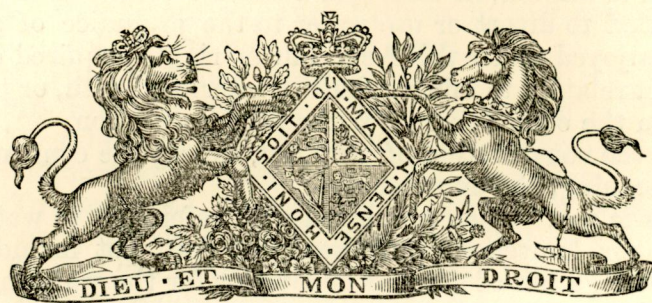


New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. VII.

An Act to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish works thereon and elsewhere for Conserving and Utilizing Water for Irrigation, and to lease such lands, and for other purposes incidental thereto. [Assented to, 1st September, 1890.]

WHEREAS 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, and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Wentworth, 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, with 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."

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2.

Wentworth Irrigation.

Portions of Acts at
variance with this.

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.

Repeal of parts of
"Mining Act of
1874."

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 thereof without compensation.

Interpretation of
terms and
arrangement of
sections.

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

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

PART II.

Constitution of Trust.

Council of
Municipality of
Wentworth to be the
Trust.

Trust to be body
corporate.

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 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.

Members of the
Trust not to be paid.

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.

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, 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 less than ten pounds or more than 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. Property vested in the Trust.

- (I) The irrigation area, except such land as the Minister may decide to set apart from time to time 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. The lands so vested shall be held and administered by the Trust, subject to the provisions of this Act, and the approval of the Governor, but no part of the same shall be sold, except with the consent of the Trust and of the Governor.

Nothing 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 subject to the provisions of any general legislation to deal with water conservation throughout the Colony, or in any way to interfere with the 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; 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, chattels, and funds belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

PART III.

Administration.

11. Subject to the provisions hereinafter contained it shall be lawful for the Trust at any time 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 objects of this Act.
- (II) To construct a dam, or flood-gate, or both, across the mouth of Tehilltanlcurra Creek, at the junction of the said creek with the river Darling, or elsewhere on the said creek or any of its affluents.

(III)

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- (III) During the currency of the present pastoral lease, with the consent of the lessee of such lease, to take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and thereafter absolutely to control and use such waters, and at all times hereafter 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, or to close or divert 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. Provided, however, that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful, the cost of such inspection to be defrayed by such.

Rivers Murray and Darling not to be interfered with.

Nothing in this section shall be 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.

When loans are applied for by the Trust.

Plans of works to be approved by the Minister.

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 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 such information as 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 make such recommendations to the Governor as he may deem necessary in regard to the propriety of granting the whole or any part of the loan so applied for.

Plans when approved not to be deviated from.

13. When the designs, plans, and descriptions of any proposed works have been approved by the Minister, as provided in the last section, the Trust shall construct, maintain, and continue such works in accordance with such designs, plans, and descriptions so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, except by the authority of the Minister for each and every such alteration or deviation.

Tenders to be called publicly.

14. Whenever the estimated cost of the construction of any works proposed to be carried out by the Trust exceeds the sum of fifty pounds, tenders for the construction of such works shall be invited by public advertisement. And 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 forward the tenders 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.

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15. All such works shall be let by contract, and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted.

Loan works to be let by contract.

16. The certificates and vouchers for all payments made out of loans granted by the Crown in the manner prescribed, and all accounts in connection with such works shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose.

Vouchers, &c., to be accessible for inspection.

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. And it shall be lawful for the Minister to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time.

Qualified engineers to be employed.

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 circumstances in detail, and his approval shall 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 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, whether under seal or not, shall be deemed to be a covenant running with the land

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

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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.

When water insufficient, Trust may supply proportionally, and not liable for any inability to supply.

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 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.

Water-rights not transferable, save by permission of Trust

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 to be used only in manner prescribed.

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.

Right-of-way for water.

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.

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

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 by the Trust, or no compensation shall be allowed for trespass of stock.

Bridges to be built at road crossings.

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.

Water to be sold by measurement.

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

Power to fix rates.

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

Wentworth Irrigation.

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. 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) 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.
- (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.

But no such by-laws shall be put in force until confirmed by the Governor and published in the *Gazette*. The production of the *Gazette* with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

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 publication thereof if Parliament shall be then sitting, or 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 Application for loans.

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- 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, subject to the same being first voted by Parliament, or may sanction the raising of a loan by the Trust.
- Governor may grant loans.**
- Limit to 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.
- Sinking fund to be reckoned an asset.** 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 for each loan.** 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.
- Rates, how applicable.** 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:—
- (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.
- Separate account for each loan.** 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.
- Return of expenditure to be presented to Parliament.** 42. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of expending all moneys borrowed on loan, also the cost of management for the preceding year, with a full account of all receipts and general expenditure for such preceding year; such return to be presented to Parliament if then in Session, if not, then within fourteen days after the meeting of Parliament.
- Rate of interest with which Trust may be charged** 43. 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.
- Improperly borrowing or appropriating.** 44. 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, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction.

Wentworth Irrigation.

45. 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.

46. 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 the 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.

PART V.

Offences and Penalties.

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

- (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister:
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execution 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 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 vested in the Trust.
- (e) Interferes with the supply or flow of water in any river, creek, 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,

Obstructing Government or Trust Officers.

Interfering with marks.

Depositing material on land belonging to Government or to Trust.

Polluting water.

Injury to water, fences, &c.

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

Penalty.

48. 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, on conviction before any two Justices, 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.

Wilful injury to works.

49. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water 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 on conviction before any two Justices to a penalty not exceeding ten pounds, or to imprisonment for a term not exceeding one month.

Waste of water.

Wentworth Irrigation.

Waste of water under
"Mining Act."

50. The penalties directed under last section for the wilful or 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.

Compensation to
injured parties.

51. Whenever any person is fined or a penalty is imposed upon any person under this Act, the Justices 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 person.

Offenders liable to
pay compensation as
well as penalty.

52. Any person offending against this Act may be sued for compensation on account of the loss or 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.

Offenders liable to
punishment under
other Acts.

53. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act. Provided that no person shall be punished twice for the same offence.

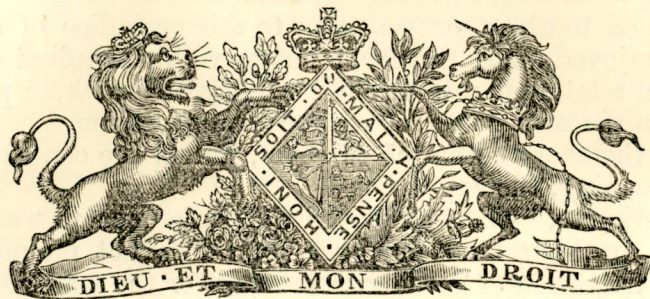
SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales and county and parish of Wentworth: Commencing at a point bearing north seventy-one degrees west twenty chains from the north-east corner of reserve two hundred and eighty-seven, notified in the *Government Gazette* of fifteenth 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 two hundred and two chains; thence partly on the south by a line west about forty-six chains to the left bank of the river Darling, at a place known as the Two-mile Point; thence on the south-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 portion number eighteen, a line, and the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two, and by part of the north boundary of the Wentworth population area, proclaimed in *Government Gazette* of twentieth March, one thousand eight hundred and eighty-five, bearing east in all about three hundred and thirty-eight chains to the north-east corner of that population area, at a peg bearing south fourteen degrees fifty minutes east thirty-four links from a box-tree marked broad-arrow over P.R. over sixty-five; thence on the north-east and remainder of the north by a five-wired fence, being a north-east and north boundary of the temporary common extension, notified in the *Government Gazette* of seventeenth April, one thousand eight hundred and eighty-two, bearing about south-east about sixty chains and easterly about two hundred and five chains to a point due north of a point on the right bank of the Murray River, situated eight chains north-easterly from the junction of Tchilltaulcurra Creek with that river; thence on the east by a line south about one hundred and forty-five chains to the river Murray; and on the south by that river downwards to the north-east corner of reserve two hundred and eighty-seven aforesaid; and thence on the south-west by part of the north-east boundary of that reserve bearing north seventy-one degrees west twenty chains, to the point of commencement, and containing an area of ten thousand six hundred acres, be the same more or less, exclusive of alienated and measured portions numbers five, seventeen, nineteen and twenty, in the parish of Wentworth aforesaid.

