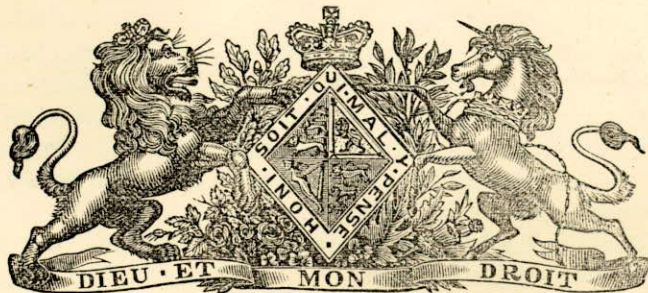


New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXVI.

An Act to vest certain lands situated in the Municipality of Balranald in a Trust; to enable the said Trust to purchase lands to establish works for Conserving and Utilizing Water for Irrigation; to lease such lands for purposes of settlement and improvement; to raise loans for purposes of irrigation; and for other purposes incidental thereto. [Assented to, 13th June, 1893.]

WHEREAS it is expedient, and would be for the advantage of the Preamble. inhabitants of Balranald, in the Colony of New South Wales, and the public generally, to establish a system whereby the waters of the river Murrumbidgee and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Balranald, may be conserved and utilized for irrigation, watering of stock, and other purposes: And whereas the lands described in the First Schedule to this Act are a portion of the land, gazetted March eleven, one thousand eight hundred and seventy-three, as a Temporary Common for Balranald, and are situated on the north side of the Murrumbidgee River: 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 "Balranald Short title. Irrigation Act."

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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 First Schedule to this Act and any adjoining land which may be purchased or obtained with the sanction of the Governor.

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

"Owner" includes lessee or occupier as well as owner in fee simple.

"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 Balranald 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 Balranald to be the Trust.

5. The authority to carry out this Act shall be the members of the Council of the Municipality of Balranald for the time being, who by the name of "The Balranald 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 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, unless sanctioned at a meeting of the Trust and approved by the Minister.

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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 at Balranald. 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. 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 land described in the Schedule hereto annexed shall be sold.

(III) The water which is at any time in any swamp or creek near or within the irrigation area, and in any pipe, reservoir, or other work constructed by the Trust in pursuance of this Act.

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.

PART III.

Administration.

11. Subject to the provisions hereinafter contained, it shall be lawful for the Trust at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same, 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, and to control and use all 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.

(II) To widen or deepen or to close or divert any existing creek, lagoon, swamp, or watercourse within the irrigation area.

(III) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.

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- (iv) To take water from the river Murrumbidgee by means of pumping or other machinery erected within or near the irrigation area on a suitable site to be selected by the Trust and approved of by the Minister 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, and the cost of such inspection and of such alterations and improvements shall be defrayed by such Trust.

Nothing in this section shall be construed to authorise the Trust to construct any dam, weir, embankment, or other work whatever in or upon the river Murrumbidgee so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such river.

Plans when approved not to be deviated from.

12. When the designs, plans, and descriptions of any works proposed by the Trust have been approved by the Minister, 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 for publicly.

13. 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 recommendations as to which tender, if any, should be accepted. The Minister shall then decide, and shall direct the Trust accordingly.

Loan works to be let by contract.

14. All works intended to be defrayed, wholly or in part, out of loans granted or guaranteed by the Crown, shall be let by contract, and the nature and the amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted.

Vouchers to be accessible for inspection.

15. 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.

Qualified engineers to be employed.

16. 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.

Power of Trust to act in cases of emergency.

17. 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, upon 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.

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18. 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.

19. 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 six months after such injury, loss, or damage is sustained.

Limit of time within which compensation to be claimed.

20. 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 of 1892" or any amendment thereof.

Arbitration.

21. The Trust may from time to time, with the sanction of the Minister, demise or assign, for any term 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 in paying or discharging any interest, debt, or obligation which the Trust may be liable to pay or discharge.

Trust may lease.

