified in the license."

10 (e) Division 4: By omitting the Division and ^{Secs. 19, 20.} substituting the following new Division 4:—

DIVISION 4.—*Private irrigation schemes.*

15 19. (1) No water shall be taken from any river or lake for the purposes of any private irrigation scheme, except under authority granted in pursuance of the provisions of this Division: ^{Private irrigation schemes.}

20 Provided that nothing in this Division shall make it unlawful to take water for the purposes of any private irrigation scheme existing at the passing of the Water (Amendment) Act, 1924, where such water is taken under a license granted in pursuance of the provisions of this Act before the passing of the Water (Amendment) Act, 1924.

25 (2) The Commission may, on application in the manner prescribed and on payment of the prescribed fee, grant to the person or persons by whom is owned or occupied the site of the pump or other work by means of which water is diverted from a river or lake for the purpose of a private irrigation scheme an authority for such a scheme for a period not exceeding ten years, on such terms and conditions as the Commission may consider fit, and subject to payment to the Commission of the prescribed charges for water during the currency of the authority. ^{Application for and grant of authority.}

30

35

(3)

Water (Amendment).

5 (3) An authority shall operate and en-
ure at the discretion of the Commission for Effect of
the benefit of the owner or occupier as the case authority.
may be for the time being of the site of the
works by which the water is obtained from the
river or lake; such owner or occupier shall be
bound by the terms and conditions of the
authority, and upon breach of any of such
10 terms and conditions or failure in payment of
the prescribed charge for water, the authority
may be cancelled by the Commission. In the
event of the site of the works being occupied
by two or more persons they shall be jointly
and severally bound by the authority and
15 liable to payment of the said charges.

(4) On application by the holder of the Renewal of
authority and on payment of the prescribed authority.
fee, the authority shall, subject to this Act, be
renewed by the Commission from time to time,
20 for successive periods not exceeding ten years
each, subject to such terms and conditions as
the Commission may think fit to impose, and,
further, to the payment to the Commission of
the prescribed charges for water.

25 (5) If during the time that an authority Penalty for
under this Division is in force, alterations certain
have been made in or in connection with the alterations
work which materially and prejudicially affect to work.
the quantity or quality of water flowing in, to,
30 or from, or being in any river or lake, without
the previous consent of the Commission, the
person who has made the alterations shall be
liable to a penalty not exceeding one hundred
pounds, and, in addition to the imposition of
35 the said penalty, the authority may be can-
celled by the Commission.

(6) The holder of an authority may, Amended
during the currency thereof, in the prescribed authority.
manner and on payment of the prescribed fee,
40 apply for an amended authority allowing
alterations to the work as originally authorised,
and

Water (Amendment).

and such authority may be granted, subject to such conditions and charges as the Commission thinks fit.

5 No such authority shall be required for any repairs or alterations rendered necessary for maintenance or any sudden or unforeseen emergency.

10 (7) Notwithstanding the provisions of this section, the Commission may supply water to the occupiers of any of the lands within a private irrigation scheme by means of works under the Commission's control. Power of Commission.

15 (8) In respect of any private irrigation scheme existing at the date of the passing of the Water (Amendment) Act, 1924, an application for such authority may be made to the Commission by such owner or occupier within a period of ~~three~~ **six** months from such date, in which event, pending a decision of the Commission as to the granting or otherwise of such application, the Commission may permit the applicant to take water from a river or lake in connection with such scheme, subject to such conditions and for such period as it may determine. Authority for existing schemes.

20 (9) The Commission may before the granting of any permission or authority under the provisions of this section require the owner of the site of the work in respect of which permission or authority is applied for to carry out any works in connection with a private irrigation scheme existing at the time of the passing of this Act, or proposed. Commission may require certain works to be carried out.

35 20. (1) Any person who contravenes the provisions of section nineteen, or contravenes or fails to carry out any condition of an authority, shall be liable to a penalty not exceeding fifty pounds, and a further penalty of five pounds for each day during which the contravention continues after such conviction; and, in addition to the imposition of the said penalty, the authority may be cancelled by the Commission. Penalties.

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(2)

Water (Amendment).