By Authority: CHARLES POTTER, Government Printer, Sydney, 1890.

[9d.]

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. VII.

An Act to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish works thereon and elsewhere for Conserving and Utilizing Water for Irrigation, and to lease such lands, and for other purposes incidental thereto. [Assented to, 1st September, 1890.]

WHEREAS 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, and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Wentworth, 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, with 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."

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Wentworth Irrigation.

Portions of Acts at variance with this.

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.

Repeal of parts of "Mining Act of 1874."

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 thereof without compensation.

Interpretation of terms and arrangement of sections.

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

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

PART II.

Constitution of Trust.

Council of Municipality of Wentworth to be the 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 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.

Trust to be body corporate.

Members of the Trust not to be paid.

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.

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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, 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 less than ten pounds or more than 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.

Property vested in the Trust.

- (I) The irrigation area, except such land as the Minister may decide to set apart from time to time 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. The lands so vested shall be held and administered by the Trust, subject to the provisions of this Act, and the approval of the Governor, but no part of the same shall be sold, except with the consent of the Trust and of the Governor.

Nothing 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 subject to the provisions of any general legislation to deal with water conservation throughout the Colony, or in any way to interfere with the 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; 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, chattels, and funds belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

PART III.

Administration.

11. Subject to the provisions hereinafter contained it shall be lawful for the Trust at any time 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 objects of this Act.
- (II) To construct a dam, or flood-gate, or both, across the mouth of Tchilltanlecurra Creek, at the junction of the said creek with the river Darling, or elsewhere on the said creek or any of its affluents.

(III)

Wentworth Irrigation.

- (III) During the currency of the present pastoral lease, with the consent of the lessee of such lease, to take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and thereafter absolutely to control and use such waters, and at all times hereafter 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, or to close or divert 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. Provided, however, that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful, the cost of such inspection to be defrayed by such.

Rivers Murray and Darling not to be interfered with.

Nothing in this section shall be 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.

When loans are applied for by the Trust.

Plans of works to be approved by the Minister.

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 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 such information as 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 make such recommendations to the Governor as he may deem necessary in regard to the propriety of granting the whole or any part of the loan so applied for.

Plans when approved not to be deviated from.

13. When the designs, plans, and descriptions of any proposed works have been approved by the Minister, as provided in the last section, the Trust shall construct, maintain, and continue such works in accordance with such designs, plans, and descriptions so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, except by the authority of the Minister for each and every such alteration or deviation.

Tenders to be called publicly.

14. Whenever the estimated cost of the construction of any works proposed to be carried out by the Trust exceeds the sum of fifty pounds, tenders for the construction of such works shall be invited by public advertisement. And 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 forward the tenders 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.

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15. All such works shall be let by contract, and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted.

Loan works to be let by contract.

16. The certificates and vouchers for all payments made out of loans granted by the Crown in the manner prescribed, and all accounts in connection with such works shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose.

Vouchers, &c., to be accessible for inspection.

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. And it shall be lawful for the Minister to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time.

Qualified engineers to be employed.

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 circumstances in detail, and his approval shall 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 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, whether under seal or not, shall be deemed to be a covenant running with the

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

land

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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.

When water insufficient, Trust may supply proportionally, and not liable for any inability to supply.

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 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.

Water-rights not transferable, save by permission of Trust

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 to be used only in manner prescribed.

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.

Right-of-way for water.

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.

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

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 by the Trust, or no compensation shall be allowed for trespass of stock.

Bridges to be built at road crossings.

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.

Water to be sold by measurement.

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

Power to fix rates.

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.

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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. 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) 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.
- (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.

But no such by-laws shall be put in force until confirmed by the Governor and published in the *Gazette*. The production of the *Gazette* with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

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 publication thereof if Parliament shall be then sitting, or 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— On 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 Application for loans.

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- 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, subject to the same being first voted by Parliament, or may sanction the raising of a loan by the Trust.
- Governor may grant loans.
- Limit to 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.
- Sinking fund to be reckoned an asset. 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 for each loan. 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.
- Rates, how applicable. 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:—
- (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.
- Separate account for each loan. 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.
- Return of expenditure to be presented to Parliament. 42. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of expending all moneys borrowed on loan, also the cost of management for the preceding year, with a full account of all receipts and general expenditure for such preceding year; such return to be presented to Parliament if then in Session, if not, then within fourteen days after the meeting of Parliament.
- Rate of interest with which Trust may be charged. 43. 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.
- Improperly borrowing or appropriating. 44. 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, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction.

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45. 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.

46. 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 the 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.

PART V.

Offences and Penalties.

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

- (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister:
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execution 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 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 vested in the Trust.
- (e) Interferes with the supply or flow of water in any river, creek, 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,

Obstructing Government or Trust Officers.

Interfering with marks.

Depositing material on land belonging to Government or to Trust.

Polluting water.

Injury to water, fences, &c.

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

Penalty.

48. 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, on conviction before any two Justices, 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.

Wilful injury to works.

49. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water 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 on conviction before any two Justices to a penalty not exceeding ten pounds, or to imprisonment for a term not exceeding one month.

Waste of water.

Wentworth Irrigation.

Waste of water under
"Mining Act."

50. The penalties directed under last section for the wilful or 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.

Compensation to
injured parties.

51. Whenever any person is fined or a penalty is imposed upon any person under this Act, the Justices 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 person.

Offenders liable to
pay compensation as
well as penalty.

52. Any person offending against this Act may be sued for compensation on account of the loss or 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.

Offenders liable to
punishment under
other Acts.

53. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act. Provided that no person shall be punished twice for the same offence.

SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales and county and parish of Wentworth: Commencing at a point bearing north seventy-one degrees west twenty chains from the north-east corner of reserve two hundred and eighty-seven, notified in the *Government Gazette* of fifteenth 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 two hundred and two chains; thence partly on the south by a line west about forty-six chains to the left bank of the river Darling, at a place known as the Two-mile Point; thence on the south-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 portion number eighteen, a line, and the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two, and by part of the north boundary of the Wentworth population area, proclaimed in *Government Gazette* of twentieth March, one thousand eight hundred and eighty-five, bearing east in all about three hundred and thirty-eight chains to the north-east corner of that population area, at a peg bearing south fourteen degrees fifty minutes east thirty-four links from a box-tree marked broad-arrow over P.R. over sixty-five; thence on the north-east and remainder of the north by a five-wired fence, being a north-east and north boundary of the temporary common extension, notified in the *Government Gazette* of seventeenth April, one thousand eight hundred and eighty-two, bearing about south-east about sixty chains and easterly about two hundred and five chains to a point due north of a point on the right bank of the Murray River, situated eight chains north-easterly from the junction of Tchilltaulcurra Creek with that river; thence on the east by a line south about one hundred and forty-five chains to the river Murray; and on the south by that river downwards to the north-east corner of reserve two hundred and eighty-seven aforesaid; and thence on the south-west by part of the north-east boundary of that reserve bearing north seventy-one degrees west twenty chains, to the point of commencement, and containing an area of ten thousand six hundred acres, be the same more or less, exclusive of alienated and measured portions numbers five, seventeen, nineteen and twenty, in the parish of Wentworth aforesaid.

By Authority: CHARLES POTTER, Government Printer, Sydney, 1890.

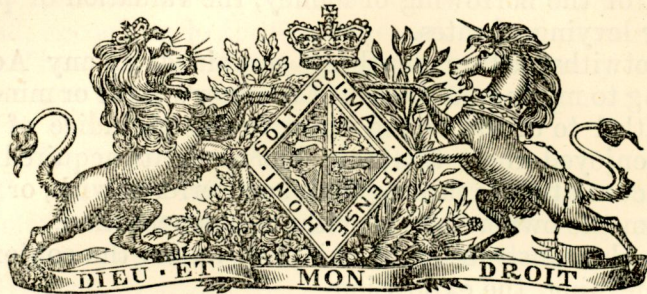
[9d.]

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.

Legislative Assembly Chamber,
Sydney, 21 August, 1890. }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. VII.

An Act to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish works thereon and elsewhere for Conserving and Utilizing Water for Irrigation, and to lease such lands, and for other purposes incidental thereto. [Assented to, 1st September, 1890.]

WHEREAS it is expedient, and would be for the advantage of the 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, and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Wentworth, 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, with 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 Irrigation Act."

2.

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

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Wentworth Irrigation.

Portions of Acts at variance with this.

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.

Repeal of parts of "Mining Act of 1874."

