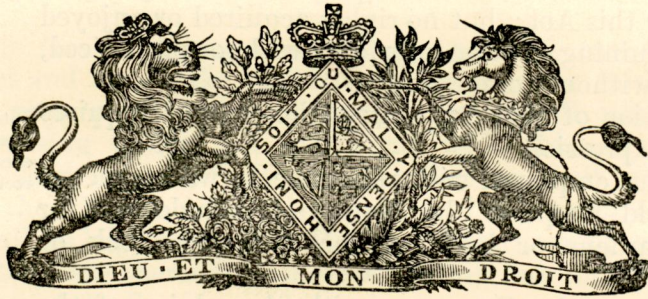


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 9 July, 1889.* }

F. W. WEBB,  
*Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUINQUAGESIMO TERTIO

# VICTORIÆ REGINÆ.

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No.

An Act to vest certain lands in the Council of the Municipality of Wentworth, and to enable the said Council to establish works thereon and elsewhere for Conserving and Utilizing Water for Irrigation and other purposes.

**W**HEREAS it is expedient, and would be for the advantage of the Preamble. inhabitants of Wentworth, in the Colony of New South Wales, and the public generally, to establish a system whereby the waters of the lake known as Fletcher's Lake, situated near Wentworth, and other waters contained or flowing in the rivers, creeks, streams, and watercourses thereto adjacent, may be conserved and utilized for irrigation, watering of stock, and other purposes: And whereas, for the purposes and in pursuance of the "Commons Regulation Act of 1873," and the "Commons Regulation Act Amendment Act of 1886," the lands described in the Schedule to this Act, among other lands, are vested in the Council of the Municipality of Wentworth as a temporary common. Be it therefore enacted by the Queen'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:—

### PART I.

#### *Preliminary.*

1. This Act may for all purposes be cited as the "Wentworth Short title. Irrigation Act."

140—A

2.

*Wentworth Irrigation.*

2. Nothing contained in the "Municipalities Act of 1867," or the "Country Towns Water and Sewerage Act of 1880," shall be construed to control, limit, or restrict the operation of this Act, or to interfere with its provisions in respect of the construction or maintenance of works, or the storage, distribution, or supply of water, or in respect of the borrowing of money, the valuation of property, or the fixing or levying of rates.

Portions of Acts at variance with this.

3. Notwithstanding anything contained in any Act, now in force, relating to mining, no holder of a miner's right or mineral license shall be entitled to divert or use water to the prejudice of any rights acquired or enjoyed under this Act; but no rights acquired or enjoyed under any Act relating to mining shall be interfered with, or prejudiced, or taken from the owner without compensation.

Repeal of parts of "Mining Act of 1874."

4. In the construction of this Act, unless the context requires a different meaning, the expression—

Interpretation of terms and arrangement of sections.

"Domestic use," when employed with reference to water, means use for household purposes, but does not include use for irrigation of gardens or land, or for watering stock or washing sheep.

"The Governor" means the Governor, with the advice of the Executive Council.

"Irrigation area" means the lands and hereditaments described in the Schedule to this Act.

"The Minister" means the Minister charged with the administration of this Act.

"Owner" includes lessee or occupier.

"Prescribed" means prescribed by this Act or by the regulations thereunder, or by the by-laws of the Trust.

"Regulations" means the regulations made under this Act.

"Stock" means cattle, horses, sheep, and all other domestic animals.

"The Trust" means the "Municipality of Wentworth Irrigation Trust."

And the sections of this Act are arranged in the order following, viz.:—

PART I.—*Preliminary Provisions.*

PART II.—*Constitution of the Trust.*

PART III.—*Administration.*

PART IV.—*Loans.*

PART V.—*Penalties.*

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## PART II.

*Constitution of Trust.*

5. The authority to carry out this Act shall be the members of the Council of the Municipality of Wentworth for the time being, who, by the name of the "Municipality of Wentworth Irrigation Trust," shall be a body corporate, and shall for the purposes of this Act have perpetual succession and a common seal, and, subject to the sanction of the Minister and to the provisions hereinafter contained, have power to hold, purchase, sell, exchange and lease lands, tenements, stores, goods, chattels, and other property, and shall be capable in law of suing and being sued.

Council of Municipality of Wentworth to be the Trust.

Trust to be body corporate.

6. No member of the Trust shall be the holder of any paid office or situation under the Trust, or receive any salary, emoluments, or expenses of any kind from the Trust unless with the special sanction of the Minister.

Members of the Trust not to be paid.

7.

*Wentworth Irrigation.*

7. No member of the Trust shall tender for, obtain, or hold any contract, or any part or share in any contract, for works or surveys to be constructed or made by the Trust. Members of the Trust may not be contractors.

8. Every person who, being disqualified from acting as a member of the Trust by reason of his being the holder of a paid office under the Trust, or receiving a salary, emoluments, or expenses of any kind from the Trust without the special sanction of the Minister, or who, being the holder of any contract, or any part or share in any contract, for works or surveys to be constructed or made by the Trust, shall attend a meeting of the members of the Trust and vote thereat as a member, shall, for every meeting at which he is so present and acting, be liable on conviction before any two Justices to a penalty not exceeding fifty pounds. Penalty for illegally acting as a member.

9. From and after the passing of this Act the irrigation area shall cease to be or form part of the temporary common of Wentworth. Revocation of allotment of Common.

10. For the purposes of this Act there shall be vested in the trust absolutely, and in respect of land, for an estate in fee simple; but under no circumstances shall any portion of the irrigation area vested in the Trust be sold:— Property vested in the Trust.

(I) The irrigation area, except such land as the Minister may decide to set apart for public purposes.

(II) All dams, weirs, flood-gates, culverts, aqueducts, sluices, flumes, pipes, engines, pumping-machinery, reservoirs and other works constructed or erected in pursuance of this Act.

(III) The water which is at any time in the lake known as Fletcher's Lake, near Wentworth, or other natural source within the irrigation area, and in any pipe, reservoir, or other work constructed by the Trust in pursuance of this Act.

Provided nothing contained in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of natural supplies of water; and the provisions of this Act shall be considered as subject to the provisions of general legislation which may be enacted by the Legislature to deal with water conservation throughout the Colony, or any right conferred before the passing of this Act by any lease from the Crown upon any person to take or use the water in Fletcher's Lake shall not be prejudiced or affected by anything contained in this section; and whenever it shall be deemed necessary in the public interest the Governor may by proclamation dissolve the Trust, and take control of the whole of the lands, works, goods, and chattels of the Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created or otherwise vested in such Trust.

## PART III.

*Administration.*

11. Subject to the provisions hereinafter contained, and for the purposes of this Act it shall at any time be lawful for the Trust to exercise any of the following powers, that is to say— Power of the Trust.