- (2) An authority under this Division may be cancelled by the Commission by notification in the Gazette, which shall be conclusive evidence of such cancellation. Cancellation of authority.
- 5 (f) Section twenty-one: By inserting after the words "licensed work" the following words:— Sec. 21.
"or any work authorised under Division 4 of this Act."
- 10 (g) Section twenty-two: By omitting the word "Minister" and substituting the word "Commission," and by omitting the word "him" and substituting the word "it." Sec. 22.
- (h) Section twenty-seven: By omitting the section and substituting the following new section:— Sec. 27.
- 15 27. (1) The Governor may make regulations prescribing or relating to— Regulations. No. 51, 1902, s. 21.
- (a) forms of application, notices, licenses, renewals of licenses, authorities in connection with private irrigation schemes, renewals of such authorities; Amended, Act No. 38, 1918, s. 5.
- 20 (b) fees payable in respect of licenses, renewals of licenses, authorities in connection with private irrigation schemes, renewals of such authorities;
- 25 (c) the prevention of the pollution of water and the obstruction or injury to or interference with works;
- (d) the furnishing by licensees, holders of authorities in respect of private irrigation schemes, or persons occupying land comprised within such schemes, of returns specifying the area of their irrigated land, crops watered, number of days on which irrigation is carried on, times of irrigation, and such other particulars as the Governor may consider fit;
- 30 (e) the terms and conditions governing private irrigation schemes, including charges for water;
- 35 (f)
- 40

Water (Amendment).

- 5 (f) the imposition of a penalty not exceeding fifty pounds for any breach of the regulations, or where the breach is a continuing one not exceeding five pounds for every day during which the breach continues;
- (g) generally for the purposes of carrying out the provisions of this Part and providing for the procedure thereunder.
- 10 (2) Such regulations shall—
- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations;
- 15 (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which
- 20 notice has been given at any time within fifteen sitting days after such regulations have been laid before such House
- 25 disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

3. The Principal Act is further amended as follows:— Amendment of Part III of Act No. 4 of 1912.

- 30 (a) Section thirty-one: By omitting the words “for the construction of such works and” and substituting the following:—“for—
- (a) the construction;
- (b) the acquisition;
- (c) the utilisation; or
- 35 (d) the part construction, part acquisition, and part utilisation of such works; and
- (e).”

(b)

Water (Amendment).

- (b) Section thirty-five: By omitting the section and substituting the following new section:—
- 5 35. Upon such notification the conditions of the proposal with such modification, if any, as aforesaid, shall be binding on the trust and on the Crown, and the Minister may—
- (a) construct;
- (b) acquire;
- (c) utilise; or
- 10 (d) partly construct, acquire, and utilise, the works described in the proposal.
- The cost of so—
- (a) constructing;
- (b) acquiring;
- 15 (c) utilising; or
- (d) partly constructing, acquiring, and utilising
- such works may be defrayed from such loan votes as are now or may hereafter be applicable to the purpose, or out of appropriations from the Public Works Fund.
- 20 (c) Section thirty-seven: By inserting after the word "completion" the words "acquisition or the transfer to the trust."
- 25 (d) Section forty-two: By omitting subsection one and substituting the following subsection:—
- (1) Prior to the notification directed by section thirty-seven of this Act to be made with respect to the trust taking over works, the Minister shall, by notice in the Gazette, appoint trustees and direct the first election of trustees in pursuance of this Part.
- 30 (e) Section fifty-two: By omitting the words "thereafter constructed within the trust district" and by inserting in lieu thereof the words "at any time taken over by the trust."
- 35 (f) Section seventy-three: By omitting the words "shall be carried out" after the words "carry out" and substituting the words "or acquire, shall be respectively carried out or acquired."
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Sec. 35.

Construction
of works.Act No. 93,
1902, s. 9 (3).Act No. 59,
1906, s. 7.Amended
Act No. 48,
1916, s. 2 (a).

Sec. 37.

Sec. 42.

Appointment
or election
of trustees.
No. 93, 1902
s. 15.

Sec. 52.

Sec. 73.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 30 July, 1924.

New South Wales



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. , 1924.

An Act to make certain provisions as to private irrigation schemes and water and drainage trusts; to amend the Water Act, 1912, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Water (Amend- Short title, ment) Act, 1924."

Water (Amendment).

(2) In this Act the expression "the Principal Act" means the Water Act, 1912, as amended by subsequent Acts.

2. The Principal Act is amended as follows:—

Amendment
of Parts I and
II of Act No.
44 of 1912.