22. No lessee or occupier shall be allowed to transfer his lease to any other person or persons without first having obtained the sanction of the Trust in writing to such transfer.

No lessee shall transfer his lease without sanction of Trust.

23. At the expiration of any term for which land may be leased, or rented from the Trust, in the event of the lessee or occupier being unwilling to enter upon a fresh tenancy or lease from the Trust, it shall be lawful for the Trust to appoint one valuer, and for the outgoing lessee or occupier to appoint another valuer, and the two persons so appointed shall proceed to value all permanent improvements upon the land, the lease of which has expired, that shall have been affected at the sole cost of lessee or occupier, and in the event of such valuers disagreeing as to the value of such improvements, some third impartial person shall be mutually chosen as umpire, whose decision shall be final, and all costs of such valuation shall be borne equally by the said lessee or occupier and the Trust. The land aforesaid shall then be publicly offered by the Trust, for lease or occupation, upon such terms and conditions as the Trust may deem expedient and subject to the provisions of section twenty-two, and any person applying for the lease or occupation of such improved land shall pay to the Trust, an amount equal to the value of the permanent improvements estimated as aforesaid, and this payment for improvements shall be paid to the outgoing lessee, less any expenses that may have been incurred in the transfer or valuation, and the said lessee shall give to the tenant a full discharge in writing upon receiving such payment.

And in the event of his being unwilling to enter into a new lease, improvements shall be valued and he shall be paid accordingly.

24. Should there be no application to lease such land when publicly offered in the manner specified in section twenty-nine, then it shall be lawful for the Trust, after the expiration of three months from the date of its being first offered, to reduce the estimated value of the improvements to such an amount as the Trust shall decide upon, from time to time, and to publicly offer the lease again until the same be disposed of, but nothing contained herein shall bar or prevent the out-going lessee from again applying for such lease.

Lawful for Trust, after expiration of three months, to reduce estimated value of improvements, and offer lease again.

25. 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

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

occupier

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

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

26. 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 when 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.

27. No person supplied with water 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.

28. 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.

29. 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.

30. 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.

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31. Whenever 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.

32. In the sale of water, the Trust shall as far as practicable sell the water by measurement. Water to be sold by measurement.

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

34. The Trust may make by-laws in addition to those set out in the Second Schedule hereto— Power to 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.
- (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.
- (f) To ensure *bonâ fide* settlement, improvement, and cultivation of land within the irrigation area, and all matters and things appertaining thereto.

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 proceedings whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

35. 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.

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PART IV.

Loans.

Security for Loan.

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

- (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.

Sanction of Governor for Loans essential.

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

Application for Loans.

38. Whenever the Trust desires to raise money on loan for the construction of any works authorised 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 after making such inquiries as may be deemed necessary 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.

The Governor may grant Loans.

Limit of Loans.

39. The aggregate amount of any loan raised by the Trust, together with the existing liabilities thereof, shall not at any time exceed one-half 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.

40. 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.

41. 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 authorising of such loan direct.

Rates, how applicable.

42. 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 rates 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.

43. Trust shall keep a separate account of 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.

44. 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.

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45. 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.

46. 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.

47. 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.

48. If by reason of the alteration of the boundaries of the irrigation area, any works or property other than land 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. 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 at the time belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created. Compensation for alteration of boundaries. Governor may dissolve Trust.

PART V.

Offences and Penalties.

49. 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 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 authorised by this Act. Interfering with marks.

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Depositing material on land belonging to Government or to Trust.	(c) Deposits material or refuse of any kind within the bounds of any land resumed, or otherwise acquired, for any work authorised by this Act.
Polluting water.	(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.
Injury to water fences	(e) Interferes with the supply or flow of any 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,
Penalty.	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.
Wilful injury to works.	50. 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.
Waste of water.	51. 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 authorised distribution thereof, or uses such water in an unauthorised 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 under "Mining Act."	52. 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.	53. 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 persons or body, if any, injured by such person.
Offenders liable to pay compensation as well as penalty.	54. 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 effect the concurrent liability to punishment for the said offence under the terms of this Act.
Offenders liable to punishment under other Acts.	55. 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.