(I) To erect and construct upon any part of the irrigation area such dams, weirs, flood-gates, culverts, aqueducts, sluices, flumes, pipes, engines, pumping machinery, reservoirs, canals, watercourses, embankments, or other works as may be necessary or expedient for carrying out the purposes of this Act.

(II) To construct a dam, or flood-gate, or both, across the mouth of the creek known as Tchilltanlecurra Creek, at the junction of the said creek with the river Darling, and elsewhere on the said creek or any of its affluents.

(III)

*Wentworth Irrigation.*

- (III) To take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and from all creeks, watercourses, lagoons, swamps, canals, trenches, tanks, reservoirs, or other sources lying within or to be constructed or excavated within the irrigation area.
- (IV) To widen or deepen any existing creek, lagoon, swamp, or watercourse within the irrigation area.
- (V) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.
- (VI) To take water from the rivers Darling and Murray by means of pumping or other machinery erected within the irrigation area under such regulations as to quantity as the Minister may sanction.
- 15 But nothing in this section shall be taken or construed to authorize the Trust to construct any dam, weir, embankment, or other work whatever in or upon either of the rivers Darling or Murray, so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such rivers. Rivers Murray and Darling not to be interfered with.
- 20 12. Whenever the Trust, for the purpose of carrying out works for the conservation and utilization of water, applies to the Government for a loan to be granted or guaranteed, as herein provided, the Minister shall cause the designs, plans, and estimates of such works to be examined, and shall require the Trust to supply all further information When loans are applied for by the Trust.
- 25 that may appear necessary. The Minister may also by his officers carry out such levels, surveys, measurements, and investigations as may be deemed necessary to furnish a satisfactory check on the surveys, designs, or estimates supplied by the Trust. The Minister shall then make such recommendations to the Governor as he may Plans, &c., of works to be approved by the Minister.
- 30 deem just and necessary in regard to the propriety of granting or guaranteeing the whole or any part of the loan so applied for.
13. When the designs, plans, and descriptions of any proposed works have been approved by the Minister, on examination by him, as provided in the last section, the Trust shall construct, maintain, and Plans when approved not to be deviated from.
- 35 continue such works in accordance with such designs, plans, and descriptions as so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, save on the special authority of the Minister for each and every such alteration or deviation.
14. Whenever the estimated cost of the construction of any works proposed to be carried out by the Trust exceeds the sum of Tenders to be called publicly.
- 40 twenty pounds, tenders for the construction of such works shall be invited by public advertisement. And in cases where the cost of such works is intended to be defrayed wholly or in part out of loans granted or guaranteed by the Crown, the Trust shall examine the tenders and
- 45 forward them to the Minister, with their recommendation as to which tender, if any, should be accepted. The Minister shall then decide and shall direct the Trust accordingly.
15. All works to be carried out by the Trust with the aid of loans granted or guaranteed by the Crown shall be let by contract, Loan works to be let by contract.
- 50 and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender is accepted.
16. The certificates and vouchers for all payments for work done by the Trust with the aid of loans granted or guaranteed by the Crown in the manner prescribed, and all accounts in connection with Vouchers, &c., to be accessible for inspection.
- 55 such works, shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose.
17. The Trust shall employ qualified engineers and surveyors for the preparation of the designs, surveys, plans, and estimates for all works proposed to be carried out in pursuance of this Act. Qualified engineers to be employed.

*Wentworth Irrigation.*

18. Whenever there is reason to apprehend that damage may be caused by floods or otherwise before a reply could be obtained from the Minister, or whenever there is an opportunity to conserve flood-water, which opportunity might be lost before a reply could be received from the Minister, the Trust may, on its own responsibility, and at its own risk, deal with the necessities of such case as it may deem proper; but in every such case the Minister must, without delay, be informed of the case in detail, and his sanction be applied for forthwith.

Power of Trust to act in cases of emergency.

19. Whenever any person employed by the Trust in pursuance of this Act shall, while in the execution of his duties, cause injury to land, fences, or other property, or shall cause loss or damage to any owner of land or other property, the person suffering such injury, loss, or damage shall be entitled to be compensated by the Trust.

Compensation for damage done by the Trust.

20. No claim for compensation on account of injury, loss, or damage caused to persons or property, by any person employed by the Trust, shall be valid unless made within ninety days after such injury, loss, or damage is sustained.

Limit of time within which compensation to be claimed.

21. When any person claims compensation from the Trust, on account of injury, loss, or damage sustained, and such claim is disputed by the Trust, the settlement of the dispute shall be submitted to arbitration; and the arbitration shall proceed as provided for in the "Arbitration Act," thirty-one Victoria number fifteen.

Arbitration.

22. The Trust may from time to time, with the sanction of the Minister, demise, or assign, for any term of years not exceeding thirty years, any lands, tenements, or hereditaments purchased, taken in exchange, or on lease by the Trust in pursuance of this Act, or being a portion or portions of the irrigation area; or may, without such sanction, let or lease any such lands, tenements, or hereditaments from year to year, or for any term not exceeding three years. All moneys to arise from any such demise, or letting shall be applied towards the construction, maintenance, or improvement of the works or property of the Trust, or, with the sanction of the Governor, in paying or discharging any interest, debt, or obligation which the Trust may be liable to pay or discharge.

Trust may lease.

23. Subject to the provisions of this Act, it shall be lawful for the Trust to enter into an agreement in writing with the owner or occupier of any land within the irrigation area or not being distant more than three miles in a straight line from the boundary thereof for the supply and delivery of water upon such land for a term of years not exceeding ten years, or from year to year, at a price by measure to be stated in such agreement, and in every such agreement the owner of such land shall agree to pay such price for the term limited in the agreement, and to take from the Trust not less water in any year than the minimum quantity in such agreement specified, and such agreement by such owner or occupier, whether under seal or not, shall be deemed to be a covenant running with the land, and shall bind the land and the successive owners thereof during the said term. But nothing in such agreement shall be construed to create any obligation on the part of the Trust to supply any stated quantity of water in the event of there being at the disposal of the Trust an insufficiency of water, as hereinafter provided; but such owner or occupier shall pay for the water actually supplied to him at the price provided for in such agreement.

Trust may contract to supply water for a term of years.

24. If at any time the supply of water at the disposal of the Trust be insufficient to afford to all persons entitled by contract the supplies which they may respectively be entitled to receive from the Trust, it shall be competent for the Trust to deliver to such persons such amount as the Trust may deem proper, in quantities proportionate to the quantities which such persons would have been respectively entitled

Wherein sufficient water, Trust may supply proportionally, and not liable for any inability to supply.

*Wentworth Irrigation.*

entitled to receive had there been enough water available, and such persons shall be chargeable accordingly, and in no case shall the Trust be liable to any action or other proceeding for not supplying water to any person where it has been determined by the Minister that the Trust has been without wilful default or negligence upon its part unable to supply such water.