- 5 (a) Section four: By inserting in its appropriate alphabetical order the following definition:—
"The Commission" means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by the Irrigation (Amendment) Act, 1916, or any Act amending those Acts. Sec. 4.
- 10 (b) Section five: By inserting in its appropriate alphabetical order the following new definition:—
"Private irrigation scheme" means any scheme under which lands are supplied or are proposed to be supplied by a work with water from a river or lake to be used by two or more persons for purposes of irrigation. For the purposes of this definition two or more persons holding land in the same interest to which the water is supplied or proposed to be supplied shall be deemed to be one person. Sec. 5.
- 15 (c) Section ten: By omitting the section and substituting the following new section:—
10. (1) Any occupier of land whereon any work to which this Part extends is constructed or used, or is proposed to be constructed or used, for the purpose of—
20 (a) water conservation, irrigation, water supply, or drainage; or
25 (b) the prevention of inundation of land and overflow of water thereon; or
30 (c) changing the course of a river,
may apply to the Commission in the form prescribed for a license to construct and use the said work, and to take and use for the purposes specified Application for licenses. No. 51, 1902, s. 10. Amended, Act No. 38, 1918, s. 5.
- 35
- 40

Water (Amendment).

specified in the application the water, if any, conserved or obtained thereby, and to dispose of such water for the use of occupiers of land for any purpose other than irrigation.

- 5 (d) Section seventeen: By omitting the word Sec. 17.
 “thereby” in the section and substituting the following words:—“or obtained thereby to the extent and in respect of the land and in the manner specified in the license.”
- 10 (e) Division 4: By omitting the Division and Secs. 19, 20.
 substituting the following new Division 4:—

DIVISION 4.—Private irrigation schemes.

15 19. (1) No water shall be taken from any Private irrigation schemes.
 river or lake for the purposes of any private irrigation scheme, except under authority granted in pursuance of the provisions of this Division:

20 (2) The Commission may, on applica- Application for and grant of authority.
 tion in the manner prescribed and on payment of the prescribed fee, grant to the person or persons by whom is owned or occupied the site of the pump or other work by means of which water is diverted from a river or lake for the purpose of a private irrigation scheme an authority for such a scheme for a period not exceeding ten years, on such terms and conditions as the Commission may consider fit, and subject to payment to the Commission of the prescribed charges for water during the currency of the authority.

30 (3) An authority shall operate and en- Effect of authority.
 sure at the discretion of the Commission for the benefit of the owner or occupier as the case may be for the time being of the site of the works by which the water is obtained from the river or lake; such owner or occupier shall be bound by the terms and conditions of the authority, and upon breach of any of such terms and conditions or failure in payment of the prescribed charge for water, the authority
 35
 40 may

Water (Amendment).

5 may be cancelled by the Commission. In the event of the site of the works being occupied by two or more persons they shall be jointly and severally bound by the authority and liable to payment of the said charges.

10 (4) On application by the holder of the authority and on payment of the prescribed fee, the authority shall, subject to this Act, be renewed by the Commission from time to time, for successive periods not exceeding ten years each, subject to such terms and conditions as the Commission may think fit to impose, and, further, to the payment to the Commission of the prescribed charges for water. Renewal of authority.

15 (5) If during the time that an authority under this Division is in force, alterations have been made in or in connection with the work which materially and prejudicially affect the quantity or quality of water flowing in, to, or from, or being in any river or lake, without the previous consent of the Commission, the person who has made the alterations shall be liable to a penalty not exceeding one hundred pounds, and, in addition to the imposition of the said penalty, the authority may be cancelled by the Commission. Penalty for certain alterations to work.

20 (6) The holder of an authority may, during the currency thereof, in the prescribed manner and on payment of the prescribed fee, apply for an amended authority allowing alterations to the work as originally authorised, and such authority may be granted, subject to such conditions and charges as the Commission thinks fit. Amended authority.

25 No such authority shall be required for any repairs or alterations rendered necessary for maintenance or any sudden or unforeseen emergency.

30 (7) Notwithstanding the provisions of this section, the Commission may supply water Power of Commission.

40

Water (Amendment).

water to the occupiers of any of the lands within a private irrigation scheme by means of works under the Commission's control.

5 (8) In respect of any private irrigation scheme existing at the date of the passing of the Water (Amendment) Act, 1924, an application for such authority may be made to the Commission by such owner or occupier within a period of three months from such date, in which event, pending a decision of the Commission as to the granting or otherwise of such application, the Commission may permit the applicant to take water from a river or lake in connection with such scheme, subject to such conditions and for such period as it may determine.

Authority for existing schemes.

10 (9) The Commission may before the granting of any permission or authority under the provisions of this section require the owner of the site of the work in respect of which permission or authority is applied for to carry out any works in connection with a private irrigation scheme existing at the time of the passing of this Act, or proposed.

Commission may require certain works to be carried out.

25 20. (1) Any person who contravenes the provisions of section nineteen, or contravenes or fails to carry out any condition of an authority, shall be liable to a penalty not exceeding fifty pounds, and a further penalty of five pounds for each day during which the contravention continues after such conviction; and, in addition to the imposition of the said penalty, the authority may be cancelled by the Commission.