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 thereof without compensation.

Interpretation of terms and arrangement of sections.

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

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

PART II.

Constitution of Trust.

Council of Municipality of Wentworth to be the 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 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.

Trust to be body corporate.

Members of the Trust not to be paid.

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.

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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, 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 less than ten pounds or more than 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. Property vested in the Trust.

- (I) The irrigation area, except such land as the Minister may decide to set apart from time to time 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. The lands so vested shall be held and administered by the Trust, subject to the provisions of this Act, and the approval of the Governor, but no part of the same shall be sold, except with the consent of the Trust and of the Governor.

Nothing 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 subject to the provisions of any general legislation to deal with water conservation throughout the Colony, or in any way to interfere with the 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; 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, chattels, and funds belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

PART III.

Administration.

11. Subject to the provisions hereinafter contained it shall be lawful for the Trust at any time 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 objects of this Act.
- (II) To construct a dam, or flood-gate, or both, across the mouth of Tchilltanlecurra Creek, at the junction of the said creek with the river Darling, or elsewhere on the said creek or any of its affluents.

(III)

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- (III) During the currency of the present pastoral lease, with the consent of the lessee of such lease, to take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and thereafter absolutely to control and use such waters, and at all times hereafter 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, or to close or divert 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. Provided, however, that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful, the cost of such inspection to be defrayed by such.

Rivers Murray and Darling not to be interfered with.

Nothing in this section shall be 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.

When loans are applied for by the Trust.

Plans of works to be approved by the Minister.

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 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 such information as 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 make such recommendations to the Governor as he may deem necessary in regard to the propriety of granting the whole or any part of the loan so applied for.

Plans when approved not to be deviated from.

13. When the designs, plans, and descriptions of any proposed works have been approved by the Minister, as provided in the last section, the Trust shall construct, maintain, and continue such works in accordance with such designs, plans, and descriptions so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, except by the authority of the Minister for each and every such alteration or deviation.

Tenders to be called publicly.

14. Whenever the estimated cost of the construction of any works proposed to be carried out by the Trust exceeds the sum of fifty pounds, tenders for the construction of such works shall be invited by public advertisement. And 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 forward the tenders 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.

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15. All such works shall be let by contract, and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted.

Loan works to be let by contract.

16. The certificates and vouchers for all payments made out of loans granted by the Crown in the manner prescribed, and all accounts in connection with such works shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose.

Vouchers, &c., to be accessible for inspection.

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. And it shall be lawful for the Minister to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time.

Qualified engineers to be employed.

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 circumstances in detail, and his approval shall 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 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, whether under seal or not, shall be deemed to be a covenant running with the land

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

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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.

When water insufficient, Trust may supply proportionally, and not liable for any inability to supply.

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 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.

Water-rights not transferable, save by permission of Trust

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 to be used only in manner prescribed.

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.

Right-of-way for water.

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.

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

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 by the Trust, or no compensation shall be allowed for trespass of stock.

Bridges to be built at road crossings.

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.

Water to be sold by measurement.

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

Power to fix rates.

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

Wentworth Irrigation.

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. 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) 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.
- (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.

But no such by-laws shall be put in force until confirmed by the Governor and published in the *Gazette*. The production of the *Gazette* with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

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 publication thereof if Parliament shall be then sitting, or 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 Application for loans.

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Governor may grant loans.

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, subject to the same being first voted by Parliament, or may sanction the raising of a loan by the Trust.

Limit to 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.

Sinking fund to be reckoned an asset.

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 for each loan.

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.

Rates, how applicable.

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:—

- (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.

Separate account for each loan.

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.

Return of expenditure to be presented to Parliament.

42. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of expending all moneys borrowed on loan, also the cost of management for the preceding year, with a full account of all receipts and general expenditure for such preceding year; such return to be presented to Parliament if then in Session, if not, then within fourteen days after the meeting of Parliament.

Rate of interest with which Trust may be charged

43. 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.

Improperly borrowing or appropriating.

44. 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, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction.

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45. 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.

46. 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 the 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.

PART V.

Offences and Penalties.

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

- (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister: Obstructing Government or Trust Officers.
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execution 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. Interfering with marks.
- (c) Deposits material or refuse of any kind within the bounds of any land resumed or otherwise acquired for any work authorized by this Act. Depositing material on land belonging to Government or to Trust.
- (d) Pollutes, or renders less useful the water standing or flowing in any river or work for water conservation and utilization vested in the Trust. Polluting water.
- (e) Interferes with the supply or flow of water in any river, creek, 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, Injury to water, fences, &c.

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

48. 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, on conviction before any two Justices, 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. Wilful injury to works.

49. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water 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 on conviction before any two Justices to a penalty not exceeding ten pounds, or to imprisonment for a term not exceeding one month. Waste of water.

Wentworth Irrigation.

Waste of water under
"Mining Act."

50. The penalties directed under last section for the wilful or 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.

Compensation to
injured parties.

51. Whenever any person is fined or a penalty is imposed upon any person under this Act, the Justices 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 person.

Offenders liable to
pay compensation as
well as penalty.

52. Any person offending against this Act may be sued for compensation on account of the loss or 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.

Offenders liable to
punishment under
other Acts.

53. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act. Provided that no person shall be punished twice for the same offence.

SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales and county and parish of Wentworth: Commencing at a point bearing north seventy-one degrees west twenty chains from the north-east corner of reserve two hundred and eighty-seven, notified in the *Government Gazette* of fifteenth 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 two hundred and two chains; thence partly on the south by a line west about forty-six chains to the left bank of the river Darling, at a place known as the Two-mile Point; thence on the south-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 portion number eighteen, a line, and the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two, and by part of the north boundary of the Wentworth population area, proclaimed in *Government Gazette* of twentieth March, one thousand eight hundred and eighty-five, bearing east in all about three hundred and thirty-eight chains to the north-east corner of that population area, at a peg bearing south fourteen degrees fifty minutes east thirty-four links from a box-tree marked broad-arrow over P.R. over sixty-five; thence on the north-east and remainder of the north by a five-wired fence, being a north-east and north boundary of the temporary common extension, notified in the *Government Gazette* of seventeenth April, one thousand eight hundred and eighty-two, bearing about south-east about sixty chains and easterly about two hundred and five chains to a point due north of a point on the right bank of the Murray River, situated eight chains north-easterly from the junction of Tchilltaulcurra Creek with that river; thence on the east by a line south about one hundred and forty-five chains to the river Murray; and on the south by that river downwards to the north-east corner of reserve two hundred and eighty-seven aforesaid; and thence on the south-west by part of the north-east boundary of that reserve bearing north seventy-one degrees west twenty chains, to the point of commencement, and containing an area of ten thousand six hundred acres, be the same more or less, exclusive of alienated and measured portions numbers five, seventeen, nineteen and twenty, in the parish of Wentworth aforesaid.

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

CARRINGTON.

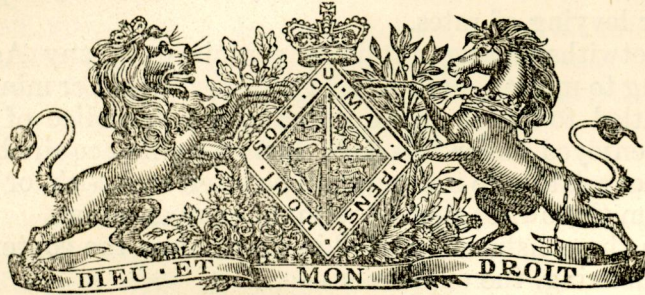
*Government House,
Sydney, 1st September, 1890.*

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.

Legislative Assembly Chamber,
Sydney, 21 August, 1890. }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. VII.

An Act to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish works thereon and elsewhere for Conserving and Utilizing Water for Irrigation, and to lease such lands, and for other purposes incidental thereto. [Assented to, 1st September, 1890.]

WHEREAS 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, and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Wentworth, 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, with 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."

2.

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

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Wentworth Irrigation.

Portions of Acts at variance with this.

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.

Repeal of parts of "Mining Act of 1874."

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 thereof without compensation.

Interpretation of terms and arrangement of sections.

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

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

PART II.

Constitution of Trust.

Council of Municipality of Wentworth to be the Trust.

Trust to be body corporate.

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 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.

Members of the Trust not to be paid.

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.

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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, 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 less than ten pounds or more than 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. Property vested in the Trust.