25. No person supplied with water for any purpose by the Trust, shall have the right to transfer such supply, or any portion thereof, to any other person or persons without the sanction of the Trust. And in all receipts given for water-rates paid to the Trust, and in all papers and documents referring to such rates, a note shall be entered to the effect that the right to any water supplied by the Trust is not transferable, save by permission of the Trust, given in writing.

Water-rights not transferable, save by permission of Trust.

26. Water supplied by the Trust shall be delivered as prescribed, and no person shall have the right to convey or use such water in a manner or for a purpose other than those prescribed.

Water to be used only in manner prescribed.

27. The Trust may acquire by purchase or lease a right-of-way for water through any land, whether it belong to a private individual, a corporation, or the Crown. If a right-of-way for a distributory channel, pipe, or conduit of any kind be required by any person to enable him to obtain a supply of water from the Trust, the Governor may, on the recommendation of the Minister, resume a right-of-way for such water supply and vest the same in the Trust; and in estimating the amount due as compensation to any owner the Minister shall deduct from the value of the right-of-way so resumed and the damage (if any) done by severance or otherwise, the amount by which the remaining land of the said owner shall have been increased in value by the projected works. In no case shall the owner have a right to claim in respect of the right-of-way so resumed the increased value due to the projected works. Any compensation payable under this clause shall be a charge against the Trust Funds.

Right-of-way for water.

28. Under no circumstances shall the passage of water through the land of any owner confer on such owner any right, title, or vested interest in such water, but if in open drains the same shall be fenced, or no compensation shall be allowed for trespass of stock.

Water-way through land not to confer right to water on owner.

29. Wherever it is necessary to construct a canal or channel of any kind, or to carry a supply of water across any road, a suitable bridge or culvert or other means of crossing without hindrance to the traffic on the said road must be constructed by the Trust.

Bridges to be built at road crossings.

30. In the sale of water the Trust shall as far as practicable sell the water by measurement.

Water to be sold by measurement.

31. Subject to the sanction of the Minister the Trust shall have power to fix rates for water supplied or for land irrigated by the works to be carried out pursuant to this Act. The rates for water shall be of three kinds, viz.:—First, for domestic use and for watering stock and washing sheep; second, for irrigation; third, for power. In addition to these rates the Trust, subject to the sanction aforesaid, may fix a rate per acre on land so irrigated as aforesaid; and also when the measurement of water for irrigation is impracticable, may fix rates per acre for different crops grown, according to their nature; and where it is impracticable to measure water used by stock, the Trust may fix rates for all kinds of stock to which water is supplied at per head, according to the kind thereof. And all rates and moneys due to the Trust for water supplied and otherwise may be recovered in a summary way before any two Justices by any person appointed by the Trust to collect and recover the same.

Power to fix rates.

Recovery of rates.

32. The Trust may make by-laws—

(a) To regulate its proceedings at meetings, the number of members to form a quorum, the convening, postponing, or adjourning of ordinary or special meetings.

Power to make by-laws.

(b)

*Wentworth Irrigation.*

- (b) To deal with all matters in respect of which by-laws are expressly or impliedly referred to in this Act.
- (c) To regulate the administration and maintenance of the works constructed in pursuance of this Act.
- 5 (d) To prescribe the conditions on which water shall be supplied, and the mode of assessing property, and levying rates.
- (e) To prescribe the penalties to which any person shall be liable for breach of, or refusal, or neglect to obey, or observe such by-laws.
- 10 But no such by-laws shall be put in force until sanctioned by the Governor.

33. The Governor may prescribe the form of lease to be used under this Act and also make regulations for carrying this Act into full effect, so as to provide for all proceedings and all other matters and things arising under and consistent with this Act and not expressly provided for; and all such regulations shall upon being published in the *Gazette* be valid in law, and a copy of every such regulation shall be laid before both Houses of Parliament within one month from the issue thereof or otherwise within one month after the commencement of the Session next ensuing.

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Governor may make regulations.

## PART IV.

*Loans.*

34. The security for the repayment of all moneys raised on loan by the Trust and for the payment of interest due thereon shall be—

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- (I) The lands and works vested in the Trust;
- (II) The proceeds of the sale of water by the Trust; and
- (III) The rates leviable by the Trust on the lands to be irrigated by the works of the Trust.

30 35. It shall not be lawful for the Trust to borrow money from any source or for any purpose without the sanction of the Governor.

Sanction of Governor for loans, essential.

36. Whenever the Trust desires to raise money on loan for the construction of any works authorized by this Act the Trust shall make application to the Minister in writing stating full particulars as to the nature and extent of the land to be benefited by such works, of the existing liabilities (if any) of the Trust, and of the estimated cost of the proposed works; and on receipt of such application the Minister shall submit the same, together with such recommendations as he may deem proper to the Governor, and thereupon the Governor may direct the granting of a loan to the Trust, or may sanction the raising of a loan by the Trust, and guarantee the payment of the interest thereon payable. Provided that where the amount of the loan so applied for shall exceed the sum of twenty thousand pounds, such application shall be submitted to Parliament in accordance with the provisions of the "Public Works Act of 1888."

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Application for loans.

Governor may grant or guarantee loans.

37. The aggregate amount of any loan raised by the Trust, together with the existing liabilities thereof shall not at any time exceed two-thirds of the estimated value which the land and property of the Trust will possess on the completion of the works proposed to be constructed with the aid of such loan. Such estimated value shall be determined by the Minister.

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Limit to loans.

38. When a sinking fund has been formed as hereinafter provided for the liquidation of any loan, the accumulated amount of such sinking fund shall, for the purpose of estimating the existing liabilities of the Trust, be deducted from the amount of such loan.

Sinking fund to be reckoned an asset.