Penalties.

30 (2) An authority under this Division may be cancelled by the Commission by notification in the Gazette, which shall be conclusive evidence of such cancellation.

Cancellation of authority.

35 (f) Section twenty-one: By inserting after the words "licensed work" the following words:—
40 "or any work authorised under Division 4 of this Act."
(g)

Sec. 21.

Water (Amendment).

- (g) Section twenty-two: By omitting the word "Minister" and substituting the word "Commission," and by omitting the word "him" and substituting the word "it." Sec. 22.
- 5 (h) Section twenty-seven: By omitting the section and substituting the following new section:— Sec. 27.
27. (1) The Governor may make regulations prescribing or relating to— Regulations. No. 51, 1902, s. 21. Amended, Act No. 38, 1918, s. 5.
- 10 (a) forms of application, notices, licenses, renewals of licenses, authorities in connection with private irrigation schemes, renewals of such authorities;
- 15 (b) fees payable in respect of licenses, renewals of licenses, authorities in connection with private irrigation schemes, renewals of such authorities;
- 20 (c) the prevention of the pollution of water and the obstruction or injury to or interference with works;
- 25 (d) the furnishing by licensees, holders of authorities in respect of private irrigation schemes, or persons occupying land comprised within such schemes, of returns specifying the area of their irrigated land, crops watered, number of days on which irrigation is carried on, times of irrigation, and such other particulars as the Governor may consider fit;
- 30 (e) the terms and conditions governing private irrigation schemes, including charges for water;
- 35 (f) the imposition of a penalty not exceeding fifty pounds for any breach of the regulations, or where the breach is a continuing one not exceeding five pounds for every day during which the breach continues;
- 40 (g) generally for the purposes of carrying out the provisions of this Part and providing for the procedure thereunder.

Water (Amendment).

(2) Such regulations shall—

- (i) be published in the Gazette ;
 (ii) take effect from the date of publication,
 or from a later date to be specified in
 such regulations ;
 (iii) be laid before both Houses of Parlia-
 ment within fourteen sitting days after
 publication if Parliament is in session,
 and if not, then within fourteen sitting
 days after the commencement of the
 next session. If either House of Parli-
 ament passes a resolution of which
 notice has been given at any time within
 fifteen sitting days after such regula-
 tions have been laid before such House
 disallowing any regulation or part
 thereof, such regulation or part shall
 thereupon cease to have effect.

3. The Principal Act is further amended as follows :— Amendment of
Part III of Act
No. 4 of 1912.

(a) Section thirty-one: By omitting the words “for
 the construction of such works and” and
 substituting the following :—“ for—

- (a) the construction ;
 (b) the acquisition ;
 (c) the utilisation ; or
 (d) the part construction, part acquisition,
 and part utilisation of such works ; and
 (e).’

(b) Section thirty-five: By omitting the section
 and substituting the following new section :— Sec. 35.

35. Upon such notification the conditions
 of the proposal with such modification, if any,
 as aforesaid, shall be binding on the trust and
 on the Crown, and the Minister may— Construction
of works.
Act No. 93,
1902, s. 9 (3).
Act No. 59,
1906, s. 7.

- (a) construct ;
 (b) acquire ;
 (c) utilise ; or
 (d) partly construct, acquire, and utilise,
 the works described in the proposal. Amended
Act No. 48,
1916, s. 2 (a).

The

Water (Amendment).

The cost of so—

- (a) constructing;
 (b) acquiring;
 (c) utilising; or
 5 (d) partly constructing, acquiring, and utilising
- such works may be defrayed from such loan votes as are now or may hereafter be applicable to the purpose, or out of appropriations from the Public Works Fund.
- 10 (c) Section thirty-seven: By inserting after the word "completion" the words "acquisition or the transfer to the trust." Sec. 37.
- 15 (d) Section forty-two: By omitting subsection one and substituting the following subsection:— Sec. 42.
- (1) Prior to the notification directed by section thirty-seven of this Act to be made with respect to the trust taking over works, the Minister shall, by notice in the Gazette, appoint trustees and direct the first election of trustees in pursuance of this Part. Appointment or election of trustees. No. 93, 1902, s. 15.
- 20 (e) Section fifty-two: By omitting the words "thereafter constructed within the trust district" and by inserting in lieu thereof the words "at any time taken over by the trust."
- 25 (f) Section seventy-three: By omitting the words "shall be carried out" after the words "carry out" and substituting the words "or acquire, shall be respectively carried out or acquired." Sec. 73.