- (I) The irrigation area, except such land as the Minister may decide to set apart from time to time 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. The lands so vested shall be held and administered by the Trust, subject to the provisions of this Act, and the approval of the Governor, but no part of the same shall be sold, except with the consent of the Trust and of the Governor.

Nothing 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 subject to the provisions of any general legislation to deal with water conservation throughout the Colony, or in any way to interfere with the 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; 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, chattels, and funds belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

PART III.

Administration.

11. Subject to the provisions hereinafter contained it shall be lawful for the Trust at any time 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 objects of this Act.
- (II) To construct a dam, or flood-gate, or both, across the mouth of Tchilltanlecurra Creek, at the junction of the said creek with the river Darling, or elsewhere on the said creek or any of its affluents.

(III)

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- (III) During the currency of the present pastoral lease, with the consent of the lessee of such lease, to take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and thereafter absolutely to control and use such waters, and at all times hereafter 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, or to close or divert 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. Provided, however, that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful, the cost of such inspection to be defrayed by such.

Rivers Murray and Darling not to be interfered with.

Nothing in this section shall be 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.

When loans are applied for by the Trust.

Plans of works to be approved by the Minister.

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 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 such information as 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 make such recommendations to the Governor as he may deem necessary in regard to the propriety of granting the whole or any part of the loan so applied for.

Plans when approved not to be deviated from.

13. When the designs, plans, and descriptions of any proposed works have been approved by the Minister, as provided in the last section, the Trust shall construct, maintain, and continue such works in accordance with such designs, plans, and descriptions so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, except by the authority of the Minister for each and every such alteration or deviation.

Tenders to be called publicly.

14. Whenever the estimated cost of the construction of any works proposed to be carried out by the Trust exceeds the sum of fifty pounds, tenders for the construction of such works shall be invited by public advertisement. And 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 forward the tenders 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.

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15. All such works shall be let by contract, and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted.

Loan works to be let by contract.

16. The certificates and vouchers for all payments made out of loans granted by the Crown in the manner prescribed, and all accounts in connection with such works shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose.

Vouchers, &c., to be accessible for inspection.

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. And it shall be lawful for the Minister to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time.

Qualified engineers to be employed.

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 circumstances in detail, and his approval shall 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 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, whether under seal or not, shall be deemed to be a covenant running with the land

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

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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.

When water insufficient, Trust may supply proportionally, and not liable for any inability to supply.

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 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.

Water-rights not transferable, save by permission of Trust

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 to be used only in manner prescribed.

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.

Right-of-way for water.

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.

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

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 by the Trust, or no compensation shall be allowed for trespass of stock.

Bridges to be built at road crossings.

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.

Water to be sold by measurement.

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

Power to fix rates.

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.

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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. 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) 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.
- (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.

But no such by-laws shall be put in force until confirmed by the Governor and published in the *Gazette*. The production of the *Gazette* with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

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 publication thereof if Parliament shall be then sitting, or 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 Application for loans.

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- 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, subject to the same being first voted by Parliament, or may sanction the raising of a loan by the Trust.
- Governor may grant loans.**
- Limit to 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.
- Sinking fund to be reckoned an asset.** 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 for each loan.** 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.
- Rates, how applicable.** 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:—
- (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.
- Separate account for each loan.** 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.
- Return of expenditure to be presented to Parliament.** 42. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of expending all moneys borrowed on loan, also the cost of management for the preceding year, with a full account of all receipts and general expenditure for such preceding year; such return to be presented to Parliament if then in Session, if not, then within fourteen days after the meeting of Parliament.
- Rate of interest with which Trust may be charged** 43. 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.
- Improperly borrowing or appropriating.** 44. 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, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction.

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45. 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.

46. 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 the 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.

PART V.

Offences and Penalties.

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

- (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister: Obstructing Government or Trust Officers.
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execution 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. Interfering with marks.
- (c) Deposits material or refuse of any kind within the bounds of any land resumed or otherwise acquired for any work authorized by this Act. Depositing material on land belonging to Government or to Trust.
- (d) Pollutes, or renders less useful the water standing or flowing in any river or work for water conservation and utilization vested in the Trust. Polluting water.
- (e) Interferes with the supply or flow of water in any river, creek, 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, Injury to water, fences, &c.

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

48. 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, on conviction before any two Justices, 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. Wilful injury to works.

49. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water 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 on conviction before any two Justices to a penalty not exceeding ten pounds, or to imprisonment for a term not exceeding one month. Waste of water.

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Waste of water under
"Mining Act."

50. The penalties directed under last section for the wilful or 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.

Compensation to
injured parties.

51. Whenever any person is fined or a penalty is imposed upon any person under this Act, the Justices 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 person.

Offenders liable to
pay compensation as
well as penalty.

52. Any person offending against this Act may be sued for compensation on account of the loss or 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.

Offenders liable to
punishment under
other Acts.

53. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act. Provided that no person shall be punished twice for the same offence.

SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales and county and parish of Wentworth: Commencing at a point bearing north seventy-one degrees west twenty chains from the north-east corner of reserve two hundred and eighty-seven, notified in the *Government Gazette* of fifteenth 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 two hundred and two chains; thence partly on the south by a line west about forty-six chains to the left bank of the river Darling, at a place known as the Two-mile Point; thence on the south-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 portion number eighteen, a line, and the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two, and by part of the north boundary of the Wentworth population area, proclaimed in *Government Gazette* of twentieth March, one thousand eight hundred and eighty-five, bearing east in all about three hundred and thirty-eight chains to the north-east corner of that population area, at a peg bearing south fourteen degrees fifty minutes east thirty-four links from a box-tree marked broad-arrow over P.R. over sixty-five; thence on the north-east and remainder of the north by a five-wired fence, being a north-east and north boundary of the temporary common extension, notified in the *Government Gazette* of seventeenth April, one thousand eight hundred and eighty-two, bearing about south-east about sixty chains and easterly about two hundred and five chains to a point due north of a point on the right bank of the Murray River, situated eight chains north-easterly from the junction of Tchilltaulcurra Creek with that river; thence on the east by a line south about one hundred and forty-five chains to the river Murray; and on the south by that river downwards to the north-east corner of reserve two hundred and eighty-seven aforesaid; and thence on the south-west by part of the north-east boundary of that reserve bearing north seventy-one degrees west twenty chains, to the point of commencement, and containing an area of ten thousand six hundred acres, be the same more or less, exclusive of alienated and measured portions numbers five, seventeen, nineteen and twenty, in the parish of Wentworth aforesaid.

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

CARRINGTON.

Government House,
Sydney, 1st September, 1890.

WENTWORTH IRRIGATION BILL.

SCHEDULE of the Amendments referred to in Message of 23rd July, 1890.

- Page 3, clause 10, line 26. *Omit* "in fee simple" *insert* "and administered by the
"Trust, subject to the provisions of this Act and the approval of the
"Governor,"
- Page 4, clause 12, line 33. *Omit* "or guaranteed"
- Page 4, clause 12, line 41. *Omit* "or guaranteeing"
- Page 5, clause 16, line 5. *Omit* "or guaranteed"
- Page 5, clause 23, lines 51 and 52. *Omit* "or occupier"
- Page 6, clause 23, line 1. *Omit* "or occupier"
- Page 6, clause 28, line 50. *Before* "or" *insert* "by the Trust"
- Page 7, clause 32, line 26. *Omit* "sanctioned" *insert* "confirmed"
- Page 7, clause 32, line 27. *After* "Governor" *insert* "and published in the Gazette.
"The production of the Gazette with any such by-laws so published as
"aforesaid shall in any suit or proceeding whatsoever be sufficient
"evidence that such by-laws have been made, confirmed, and published
"as is herein required."
- Page 7, clause 33, line 38. *Omit* "issue" *insert* "publication"
- Page 7, clause 33, line 38. *After* "thereof" *insert* "if Parliament shall be then
"sitting,"
- Page 7, clause 33, line 39. *Omit* "otherwise"
- Page 8, clause 36, line 4. *Before* "voted" *insert* "first"
- Page 9, clause 46, line 12. *Omit* "a" *insert* "the"
- Page 9, clause 48, line 44. *After* "conviction" *insert* "before any two Justices"
- Page 9, clause 49, line 52. *After* "liable" *insert* "on conviction before any two
"Justices"
- Page 10, clause 51, line 5. *After* "fined" *insert* "or a penalty is imposed upon any
"person"
- Page 10, clause 51, line 8. *Omit* "offence" *insert* "person"
- Page 10, clause 52, line 10. *Before* "damage" *insert* "loss or"
-

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, 25 June, 1890.* }

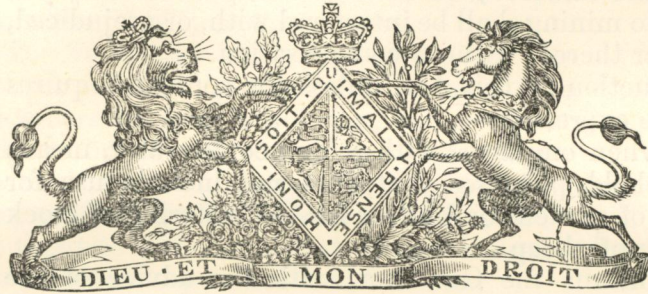
F. W. WEBB,
Clerk of Legislative Assembly.