*Wentworth Irrigation.*

39. Whenever the Trust has raised a loan under the provisions of this Act a sinking fund shall be formed to liquidate the same at such rate and in such manner as the Minister may, at the time of the granting or authorizing of such loan, direct. Sinking fund for each loan.
- 5 40. The revenue derived from the sale of water and the rates levied in pursuance of the provisions of section thirty-one shall be applied as follows:— Rates, how applicable.
- 10 (a) In payment of interest due in respect of loans.  
 (b) In contributing to the sinking fund according to the rate fixed by the Minister.  
 (c) For the maintenance and management of the works of the Trust; or  
 (d) For the extension and development of such works.
- 15 41. The Trust shall keep a separate account for every loan, and such accounts shall, at all times, be accessible to any officer deputed by the Minister to inspect them, and copies or abstracts of such accounts shall be submitted in such manner and at such times as may be prescribed. Separate account for each loan.
- 20 42. The rate of interest which shall be fixed by the Governor as the rate chargeable upon any loan granted to the Trust may be one-half per centum higher, but in no case shall be more than one-half per centum higher than the rate per centum paid by the Government upon the public loan, out of which such loan shall have been granted to the Trust. Rate of interest with which Trust may be charged
- 25 43. If, in contravention of this Act, the Trust shall raise a loan without the sanction of the Governor, or appropriate any moneys belonging to the Trust for the purpose of liquidating any claim for money so illegally borrowed, or shall, without the sanction aforesaid, apply any portion of a loan to a purpose other than that for which the said loan was raised, or shall otherwise misappropriate a loan or any portion thereof, the members of the Trust who shall have consented to, or participated in, such improper borrowing, appropriation, or application as aforesaid shall be jointly and severally liable to pay the full amount of the moneys so improperly borrowed, appropriated, 30 or applied; and such amount may be sued for by any person liable to pay rates to the Trust, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction. Improperly borrowing or appropriating.
- 35 44. If, with the sanction of the Governor, the boundaries of the irrigation area or the name of the Trust be altered, no bond, mortgage, or agreement entered into by the Trust previously to such alteration shall be rendered invalid, or shall, except as hereinafter provided, be in any way affected by such alteration. Change of name or boundaries not to affect agreements.
- 40 45. If, by reason of the alteration of the boundaries of the irrigation area, any works or other property be taken from the Trust, 45 compensation therefor shall be paid to the Trust; and any dispute in respect of the amount of compensation in such case shall be determined by arbitration according to the provisions of the Act thirty-first Victoria number fifteen. And if the works or property so taken from a Trust form the security, or part of the security, for any loan, the 50 amount of the compensation received therefor shall be applied in liquidation or reduction of such loan. Compensation for alteration of boundaries.



*Wentworth Irrigation.*

## PART V.

*Offences and Penalties*

46. Whoever, without proper authority, and voluntarily does any of the following acts, that is to say:—
- 5 (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister : Obstructing Govern-  
ment or Trust  
Officers.
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execu- Interfering with  
marks.
- 10 tion of his duty by any person employed in pursuance of this Act, in making surveys, levels, or other investigations in connection with any work or project authorized by this Act.
- (c) Deposits material or refuse of any kind within the bounds of any land resumed or otherwise acquired for any work Depositing material  
on land belonging to  
Government or to  
Trust.
- 15 authorized by this Act.
- (d) Pollutes, or renders less useful the water standing or flowing in any river or work for water conservation and utilization Polluting water.
- vested in the Trust.
- (e) Interferes with the supply or flow of water in any river, creek, Injury to water,  
fences, &c.
- 20 stream or lake, managed or maintained by the Trust, or causes injury to fences, works, land, or any other property held or managed or maintained by the Trust,
- shall for every such offence be liable, on conviction before any two Penalty.
- Justices to a penalty not exceeding twenty pounds, or to imprisonment for a term not exceeding three months.
- 25 47. Any person who wilfully damages or obstructs any work for water conservation and utilization vested in the Trust, and any person who, without proper authority, interferes with the supply or flow of water in, into, or from any work constructed or maintained under the provisions of this Act, shall for every such offence be liable, Wilful injury to  
works.
- 30 on conviction, to imprisonment for a period not exceeding six months, or to a fine not exceeding one hundred pounds, or to a fine and imprisonment combined within the limits aforesaid.
48. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water Waste of water.
- 35 neglects to take proper precautions for the prevention of waste of the water, or interferes with the authorized distribution thereof, or uses such water in an unauthorized manner, shall for every such offence be liable to a penalty not exceeding ten pounds, or to imprisonment for a term not exceeding one month.
- 40 49. The penalties directed under last section for the wilful or negligent waste of water shall apply to the water-rights acquired Waste of water under  
"Mining Act."
- under the "Mining Act of 1874," or under any other Act or regulation in force relating to mining.
- 50 50. Whenever any person is fined under this Act, the Justices Compensation to  
injured parties.
- 45 may direct that one-half of such fine may be paid by way of compensation to the Trust or the person or body, if any, injured by such offence.
51. Any person offending against this Act may be sued for compensation on account of the damage incurred or sustained through Offenders liable to  
pay compensation as  
well as penalty.
- 50 his offence; and this liability for the loss and damage caused will not in any way mitigate or affect the concurrent liability to punishment for the said offence under the terms of this Act.
52. Nothing herein contained shall prevent any person from Offenders liable to  
punishment under  
other Acts.
- being prosecuted under any other law for any offence punishable under this Act. Provided that no person shall be punished twice for
- 55 the same offence.

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*Wentworth Irrigation.*

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## SCHEDULE.

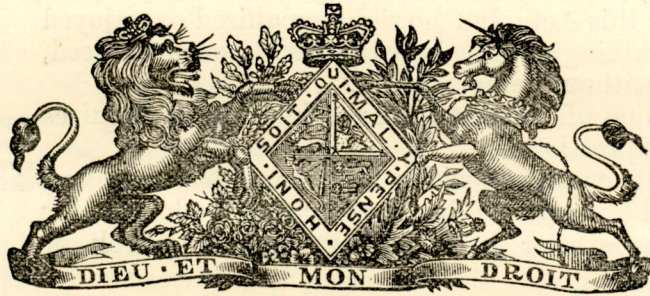
All that piece or parcel of land in the Colony of New South Wales and county of Wentworth, in the parishes of Wentworth and Tiltao : Commencing at a point bearing north seventy-one degrees west twenty chains from the north-east corner of reserve two  
5 hundred and eighty-seven, notified in the *Government Gazette* of sixteenth March, one thousand eight hundred and seventy-seven, and known as the Police Paddock ; and bounded thence partly on the west by a line north about two hundred and thirteen chains to the intersection of the said line with the northern boundary of reserve number three  
10 from lease, notified in the *Government Gazette* of thirteenth November, one thousand eight hundred and sixty ; thence partly on the south by that boundary-line west about forty-two chains to the left bank of the river Darling, at a place known as the Two-mile Point ; thence again partly on the west by that river north-westerly to the south-west corner of Messrs. Ormond and Brooke Brothers purchased land, portion number eighteen, in the parish of Tiltao ; thence partly on the north by the southern boundary of the  
15 aforesaid portion number eighteen and its easterly prolongation to the south-west corner of portion number seventeen, in the parish of Tiltao ; thence by the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two in the parish aforesaid thence again partly on the west by the eastern boundary of number forty-two aforesaid, northerly, and by part of the eastern boundary of portion fourteen in the parish aforesaid  
20 to its intersection with the westerly prolongation of the northern boundary of reserve number two hundred and fifty-seven, notified in the *Government Gazette* of seventh April, one thousand eight hundred and seventy-six ; thence again partly on the north by that line easterly to the north-west corner of reserve number two hundred and fifty-seven aforesaid ; thence by the northern boundary of that reserve and part of the southern  
25 boundary of reserve number fifty, notified in the *Government Gazette* of twenty-fourth September, one thousand eight hundred and seventy-two, to its intersection with the western boundary of the parish of Mourquong ; thence on the east by the western boundary of the parish of Mourquong southerly about two hundred and sixty chains to the right bank of the river Murray ; thence again on the south by the river Murray  
30 south-westerly to the north-east corner of reserve two hundred and eighty-seven aforesaid ; and thence on the remainder of the south by part of the northern boundary of that reserve bearing north seventy-one degrees west twenty chains to the point of commencement, and containing an area of fourteen thousand acres, be the same more or less, exclusive of alienated and measured portions numbers five, seventeen, eighteen, nineteen  
35 and twenty, in the parish of Wentworth aforesaid.