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

*Legislative Council Chamber,
Sydney, 23rd July, 1890.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

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

WHEREAS 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, and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Wentworth, 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,"
10 the lands described in the Schedule to this Act, with 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
15 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."

97—A

2.

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

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 thereof 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 the irrigation of gardens or land, or for the watering of stock or the washing of 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.*

40

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 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.

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, 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 less than ten pounds or more than 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. Property vested in the Trust.

(I) The irrigation area, except such land as the Minister may decide to set apart from time to time 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. The lands so vested shall be held ~~in fee simple~~ and administered by the Trust, subject to the provisions of this Act, and the approval of the Governor, but no part of the same shall be sold, except with the consent of the Trust and of the Governor.

Nothing 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 subject to the provisions of any general legislation to deal with water conservation throughout the Colony, or in any way to interfere with the 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; 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, chattels, and funds belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

PART III.

Administration.

11. Subject to the provisions hereinafter contained it shall be lawful for the Trust at any time 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 objects of this Act.

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

(III)

Wentworth Irrigation.

- (III) During the currency of the present pastoral lease, with the consent of the lessee of such lease, to take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and thereafter absolutely to control and use such waters, and at all times hereafter 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, or to close or divert 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. Provided, however, that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful, the cost of such inspection to be defrayed by such.
- Nothing in this section shall be 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.
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 such information as 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 make such recommendations to the Governor as he may deem 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, as provided in the last section, the Trust shall construct, maintain, and continue such works in accordance with such designs, plans, and descriptions so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, except by the 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 fifty pounds, tenders for the construction of such works shall be invited by public advertisement. And 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 forward the tenders 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.

Rivers Murray and Darling not to be interfered with.

When loans are applied for by the Trust.

Plans of works to be approved by the Minister.

Plans when approved not to be deviated from.

Tenders to be called publicly.

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15. All such works shall be let by contract, and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted. Loan works to be let by contract.
16. The certificates and vouchers for all payments made out of loans granted or guaranteed by the Crown in the manner prescribed, and all accounts in connection with such works, shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose. Vouchers, &c., to be accessible for inspection.
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. And it shall be lawful for the Minister to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time. Qualified engineers to be employed.
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 circumstances in detail, and his approval shall 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

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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
 5 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.

10 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
 15 to the quantities which such persons would have been respectively 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
 20 Trust has been without wilful default or negligence upon its part unable to supply such water.

When water insufficient, Trust may supply proportionally, and not liable for any inability to supply.

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
 25 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.

30 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.

35 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
 40 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
 45 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.

50 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
 by the Trust, 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.

55 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

Power to fix rates.

Wentworth Irrigation.

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
 5 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
 10 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. Recovery of rates.

32. The Trust may make by-laws—

- 15 (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) To deal with all matters in respect of which by-laws are expressly or impliedly referred to in this Act.
- 20 (c) To regulate the administration and maintenance of the works constructed in pursuance of this Act.
- (d) To prescribe the conditions on which water shall be supplied, and the mode of assessing property, and levying rates.
- 25 (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.

But no such by-laws shall be put in force until ~~sanctioned~~ confirmed by the Governor and published in the Gazette. The production of the Gazette with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-laws
 30 have been made, confirmed, and published as is herein required.

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
 35 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 publication thereof if Parliament shall be then sitting, or otherwise within one month after the commencement of the
 40 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
 45 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.

50 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
 55 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

Wentworth Irrigation.

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, subject to the same being **first** voted by Parliament, or may sanction the raising of a loan by the Trust.

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.

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.

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.

- (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.

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.

42. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of expending all moneys borrowed on loan, also the cost of management for the preceding year, with a full account of all receipts and general expenditure for such preceding year; such return to be presented to Parliament if then in Session, if not, then within fourteen days after the meeting of Parliament.

Return of expenditure to be presented to Parliament.

43. 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

44. 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, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction.

Improperly borrowing or appropriating.

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45. 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.

46. 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 the 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.

15

PART V.

Offences and Penalties.

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

- (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister: Obstructing Government or Trust Officers.
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execution 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. Interfering with marks.
- (c) Deposits material or refuse of any kind within the bounds of any land resumed or otherwise acquired for any work authorized by this Act. Depositing material on land belonging to Government or to Trust.
- (d) Pollutes, or renders less useful the water standing or flowing in any river or work for water conservation and utilization vested in the Trust. Polluting water.
- (e) Interferes with the supply or flow of water in any river, creek, 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, Injury to water, fences, &c.

35

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

48. 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, on conviction before any two Justices, 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. Wilful injury to works.

49. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water 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 on conviction before any two Justices to a penalty not exceeding ten pounds, or to imprisonment for a term not exceeding one month. Waste of water.

50

Wentworth Irrigation.

50. The penalties directed under last section for the wilful or 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. Waste of water under "Mining Act."

5 51. Whenever any person is fined or a penalty is imposed upon any person under this Act, the Justices 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 person. Compensation to injured parties.

10 52. Any person offending against this Act may be sued for compensation on account of the loss or 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. Offenders liable to pay compensation as well as penalty.

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

SCHEDULE.

20 All that piece or parcel of land in the Colony of New South Wales and county and parish of Wentworth: Commencing at a point bearing north seventy-one degrees west
 25 twenty chains from the north-east corner of reserve two hundred and eighty-seven, notified in the *Government Gazette* of fifteenth March, one thousand eight hundred and seventy-seven, and known as the Police Paddock; and bounded thence partly on the west by a
 30 line north two hundred and two chains; thence partly on the south by a line west about forty-six chains to the left bank of the river Darling, at a place known as the Two-mile Point; thence on the south-west by that river north-westerly to the south-west corner of
 35 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 portion number eighteen, a line, and the southern boundaries of portions numbers seventeen, fifteen,
 40 sixteen, and forty-two, and by part of the north boundary of the Wentworth population area, proclaimed in *Government Gazette* of twentieth March, one thousand eight hundred and eighty-five, bearing east in all about three hundred and thirty-eight chains to the
 45 north-east corner of that population area, at a peg bearing south fourteen degrees fifty minutes east thirty-four links from a box-tree marked broad-arrow over P.R. over sixty-five; thence on the north-east and remainder of the north by a five-wired fence, being a north-east
 and north boundary of the temporary common extension, notified in the *Government Gazette* of seventeenth April, one thousand eight hundred and eighty-two, bearing about south-east about sixty chains and easterly about two hundred and five chains to a point due
 north of a point on the right bank of the Murray River, situated eight chains north-easterly from the junction of Tchilltauleurra Creek with that river; thence on the east
 by a line south about one hundred and forty-five chains to the river Murray; and on the south by that river downwards to the north-east corner of reserve two hundred and eighty-seven aforesaid; and thence on the south-west by part of the north-east boundary of that
 reserve bearing north seventy-one degrees west twenty chains, to the point of commencement, and containing an area of ten thousand six hundred acres, be the same more or less, exclusive of alienated and measured portions numbers five, seventeen, nineteen and twenty, in the parish of Wentworth aforesaid.

WENTWORTH IRRIGATION BILL.

SCHEDULE of the Amendments referred to in Message of 23rd July, 1890.