*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.*

*Legislative Assembly Chamber,  
Sydney, 9 July, 1889. }*

F. W. WEBB,  
*Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUINQUAGESIMO TERTIO

# VICTORIÆ REGINÆ.

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No.

An Act to vest certain lands in the Council of the Municipality of Wentworth, and to enable the said Council to establish works thereon and elsewhere for Conserving and Utilizing Water for Irrigation and other purposes.

**W**HEREAS it is expedient, and would be for the advantage of the Preamble. inhabitants of Wentworth, in the Colony of New South Wales, and the public generally, to establish a system whereby the waters of the lake known as Fletcher's Lake, situated near Wentworth, and other waters contained or flowing in the rivers, creeks, streams, and watercourses thereto adjacent, may be conserved and utilized for irrigation, watering of stock, and other purposes: And whereas, for the purposes and in pursuance of the "Commons Regulation Act of 1873," and the "Commons Regulation Act Amendment Act of 1886," the lands described in the Schedule to this Act, among other lands, are vested in the Council of the Municipality of Wentworth as a temporary common. Be it therefore enacted by the Queen'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:—

### PART I.

#### *Preliminary.*

1. This Act may for all purposes be cited as the "Wentworth Short title. Irrigation Act."

*Wentworth Irrigation.*

2. Nothing contained in the "Municipalities Act of 1867," or the "Country Towns Water and Sewerage Act of 1880," shall be construed to control, limit, or restrict the operation of this Act, or to interfere with its provisions in respect of the construction or maintenance of works, or the storage, distribution, or supply of water, or in respect of the borrowing of money, the valuation of property, or the fixing or levying of rates.

Portions of Acts at variance with this.

3. Notwithstanding anything contained in any Act, now in force, relating to mining, no holder of a miner's right or mineral license shall be entitled to divert or use water to the prejudice of any rights acquired or enjoyed under this Act; but no rights acquired or enjoyed under any Act relating to mining shall be interfered with, or prejudiced, or taken from the owner without compensation.

Repeal of parts of "Mining Act of 1874."

4. In the construction of this Act, unless the context requires a different meaning, the expression—

Interpretation of terms and arrangement of sections.

"Domestic use," when employed with reference to water, means use for household purposes, but does not include use for irrigation of gardens or land, or for watering stock or washing sheep.

"The Governor" means the Governor, with the advice of the Executive Council.

"Irrigation area" means the lands and hereditaments described in the Schedule to this Act.

"The Minister" means the Minister charged with the administration of this Act.

"Owner" includes lessee or occupier.

"Prescribed" means prescribed by this Act or by the regulations thereunder, or by the by-laws of the Trust.

"Regulations" means the regulations made under this Act.

"Stock" means cattle, horses, sheep, and all other domestic animals.

"The Trust" means the "Municipality of Wentworth Irrigation Trust."

And the sections of this Act are arranged in the order following, viz.:—

PART I.—*Preliminary Provisions.*

PART II.—*Constitution of the Trust.*

PART III.—*Administration.*

PART IV.—*Loans.*

PART V.—*Penalties.*

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## PART II.

*Constitution of Trust.*

5. The authority to carry out this Act shall be the members of the Council of the Municipality of Wentworth for the time being, who, by the name of the "Municipality of Wentworth Irrigation Trust," shall be a body corporate, and shall for the purposes of this Act have perpetual succession and a common seal, and, subject to the sanction of the Minister and to the provisions hereinafter contained, have power to hold, purchase, sell, exchange and lease lands, tenements, stores, goods, chattels, and other property, and shall be capable in law of suing and being sued.

Council of Municipality of Wentworth to be the Trust.

Trust to be body corporate.

6. No member of the Trust shall be the holder of any paid office or situation under the Trust, or receive any salary, emoluments, or expenses of any kind from the Trust unless with the special sanction of the Minister.

Members of the Trust not to be paid.

7.

*Wentworth Irrigation.*

7. No member of the Trust shall tender for, obtain, or hold any contract, or any part or share in any contract, for works or surveys to be constructed or made by the Trust. Members of the Trust may not be contractors.

8. Every person who, being disqualified from acting as a member of the Trust by reason of his being the holder of a paid office under the Trust, or receiving a salary, emoluments, or expenses of any kind from the Trust without the special sanction of the Minister, or who, being the holder of any contract, or any part or share in any contract, for works or surveys to be constructed or made by the Trust, shall attend a meeting of the members of the Trust and vote thereat as a member, shall, for every meeting at which he is so present and acting, be liable on conviction before any two Justices to a penalty not exceeding fifty pounds. Penalty for illegally acting as a member.

9. From and after the passing of this Act the irrigation area shall cease to be or form part of the temporary common of Wentworth. Revocation of allotment of Common.

10. For the purposes of this Act there shall be vested in the trust absolutely, and in respect of land, for an estate in fee simple; but under no circumstances shall any portion of the irrigation area vested in the Trust be sold:— Property vested in the Trust.

(I) The irrigation area, except such land as the Minister may decide to set apart for public purposes.

(II) All dams, weirs, flood-gates, culverts, aqueducts, sluices, flumes, pipes, engines, pumping-machinery, reservoirs and other works constructed or erected in pursuance of this Act.

(III) The water which is at any time in the lake known as Fletcher's Lake, near Wentworth, or other natural source within the irrigation area, and in any pipe, reservoir, or other work constructed by the Trust in pursuance of this Act.

Provided nothing contained in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of natural supplies of water; and the provisions of this Act shall be considered as subject to the provisions of general legislation which maybe enacted by the Legislature to deal with water conservation throughout the Colony, or any right conferred before the passing of this Act by any lease from the Crown upon any person to take or use the water in Fletcher's Lake shall not be prejudiced or affected by anything contained in this section; and whenever it shall be deemed necessary in the public interest the Governor may by proclamation dissolve the Trust, and take control of the whole of the lands, works, goods, and chattels of the Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created or otherwise vested in such Trust.

## PART III.

*Administration.*

11. Subject to the provisions hereinafter contained, and for the purposes of this Act it shall at any time be lawful for the Trust to exercise any of the following powers, that is to say— Power of the Trust.

(I) To erect and construct upon any part of the irrigation area such dams, weirs, flood-gates, culverts, aqueducts, sluices, flumes, pipes, engines, pumping machinery, reservoirs, canals, watercourses, embankments, or other works as may be necessary or expedient for carrying out the purposes of this Act.

(II) To construct a dam, or flood-gate, or both, across the mouth of the creek known as Tchilltanlcurra Creek, at the junction of the said creek with the river Darling, and elsewhere on the said creek or any of its affluents.

(III)

*Wentworth Irrigation.*

- (III) To take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and from all creeks, watercourses, lagoons, swamps, canals, trenches, tanks, reservoirs, or other sources lying within or to be constructed or excavated within the irrigation area.
- (IV) To widen or deepen any existing creek, lagoon, swamp, or watercourse within the irrigation area.
- (v) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.
- (vi) To take water from the rivers Darling and Murray by means of pumping or other machinery erected within the irrigation area under such regulations as to quantity as the Minister may sanction.
- 15 But nothing in this section shall be taken or construed to authorize the Trust to construct any dam, weir, embankment, or other work whatever in or upon either of the rivers Darling or Murray, so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such rivers. Rivers Murray and Darling not to be interfered with.
- 20 12. Whenever the Trust, for the purpose of carrying out works for the conservation and utilization of water, applies to the Government for a loan to be granted or guaranteed, as herein provided, the Minister shall cause the designs, plans, and estimates of such works to be examined, and shall require the Trust to supply all further information When loans are applied for by the Trust.
- 25 that may appear necessary. The Minister may also by his officers carry out such levels, surveys, measurements, and investigations as may be deemed necessary to furnish a satisfactory check on the surveys, designs, or estimates supplied by the Trust. The Minister shall then make such recommendations to the Governor as he may Plans, &c., of works to be approved by the Minister.
- 30 deem just and necessary in regard to the propriety of granting or guaranteeing the whole or any part of the loan so applied for.
13. When the designs, plans, and descriptions of any proposed works have been approved by the Minister, on examination by him, as provided in the last section, the Trust shall construct, maintain, and Plans when approved not to be deviated from.
- 35 continue such works in accordance with such designs, plans, and descriptions as so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, save on the special authority of the Minister for each and every such alteration or deviation.
14. Whenever the estimated cost of the construction of any works proposed to be carried out by the Trust exceeds the sum of Tenders to be called publicly.
- 40 twenty pounds, tenders for the construction of such works shall be invited by public advertisement. And in cases where the cost of such works is intended to be defrayed wholly or in part out of loans granted or guaranteed by the Crown, the Trust shall examine the tenders and
- 45 forward them to the Minister, with their recommendation as to which tender, if any, should be accepted. The Minister shall then decide and shall direct the Trust accordingly.
15. All works to be carried out by the Trust with the aid of loans granted or guaranteed by the Crown shall be let by contract, Loan works to be let by contract.
- 50 and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender is accepted.
16. The certificates and vouchers for all payments for work done by the Trust with the aid of loans granted or guaranteed by the Crown in the manner prescribed, and all accounts in connection with Vouchers, &c., to be accessible for inspection.
- 55 such works, shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose.
17. The Trust shall employ qualified engineers and surveyors for the preparation of the designs, surveys, plans, and estimates for all works proposed to be carried out in pursuance of this Act. Qualified engineers to be employed.

*Wentworth Irrigation.*

18. Whenever there is reason to apprehend that damage may be caused by floods or otherwise before a reply could be obtained from the Minister, or whenever there is an opportunity to conserve flood-water, which opportunity might be lost before a reply could be received  
5 from the Minister, the Trust may, on its own responsibility, and at its own risk, deal with the necessities of such case as it may deem proper; but in every such case the Minister must, without delay, be informed of the case in detail, and his sanction be applied for forthwith.

Power of Trust to act in cases of emergency.

19. Whenever any person employed by the Trust in pursuance  
10 of this Act shall, while in the execution of his duties, cause injury to land, fences, or other property, or shall cause loss or damage to any owner of land or other property, the person suffering such injury, loss, or damage shall be entitled to be compensated by the Trust.

Compensation for damage done by the Trust.

20. No claim for compensation on account of injury, loss, or  
15 damage caused to persons or property, by any person employed by the Trust, shall be valid unless made within ninety days after such injury, loss, or damage is sustained.

Limit of time within which compensation to be claimed.

21. When any person claims compensation from the Trust, on  
20 account of injury, loss, or damage sustained, and such claim is disputed by the Trust, the settlement of the dispute shall be submitted to arbitration; and the arbitration shall proceed as provided for in the "Arbitration Act," thirty-one Victoria number fifteen.

Arbitration.

22. The Trust may from time to time, with the sanction of the  
25 Minister, demise, or assign, for any term of years not exceeding thirty years, any lands, tenements, or hereditaments purchased, taken in exchange, or on lease by the Trust in pursuance of this Act, or being a portion or portions of the irrigation area; or may, without such sanction, let or lease any such lands, tenements, or hereditaments from year to year, or for any term not exceeding three years. All  
30 moneys to arise from any such demise, or letting shall be applied towards the construction, maintenance, or improvement of the works or property of the Trust, or, with the sanction of the Governor, in paying or discharging any interest, debt, or obligation which the Trust may be liable to pay or discharge.

Trust may lease.

35 23. Subject to the provisions of this Act, it shall be lawful for the Trust to enter into an agreement in writing with the owner or occupier of any land within the irrigation area or not being distant more than three miles in a straight line from the boundary thereof for the supply and delivery of water upon such land for a term of  
40 years not exceeding ten years, or from year to year, at a price by measure to be stated in such agreement, and in every such agreement the owner of such land shall agree to pay such price for the term limited in the agreement, and to take from the Trust not less water in any year than the minimum quantity in such agreement specified,  
45 and such agreement by such owner or occupier, whether under seal or not, shall be deemed to be a covenant running with the land, and shall bind the land and the successive owners thereof during the said term. But nothing in such agreement shall be construed to create any obligation on the part of the Trust to supply any stated quantity  
50 of water in the event of there being at the disposal of the Trust an insufficiency of water, as hereinafter provided; but such owner or occupier shall pay for the water actually supplied to him at the price provided for in such agreement.

Trust may contract to supply water for a term of years.

24. If at any time the supply of water at the disposal of the  
55 Trust be insufficient to afford to all persons entitled by contract the supplies which they may respectively be entitled to receive from the Trust, it shall be competent for the Trust to deliver to such persons such amount as the Trust may deem proper, in quantities proportionate to the quantities which such persons would have been respectively  
entitled

Wherein sufficient water, Trust may supply proportionally, and not liable for any inability to supply.

*Wentworth Irrigation.*

entitled to receive had there been enough water available, and such persons shall be chargeable accordingly, and in no case shall the Trust be liable to any action or other proceeding for not supplying water to any person where it has been determined by the Minister that the  
5 Trust has been without wilful default or negligence upon its part unable to supply such water.