- Page 3, clause 10, line 26. *Omit* "in fee simple" *insert* "and administered by the
"Trust, subject to the provisions of this Act and the approval of the
"Governor,"
- Page 4, clause 12, line 33. *Omit* "or guaranteed"
- Page 4, clause 12, line 41. *Omit* "or guaranteeing"
- Page 5, clause 16, line 5. *Omit* "or guaranteed"
- Page 5, clause 23, lines 51 and 52. *Omit* "or occupier"
- Page 6, clause 23, line 1. *Omit* "or occupier"
- Page 6, clause 28, line 50. *Before* "or" *insert* "by the Trust"
- Page 7, clause 32, line 26. *Omit* "sanctioned" *insert* "confirmed"
- Page 7, clause 32, line 27. *After* "Governor" *insert* "and published in the Gazette.
"The production of the Gazette with any such by-laws so published as
"aforesaid shall in any suit or proceeding whatsoever be sufficient
"evidence that such by-laws have been made, confirmed, and published
"as is herein required."
- Page 7, clause 33, line 38. *Omit* "issue" *insert* "publication"
- Page 7, clause 33, line 38. *After* "thereof" *insert* "if Parliament shall be then
"sitting,"
- Page 7, clause 33, line 39. *Omit* "otherwise"
- Page 8, clause 36, line 4. *Before* "voted" *insert* "first"
- Page 9, clause 46, line 12. *Omit* "a" *insert* "the"
- Page 9, clause 48, line 44. *After* "conviction" *insert* "before any two Justices"
- Page 9, clause 49, line 52. *After* "liable" *insert* "on conviction before any two
"Justices"
- Page 10, clause 51, line 5. *After* "fined" *insert* "or a penalty is imposed upon any
"person"
- Page 10, clause 51, line 8. *Omit* "offence" *insert* "person"
- Page 10, clause 52, line 10. *Before* "damage" *insert* "loss or"
-

WESTWORTH TERRITORY BILL

SECTION 1. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 2. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 3. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 4. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 5. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 6. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 7. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 8. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 9. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

SECTION 10. That the Department of the Interior be and it is hereby authorized to issue such orders as may be necessary to carry out the provisions of this Act and the approval of the President of the United States shall be required in all cases where such approval is necessary under the laws of the United States.

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, 25 June, 1890.* }

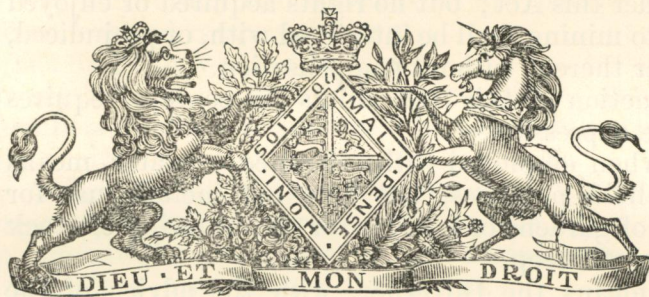
F. W. WEBB,
Clerk of Legislative Assembly.

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

*Legislative Council Chamber,
Sydney, 23rd July, 1890.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

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

WHEREAS 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, and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Wentworth, 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,"
10 the lands described in the Schedule to this Act, with 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
15 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."

97—A

2.

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

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 thereof 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 the irrigation of gardens or land, or for the watering of stock or the washing of 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.*

40

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 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.

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, 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 less than ten pounds or more than 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. Property vested in the Trust.

(I) The irrigation area, except such land as the Minister may decide to set apart from time to time 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. The lands so vested shall be held ~~in fee simple~~ and administered by the Trust, subject to the provisions of this Act, and the approval of the Governor, but no part of the same shall be sold, except with the consent of the Trust and of the Governor.

Nothing 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 subject to the provisions of any general legislation to deal with water conservation throughout the Colony, or in any way to interfere with the 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; 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, chattels, and funds belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

PART III.

Administration.

11. Subject to the provisions hereinafter contained it shall be lawful for the Trust at any time 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 objects of this Act.

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

(III)

Wentworth Irrigation.

- (III) During the currency of the present pastoral lease, with the consent of the lessee of such lease, to take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and thereafter absolutely to control and use such waters, and at all times hereafter 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, or to close or divert 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. Provided, however, that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful, the cost of such inspection to be defrayed by such.
- Nothing in this section shall be 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.
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 such information as 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 make such recommendations to the Governor as he may deem 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, as provided in the last section, the Trust shall construct, maintain, and continue such works in accordance with such designs, plans, and descriptions so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, except by the 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 fifty pounds, tenders for the construction of such works shall be invited by public advertisement. And 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 forward the tenders 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.

Rivers Murray and Darling not to be interfered with.

When loans are applied for by the Trust.

Plans of works to be approved by the Minister.

Plans when approved not to be deviated from.

Tenders to be called publicly.

Wentworth Irrigation.

15. All such works shall be let by contract, and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted. Loan works to be let by contract.
16. The certificates and vouchers for all payments made out of loans granted or guaranteed by the Crown in the manner prescribed, and all accounts in connection with such works, shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose. Vouchers, &c., to be accessible for inspection.
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. And it shall be lawful for the Minister to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time. Qualified engineers to be employed.
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 circumstances in detail, and his approval shall 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

Wentworth Irrigation.

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

5 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.

10 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

15 to the quantities which such persons would have been respectively 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

20 Trust has been without wilful default or negligence upon its part unable to supply such water.

When water insufficient, Trust may supply proportionally, and not liable for any inability to supply.

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

25 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.

30 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

35 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

40 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

45 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

50 by the Trust, 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.

55 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

Power to fix rates.

Wentworth Irrigation.

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
 5 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
 10 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.

Recovery of rates.

32. The Trust may make by-laws—

Power to make
of by-laws.

- 15 (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.
- (b) To deal with all matters in respect of which by-laws are expressly or impliedly referred to in this Act.
- 20 (c) To regulate the administration and maintenance of the works constructed in pursuance of this Act.
- (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
 25 by-laws.

But no such by-laws shall be put in force until sanctioned confirmed by the Governor and published in the Gazette. The production of the Gazette with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-laws
 30 have been made, confirmed, and published as is herein required.

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
 35 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 publication thereof if Parliament shall be then sitting, or otherwise within one month after the commencement of the
 40 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
 45 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.

50 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
 55 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

Application for loans.

Wentworth Irrigation.

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, subject to the same being **first** voted by Parliament, or may sanction the raising of a loan by the Trust.

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.

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.

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.

- (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.

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.

42. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of expending all moneys borrowed on loan, also the cost of management for the preceding year, with a full account of all receipts and general expenditure for such preceding year; such return to be presented to Parliament if then in Session, if not, then within fourteen days after the meeting of Parliament.

Return of expenditure to be presented to Parliament.

43. 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

44. 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, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction.

Improperly borrowing or appropriating.

Wentworth Irrigation.

45. 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.

46. 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 the 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.

15

PART V.

Offences and Penalties.

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

- (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister: Obstructing Government or Trust Officers.
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execution 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. Interfering with marks.
- (c) Deposits material or refuse of any kind within the bounds of any land resumed or otherwise acquired for any work authorized by this Act. Depositing material on land belonging to Government or to Trust.
- (d) Pollutes, or renders less useful the water standing or flowing in any river or work for water conservation and utilization vested in the Trust. Polluting water.
- (e) Interferes with the supply or flow of water in any river, creek, 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, Injury to water, fences, &c.
- shall for every such offence be liable, on conviction before any two Justices to a penalty not exceeding twenty pounds, or to imprisonment for a term not exceeding three months. Penalty.

48. 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, on conviction before any two Justices, 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.

49. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water 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 on conviction before any two Justices to a penalty not exceeding ten pounds, or to imprisonment for a term not exceeding one month.

Waste of water.

Wentworth Irrigation.

50. The penalties directed under last section for the wilful or 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. Waste of water under "Mining Act."

5 51. Whenever any person is fined or a penalty is imposed upon any person under this Act, the Justices 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 person. Compensation to injured parties.

10 52. Any person offending against this Act may be sued for compensation on account of the loss or 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. Offenders liable to pay compensation as well as penalty.

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

SCHEDULE.

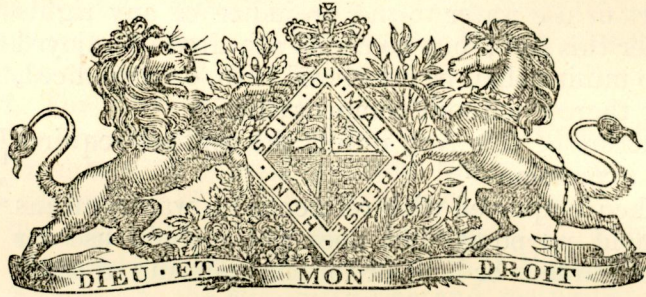
20 All that piece or parcel of land in the Colony of New South Wales and county and parish of Wentworth: Commencing at a point bearing north seventy-one degrees west
 25 twenty chains from the north-east corner of reserve two hundred and eighty-seven, notified in the *Government Gazette* of fifteenth March, one thousand eight hundred and seventy-seven, and known as the Police Paddock; and bounded thence partly on the west by a
 30 line north two hundred and two chains; thence partly on the south by a line west about forty-six chains to the left bank of the river Darling, at a place known as the Two-mile
 35 Point; thence on the south-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 portion number
 40 eighteen, a line, and the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two, and by part of the north boundary of the Wentworth population area, proclaimed in *Government Gazette* of twentieth March, one thousand eight hundred
 45 and eighty-five, bearing east in all about three hundred and thirty-eight chains to the north-east corner of that population area, at a peg bearing south fourteen degrees fifty minutes east thirty-four links from a box-tree marked broad-arrow over P.R. over sixty-five;
 thence on the north-east and remainder of the north by a five-wired fence, being a north-east and north boundary of the temporary common extension, notified in the *Government Gazette* of seventeenth April, one thousand eight hundred and eighty-two, bearing about south-east about sixty chains and easterly about two hundred and five chains to a point due north of a point on the right bank of the Murray River, situated eight chains north-easterly from the junction of Tchilltaulcurra Creek with that river; thence on the east by a line south about one hundred and forty-five chains to the river Murray; and on the south by that river downwards to the north-east corner of reserve two hundred and eighty-seven aforesaid; and thence on the south-west by part of the north-east boundary of that reserve bearing north seventy-one degrees west twenty chains, to the point of commencement, and containing an area of ten thousand six hundred acres, be the same more or less, exclusive of alienated and measured portions numbers five, seventeen, nineteen 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, 25 June, 1890.* }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

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

WHEREAS 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, and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Wentworth, 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,"
10 the lands described in the Schedule to this Act, with 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
15 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 thereof 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 the irrigation of gardens or land, or for the watering of stock or the washing of 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.*

40

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 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. 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, 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 less than ten pounds or more than 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. Property vested in the Trust.
- (I) The irrigation area, except such land as the Minister may decide to set apart from time to time for public purposes.
- 20 (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. The lands so vested shall be held in fee simple, but no part of the same shall be sold, except with the consent of the Trust and of the Governor.
- 25
- 30 Nothing 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 subject to the provisions of any general legislation to deal with water conservation throughout the Colony, or in any way to interfere with the right,
- 35 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; 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, chattels, and funds belonging
- 40 to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

PART III.

Administration.

11. Subject to the provisions hereinafter contained it shall be lawful for the Trust at any time to exercise any of the following powers, that is to say— Power of the Trust.
- 45
- (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 objects of this Act.
- 50
- (II) To construct a dam, or flood-gate, or both, across the mouth of Tchilltanlcurra Creek, at the junction of the said creek with the river Darling, or elsewhere on the said creek or any of its affluents.
- 55

(III)

Wentworth Irrigation.

- (III) During the currency of the present pastoral lease, with the consent of the lessee of such lease, to take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and thereafter absolutely to control and use such waters, and at all times hereafter 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, or to close or divert 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. Provided, however, that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful, the cost of such inspection to be defrayed by such.
- Nothing in this section shall be 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.
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 such information as 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 make such recommendations to the Governor as he may deem 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, as provided in the last section, the Trust shall construct, maintain, and continue such works in accordance with such designs, plans, and descriptions so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, except by the 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 fifty pounds, tenders for the construction of such works shall be invited by public advertisement. And 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 forward the tenders 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.

Rivers Murray and Darling not to be interfered with.

When loans are applied for by the Trust.

Plans of works to be approved by the Minister.

Plans when approved not to be deviated from.

Tenders to be called publicly.

Wentworth Irrigation.

15. All such works shall be let by contract, and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted. Loan works to be let by contract.
16. The certificates and vouchers for all payments made out of loans granted or guaranteed by the Crown in the manner prescribed, and all accounts in connection with such works, shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose. Vouchers, &c., to be accessible for inspection.
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. And it shall be lawful for the Minister to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time. Qualified engineers to be employed.
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 circumstances in detail, and his approval shall 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
- 50
- 55
- Trust may contract to supply water for a term of years.

Wentworth Irrigation.

- 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
- 5 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.
- 10 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
- 15 to the quantities which such persons would have been respectively 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
- 20 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
- 25 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.
26. Water supplied by the Trust shall be delivered as prescribed,
- 30 and no person shall have the right to convey or use such water in a manner or for a purpose other than those 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
- 35 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
- 40 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
- 45 value due to the projected works. Any compensation payable under this clause shall be a charge against the Trust Funds.
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,
- 50 or no compensation shall be allowed for trespass of stock.
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.
- 55 30. In the sale of water the Trust shall as far as practicable sell the water 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

When water insufficient, Trust may supply proportionally, and not liable for any inability to supply.

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

Water to be used only in manner prescribed.

Right-of-way for water.

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

Bridges to be built at road crossings.

Water to be sold by measurement.

Power to fix rates.

Wentworth Irrigation.

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
 5 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
 10 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.

Recovery of rates.

32. The Trust may make by-laws—

Power to make by-laws.

- 15 (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.
- (b) To deal with all matters in respect of which by-laws are expressly or impliedly referred to in this Act.
- 20 (c) To regulate the administration and maintenance of the works constructed in pursuance of this Act.
- (d) To prescribe the conditions on which water shall be supplied, and the mode of assessing property, and levying rates.
- 25 (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.

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
 30 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
 35 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
 40 loan by the Trust and for the payment of interest due thereon shall be—

Security for loan.

- 45 (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
 50 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

Application for loans.

Wentworth Irrigation.

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, subject to the same being voted by Parliament, or may sanction the raising of a loan by the Trust.

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.

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.

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.

(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.

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.

42. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of expending all moneys borrowed on loan, also the cost of management for the preceding year, with a full account of all receipts and general expenditure for such preceding year; such return to be presented to Parliament if then in Session, if not, then within fourteen days after the meeting of Parliament.

Return of expenditure to be presented to Parliament.

43. 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

44. 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, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction.

Improperly borrowing or appropriating.

Wentworth Irrigation.

45. 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.

46. 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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PART V.

Offences and Penalties

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

- (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister:
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execution 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 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 vested in the Trust.
- (e) Interferes with the supply or flow of water in any river, creek, 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,

Obstructing Government or Trust Officers.

Interfering with marks.

Depositing material on land belonging to Government or to Trust.

Polluting water.

Injury to water, fences, &c.

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

Penalty.

48. 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, 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.

Wilful injury to works.

49. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water 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.

Waste of water.

Wentworth Irrigation.

50. The penalties directed under last section for the wilful or 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. Waste of water under "Mining Act."
- 5 51. Whenever any person is fined under this Act, the Justices 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. Compensation to injured parties.
- 10 52. Any person offending against this Act may be sued for 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. Offenders liable to pay compensation as well as penalty.
- 15 53. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act. Provided that no person shall be punished twice for the same offence. Offenders liable to punishment under other Acts.

SCHEDULE.

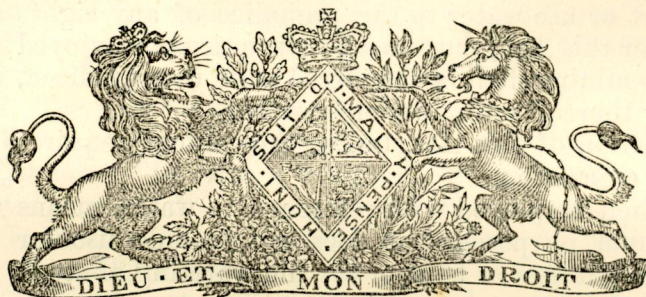
- All that piece or parcel of land in the Colony of New South Wales and county and parish of Wentworth: Commencing at a point bearing north seventy-one degrees west
- 20 twenty chains from the north-east corner of reserve two hundred and eighty-seven, notified in the *Government Gazette* of fifteenth 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 two hundred and two chains; thence partly on the south by a line west about
- 25 forty-six chains to the left bank of the river Darling, at a place known as the Two-mile Point; thence on the south-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 portion number
- 30 eighteen, a line, and the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two, and by part of the north boundary of the Wentworth population area, proclaimed in *Government Gazette* of twentieth March, one thousand eight hundred
- and eighty-five, bearing east in all about three hundred and thirty-eight chains to the north-east corner of that population area, at a peg bearing south fourteen degrees fifty
- 35 minutes east thirty-four links from a box-tree marked broad-arrow over P.R. over sixty-five; thence on the north-east and remainder of the north by a five-wired fence, being a north-east
- and north boundary of the temporary common extension, notified in the *Government Gazette* of seventeenth April, one thousand eight hundred and eighty-two, bearing about south-
- 40 east about sixty chains and easterly about two hundred and five chains to a point due north of a point on the right bank of the Murray river, situated eight chains north-easterly from the junction of Tchilltaulcurra Creek with that river; thence on the east
- by a line south about one hundred and forty-five chains to the river Murray; and on the south by that river downwards to the north-east corner of reserve two hundred and eighty-
- 45 seven aforesaid; and thence on the south-west by part of the north-east boundary of that reserve bearing north seventy-one degrees west twenty chains, to the point of commencement, and containing an area of ten thousand six hundred acres, be the same more or less,
- exclusive of alienated and measured portions numbers five, seventeen, nineteen 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, 25 June, 1890.* }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

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

WHEREAS 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, and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Wentworth, 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, with 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 thereof 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 the irrigation of gardens or land, or for the watering of stock or the washing of 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.*

40

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 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.