25. No person supplied with water for any purpose by the Trust, shall have the right to transfer such supply, or any portion thereof, to any other person or persons without the sanction of the  
10 Trust. And in all receipts given for water-rates paid to the Trust, and in all papers and documents referring to such rates, a note shall be entered to the effect that the right to any water supplied by the Trust is not transferable, save by permission of the Trust, given in writing.

Water-rights not transferable, save by permission of Trust.

26. Water supplied by the Trust shall be delivered as prescribed,  
15 and no person shall have the right to convey or use such water in a manner or for a purpose other than those prescribed.

Water to be used only in manner prescribed.

27. The Trust may acquire by purchase or lease a right-of-way for water through any land, whether it belong to a private individual, a corporation, or the Crown. If a right-of-way for a distributory  
20 channel, pipe, or conduit of any kind be required by any person to enable him to obtain a supply of water from the Trust, the Governor may, on the recommendation of the Minister, resume a right-of-way for such water supply and vest the same in the Trust; and in estimating the amount due as compensation to any owner the Minister  
25 shall deduct from the value of the right-of-way so resumed and the damage (if any) done by severance or otherwise, the amount by which the remaining land of the said owner shall have been increased in value by the projected works. In no case shall the owner have a right to claim in respect of the right-of-way so resumed the increased  
30 value due to the projected works. Any compensation payable under this clause shall be a charge against the Trust Funds.

Right-of-way for water.

28. Under no circumstances shall the passage of water through the land of any owner confer on such owner any right, title, or vested interest in such water, but if in open drains the same shall be fenced,  
35 or no compensation shall be allowed for trespass of stock.

Water-way through land not to confer right to water on owner.

29. Wherever it is necessary to construct a canal or channel of any kind, or to carry a supply of water across any road, a suitable bridge or culvert or other means of crossing without hindrance to the traffic on the said road must be constructed by the Trust.

Bridges to be built at road crossings.

30. In the sale of water the Trust shall as far as practicable  
40 sell the water by measurement.

Water to be sold by measurement.

31. Subject to the sanction of the Minister the Trust shall have power to fix rates for water supplied or for land irrigated by the works to be carried out pursuant to this Act. The rates for water  
45 shall be of three kinds, viz.:—First, for domestic use and for watering stock and washing sheep; second, for irrigation; third, for power. In addition to these rates the Trust, subject to the sanction aforesaid, may fix a rate per acre on land so irrigated as aforesaid; and also when the measurement of water for irrigation is impracticable, may  
50 fix rates per acre for different crops grown, according to their nature; and where it is impracticable to measure water used by stock, the Trust may fix rates for all kinds of stock to which water is supplied at per head, according to the kind thereof. And all rates and moneys  
55 due to the Trust for water supplied and otherwise may be recovered in a summary way before any two Justices by any person appointed by the Trust to collect and recover the same.

Power to fix rates.

Recovery of rates.

32. The Trust may make by-laws—  
(a) To regulate its proceedings at meetings, the number of  
60 members to form a quorum, the convening, postponing, or adjourning of ordinary or special meetings.

Power to make by-laws.

(b)



*Wentworth Irrigation.*

- (b) To deal with all matters in respect of which by-laws are expressly or impliedly referred to in this Act.
- (c) To regulate the administration and maintenance of the works constructed in pursuance of this Act.
- 5 (d) To prescribe the conditions on which water shall be supplied, and the mode of assessing property, and levying rates.
- (e) To prescribe the penalties to which any person shall be liable for breach of, or refusal, or neglect to obey, or observe such by-laws.
- 10 But no such by-laws shall be put in force until sanctioned by the Governor.

33. The Governor may prescribe the form of lease to be used under this Act and also make regulations for carrying this Act into full effect, so as to provide for all proceedings and all other matters and things arising under and consistent with this Act and not expressly provided for; and all such regulations shall upon being published in the *Gazette* be valid in law, and a copy of every such regulation shall be laid before both Houses of Parliament within one month from the issue thereof or otherwise within one month after the commencement of the Session next ensuing.

Governor may make regulations.

## PART IV.

*Loans.*

34. The security for the repayment of all moneys raised on loan by the Trust and for the payment of interest due thereon shall be—

Security for loan.

- (I) The lands and works vested in the Trust;
- (II) The proceeds of the sale of water by the Trust; and
- (III) The rates leviable by the Trust on the lands to be irrigated by the works of the Trust.

35. It shall not be lawful for the Trust to borrow money from any source or for any purpose without the sanction of the Governor.

Sanction of Governor for loans, essential.

36. Whenever the Trust desires to raise money on loan for the construction of any works authorized by this Act the Trust shall make application to the Minister in writing stating full particulars as to the nature and extent of the land to be benefited by such works, of the existing liabilities (if any) of the Trust, and of the estimated cost of the proposed works; and on receipt of such application the Minister shall submit the same, together with such recommendations as he may deem proper to the Governor, and thereupon the Governor may direct the granting of a loan to the Trust, or may sanction the raising of a loan by the Trust, and guarantee the payment of the interest thereon payable. Provided that where the amount of the loan so applied for shall exceed the sum of twenty thousand pounds, such application shall be submitted to Parliament in accordance with the provisions of the "Public Works Act of 1888."

Application for loans.

Governor may grant or guarantee loans.

37. The aggregate amount of any loan raised by the Trust, together with the existing liabilities thereof shall not at any time exceed two-thirds of the estimated value which the land and property of the Trust will possess on the completion of the works proposed to be constructed with the aid of such loan. Such estimated value shall be determined by the Minister.

Limit to loans.

38. When a sinking fund has been formed as hereinafter provided for the liquidation of any loan, the accumulated amount of such sinking fund shall, for the purpose of estimating the existing liabilities of the Trust, be deducted from the amount of such loan.

Sinking fund to be reckoned an asset.