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, 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 less than ten pounds or more than 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. Property vested in the Trust.
- (I) The irrigation area, except such land as the Minister may decide to set apart from time to time 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. The lands so vested shall be held in fee simple, but no part of the same shall be sold, except with the consent of the Trust and of the Governor.
- Nothing 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 subject to the provisions of any general legislation to deal with water conservation throughout the Colony, or in any way to interfere with the 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; 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, chattels, and funds belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

PART III.

Administration.

11. Subject to the provisions hereinafter contained it shall be lawful for the Trust at any time 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 objects of this Act.
- (II) To construct a dam, or flood-gate, or both, across the mouth of Tchilltanlecurra Creek, at the junction of the said creek with the river Darling, or elsewhere on the said creek or any of its affluents.

(III)

Wentworth Irrigation.

- (III) During the currency of the present pastoral lease, with the consent of the lessee of such lease, to take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and thereafter absolutely to control and use such waters, and at all times hereafter 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.
- 5
- (IV) To widen or deepen, or to close or divert any existing creek, lagoon, swamp, or watercourse within the irrigation area.
- 10
- (v) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.
- 15
- (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. Provided, however, that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful, the cost of such inspection to be defrayed by
- 20
- such.
- 25
- Nothing in this section shall be 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
- 30
- rivers. Rivers Murray and Darling not to be interfered with.
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
- 35
- examined, and shall require the Trust to supply such information as 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
- 40
- shall make such recommendations to the Governor as he may deem necessary in regard to the propriety of granting or guaranteeing the whole or any part of the loan so applied for. When loans are applied for by the Trust. Plans of works to be approved by the Minister.
13. When the designs, plans, and descriptions of any proposed
- 45
- works have been approved by the Minister, as provided in the last section, the Trust shall construct, maintain, and continue such works in accordance with such designs, plans, and descriptions so approved, and no alteration of or deviation from such designs, plans, or descriptions shall be made, except by the authority of the Minister for each and every such alteration or deviation. Plans when approved not to be deviated from.
- 50
14. Whenever the estimated cost of the construction of any works proposed to be carried out by the Trust exceeds the sum of fifty pounds, tenders for the construction of such works shall be invited by public advertisement. And where the cost of such works is intended to be defrayed wholly or in part out of loans granted or
- 55
- guaranteed by the Crown, the Trust shall forward the tenders 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. Tenders to be called publicly.

Wentworth Irrigation.

15. All such works shall be let by contract, and the nature and amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted. Loan works to be let by contract.
16. The certificates and vouchers for all payments made out of loans granted or guaranteed by the Crown in the manner prescribed, and all accounts in connection with such works, shall at all times be accessible for inspection by any officer appointed by the Minister for that purpose. Vouchers, &c., to be accessible for inspection.
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. And it shall be lawful for the Minister to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time. Qualified engineers to be employed.
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 circumstances in detail, and his approval shall 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
- Trust may contract to supply water for a term of years.

Wentworth Irrigation.

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
 5 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.

10 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
 15 such amount as the Trust may deem proper, in quantities proportionate to the quantities which such persons would have been respectively 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
 20 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.

When water insufficient, Trust may supply proportionally, and not liable for any inability to supply.

25 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.

30 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.

35 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
 40 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
 45 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.

50 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.

55 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

Power to fix rates.

Wentworth Irrigation.

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
 5 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
 10 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. Recovery of rates.

32. The Trust may make by-laws—

- 15 (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) To deal with all matters in respect of which by-laws are expressly or impliedly referred to in this Act.
- 20 (c) To regulate the administration and maintenance of the works constructed in pursuance of this Act.
- (d) To prescribe the conditions on which water shall be supplied, and the mode of assessing property, and levying rates.
- 25 (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.

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
 30 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
 35 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
 40 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
- 45 (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
 50 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

Wentworth Irrigation.

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, subject to the same being voted by Parliament, or may sanction the raising of a loan by the Trust.

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.

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.

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.

- (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.

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.

42. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of expending all moneys borrowed on loan, also the cost of management for the preceding year, with a full account of all receipts and general expenditure for such preceding year; such return to be presented to Parliament if then in Session, if not, then within fourteen days after the meeting of Parliament.

Return of expenditure to be presented to Parliament.

43. 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

44. 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, and be recovered from such members of the Trust, or any of them, in any Court of competent jurisdiction.

Improperly borrowing or appropriating.

Wentworth Irrigation.

45. 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.

46. 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.

15

PART V.

Offences and Penalties

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

- (a) Obstructs, in any way, any person, whether such person is acting under the authority of the Trust or of the Minister:
- (b) Removes, injures, or in any way interferes with any pegs, bench-marks, or other marks, or objects placed in the execution 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 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 vested in the Trust.
- (e) Interferes with the supply or flow of water in any river, creek, 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,

Obstructing Government or Trust Officers.

Interfering with marks.

Depositing material on land belonging to Government or to Trust.

Polluting water.

Injury to water, fences, &c.

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

Penalty.

48. 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, 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.

Wilful injury to works.

49. Any person who being responsible under the provisions of this Act for the proper use and management of a supply of water 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.

Waste of water.

Wentworth Irrigation.

50. The penalties directed under last section for the wilful or 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. Waste of water under "Mining Act."
- 5 51. Whenever any person is fined under this Act, the Justices 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. Compensation to injured parties.
- 10 52. Any person offending against this Act may be sued for 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. Offenders liable to pay compensation as well as penalty.
- 15 53. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act. Provided that no person shall be punished twice for the same offence. Offenders liable to punishment under other Acts.

SCHEDULE.

- All that piece or parcel of land in the Colony of New South Wales and county and parish of Wentworth: Commencing at a point bearing north seventy-one degrees west
- 20 twenty chains from the north-east corner of reserve two hundred and eighty-seven, notified in the *Government Gazette* of fifteenth 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 two hundred and two chains; thence partly on the south by a line west about
- 25 forty-six chains to the left bank of the river Darling, at a place known as the Two-mile Point; thence on the south-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 portion number
- 30 eighteen, a line, and the southern boundaries of portions numbers seventeen, fifteen, sixteen, and forty-two, and by part of the north boundary of the Wentworth population area, proclaimed in *Government Gazette* of twentieth March, one thousand eight hundred and eighty-five, bearing east in all about three hundred and thirty-eight chains to the north-east corner of that population area, at a peg bearing south fourteen degrees fifty minutes east thirty-four links from a box-tree marked broad-arrow over P.R. over sixty-five;
- 35 and north boundary of the temporary common extension, notified in the *Government Gazette* of seventeenth April, one thousand eight hundred and eighty-two, bearing about south-east about sixty chains and easterly about two hundred and five chains to a point due north of a point on the right bank of the Murray river, situated eight chains north-easterly from the junction of Tchilltaulcurra Creek with that river; thence on the east
- 40 by a line south about one hundred and forty-five chains to the river Murray; and on the south by that river downwards to the north-east corner of reserve two hundred and eighty-seven aforesaid; and thence on the south-west by part of the north-east boundary of that reserve bearing north seventy-one degrees west twenty chains, to the point of commencement, and containing an area of ten thousand six hundred acres, be the same more or less,
- 45 exclusive of alienated and measured portions numbers five, seventeen, nineteen and twenty, in the parish of Wentworth aforesaid.