*Wentworth Irrigation.*

39. Whenever the Trust has raised a loan under the provisions of this Act a sinking fund shall be formed to liquidate the same at such rate and in such manner as the Minister may, at the time of the granting or authorizing of such loan, direct. Sinking fund for each loan.
- 5 40. The revenue derived from the sale of water and the rates levied in pursuance of the provisions of section thirty-one shall be applied as follows:— Rates, how applicable.
- 10 (a) In payment of interest due in respect of loans.
- (b) In contributing to the sinking fund according to the rate fixed by the Minister.
- (c) For the maintenance and management of the works of the Trust; or
- (d) For the extension and development of such works.
- 15 41. The Trust shall keep a separate account for every loan, and such accounts shall, at all times, be accessible to any officer deputed by the Minister to inspect them, and copies or abstracts of such accounts shall be submitted in such manner and at such times as may be prescribed. Separate account for each loan.
- 20 42. The rate of interest which shall be fixed by the Governor as the rate chargeable upon any loan granted to the Trust may be one-half per centum higher, but in no case shall be more than one-half per centum higher than the rate per centum paid by the Government upon the public loan, out of which such loan shall have been granted to the Trust. Rate of interest with which Trust may be charged
- 25 43. If, in contravention of this Act, the Trust shall raise a loan without the sanction of the Governor, or appropriate any moneys belonging to the Trust for the purpose of liquidating any claim for money so illegally borrowed, or shall, without the sanction aforesaid, apply any portion of a loan to a purpose other than that for which the said loan was raised, or shall otherwise misappropriate a loan or any portion thereof, the members of the Trust who shall have consented to, or participated in, such improper borrowing, appropriation, or application as aforesaid shall be jointly and severally liable to pay the full amount of the moneys so improperly borrowed, appropriated, or applied; and such amount may be sued for by any person liable to pay rates to the Trust, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction. Improperly borrowing or appropriating.
- 30 44. If, with the sanction of the Governor, the boundaries of the irrigation area or the name of the Trust be altered, no bond, mortgage, or agreement entered into by the Trust previously to such alteration shall be rendered invalid, or shall, except as hereinafter provided, be in any way affected by such alteration. Change of name or boundaries not to affect agreements.
- 35 45. If, by reason of the alteration of the boundaries of the irrigation area, any works or other property be taken from the Trust, compensation therefor shall be paid to the Trust; and any dispute in respect of the amount of compensation in such case shall be determined by arbitration according to the provisions of the Act thirty-first Victoria number fifteen. And if the works or property so taken from a Trust form the security, or part of the security, for any loan, the amount of the compensation received therefor shall be applied in liquidation or reduction of such loan. Compensation for alteration of boundaries.
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*Wentworth Irrigation.*

## PART V.

*Offences and Penalties*

46. Whoever, without proper authority, and voluntarily does any of the following acts, that is to say:—

- 5 (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister: Obstructing Govern-  
ment or Trust  
Officers.
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execu- Interfering with  
marks.  
tion of his duty by any person employed in pursuance of this  
10 Act, in making surveys, levels, or other investigations in  
connection with any work or project authorized by this Act.
- (c) Deposits material or refuse of any kind within the bounds of Depositing material  
on land belonging to  
Government or to  
Trust.  
any land resumed or otherwise acquired for any work  
authorized by this Act.
- 15 (d) Pollutes, or renders less useful the water standing or flowing Polluting water.  
in any river or work for water conservation and utilization  
vested in the Trust.
- (e) Interferes with the supply or flow of water in any river, creek, Injury to water,  
fences, &c.  
20 stream or lake, managed or maintained by the Trust, or  
causes injury to fences, works, land, or any other property  
held or managed or maintained by the Trust,

shall for every such offence be liable, on conviction before any two Penalty.  
Justices to a penalty not exceeding twenty pounds, or to imprisonment  
for a term not exceeding three months.

- 25 47. Any person who wilfully damages or obstructs any work Wilful injury to  
works.  
for water conservation and utilization vested in the Trust, and any  
person who, without proper authority, interferes with the supply or  
flow of water in, into, or from any work constructed or maintained  
under the provisions of this Act, shall for every such offence be liable,  
30 on conviction, to imprisonment for a period not exceeding six months,  
or to a fine not exceeding one hundred pounds, or to a fine and  
imprisonment combined within the limits aforesaid.

48. Any person who being responsible under the provisions of Waste of water.  
this Act for the proper use and management of a supply of water  
35 neglects to take proper precautions for the prevention of waste of the  
water, or interferes with the authorized distribution thereof, or uses  
such water in an unauthorized manner, shall for every such offence be  
liable to a penalty not exceeding ten pounds, or to imprisonment for  
a term not exceeding one month.

- 40 49. The penalties directed under last section for the wilful or Waste of water under  
"Mining Act."  
negligent waste of water shall apply to the water-rights acquired  
under the "Mining Act of 1874," or under any other Act or regulation  
in force relating to mining.

- 50 50. Whenever any person is fined under this Act, the Justices Compensation to  
injured parties.  
45 may direct that one-half of such fine may be paid by way of compensa-  
tion to the Trust or the person or body, if any, injured by such offence.

51. Any person offending against this Act may be sued for Offenders liable to  
pay compensation as  
well as penalty.  
50 compensation on account of the damage incurred or sustained through  
his offence; and this liability for the loss and damage caused will not  
in any way mitigate or affect the concurrent liability to punishment  
for the said offence under the terms of this Act.

52. Nothing herein contained shall prevent any person from Offenders liable to  
punishment under  
other Acts.  
being prosecuted under any other law for any offence punishable  
under this Act. Provided that no person shall be punished twice for  
55 the same offence.

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*Wentworth Irrigation.*

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## SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales and county of Wentworth, in the parishes of Wentworth and Tiltao : Commencing at a point bearing north seventy-one degrees west twenty chains from the north-east corner of reserve two thousand eight hundred and eighty-seven, notified in the *Government Gazette* of sixteenth March, one thousand eight hundred and seventy-seven, and known as the Police Paddock ; and bounded thence partly on the west by a line north about two hundred and thirteen chains to the intersection of the said line with the northern boundary of reserve number three from lease, notified in the *Government Gazette* of thirteenth November, one thousand eight hundred and sixty ; thence partly on the south by that boundary-line west about forty-two chains to the left bank of the river Darling, at a place known as the Two-mile Point ; thence again partly on the west by that river north-westerly to the south-west corner of Messrs. Ormond and Brooke Brothers purchased land, portion number eighteen, in the parish of Tiltao ; thence partly on the north by the southern boundary of the 15 aforesaid portion number eighteen and its easterly prolongation to the south-west corner of portion number seventeen, in the parish of Tiltao ; thence by the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two in the parish aforesaid thence again partly on the west by the eastern boundary of number forty-two aforesaid, northerly, and by part of the eastern boundary of portion fourteen in the parish aforesaid 20 to its intersection with the westerly prolongation of the northern boundary of reserve number two hundred and fifty-seven, notified in the *Government Gazette* of seventh April, one thousand eight hundred and seventy-six ; thence again partly on the north by that line easterly to the north-west corner of reserve number two hundred and fifty-seven aforesaid ; thence by the northern boundary of that reserve and part of the southern 25 boundary of reserve number fifty, notified in the *Government Gazette* of twenty-fourth September, one thousand eight hundred and seventy-two, to its intersection with the western boundary of the parish of Mourquong ; thence on the east by the western boundary of the parish of Mourquong southerly about two hundred and sixty chains to the right bank of the river Murray ; thence again on the south by the river Murray 30 south-westerly to the north-east corner of reserve two hundred and eighty-seven aforesaid ; and thence on the remainder of the south by part of the northern boundary of that reserve bearing north seventy-one degrees west twenty chains to the point of commencement, and containing an area of fourteen thousand acres, be the same more or less, exclusive of alienated and measured portions numbers five, seventeen, eighteen, nineteen 35 and twenty, in the parish of Wentworth aforesaid.