THE FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land in the Colony of New South Wales, county of Cairn and parish of Balranald, area about two thousand acres: Commencing at the north-west corner of the permanent common of one thousand four hundred and sixty-four acres, dedicated twelfth January, one thousand eight hundred and eighty-three; and bounded thence on part of the east by part of the western boundary of that common bearing south about one hundred and ninety-six chains seventy-four links to a point east of the north-east corner of portion nine of ten acres one rood; on part of the south by a line west to that corner by the northern boundary of that portion, the northern boundaries of portions ten, eleven, and twelve of ten acres one rood each, and a line in all bearing westerly about forty-two chains to the eastern boundary of the suburban lands at Balranald, as proclaimed in the *Government Gazette* of twenty-second February, one thousand eight hundred and eighty-eight; on part of the west by part of that boundary bearing north about one hundred and one chains to the north-east corner of those suburban lands; on the remainder of the south

by

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by the northern boundary of the suburban lands aforesaid bearing west one hundred and fifty chains to the north-west corner of those suburban lands, being a point north of the north-east corner of portion fifteen of two hundred and ninety-two acres one rood; again on part of the west by a line bearing north about ninety-eight chains to a point west of the north-west corner of portion one hundred and twenty of three hundred acres, dedicated for a racecourse, twenty-first May, one thousand eight hundred and ninety-two; on part of the north by a line bearing east about one hundred and five chains to that corner; on the remainder of the east by the western boundary of that portion bearing southerly fifty chains to its south-west corner; again on part of the north by the southern boundary of that portion bearing easterly sixty chains to its south-east corner; and on the remainder of the west by the eastern boundary of that portion bearing northerly fifty chains to its north-east corner; and on the remainder of the north by a line bearing easterly about thirty chains, to the point of commencement.

THE SECOND SCHEDULE REFERRED TO.

By-laws and Regulations.

Not less than five acres and not more than forty acres shall be held by any one person.

No person under the age of eighteen years shall be allowed to lease land, and no married woman shall be allowed to lease land in her own right, separate from her husband.

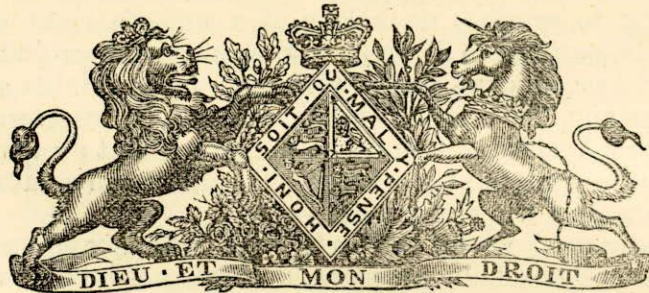
Any land leased or rented from the Trust shall be substantially fenced by the occupier within twelve months from date of occupation.

Permanent improvements to the value of at least two pounds per acre shall be effected upon all holdings within three years from the first occupation of the same; this includes value of fencing, and improvements to the value of another two pounds per acre shall be made within the next ensuing two years, that is five years from date of occupation.

Within two years from occupation one-third of the area occupied shall be put under cultivation, and within three years from date of occupation, at least one-half of the area shall be put under cultivation; and after that date, at no time during occupation, shall less than this area be kept under cultivation.

An inspector shall be appointed by the Trust to see that all conditions and improvements are faithfully carried out.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXVI.

An Act to vest certain lands situated in the Municipality of Balranald in a Trust ; to enable the said Trust to purchase lands to establish works for Conserving and Utilizing Water for Irrigation ; to lease such lands for purposes of settlement and improvement ; to raise loans for purposes of irrigation ; and for other purposes incidental thereto. [Assented to, 13th June, 1893.]

WHEREAS it is expedient, and would be for the advantage of the Preamble. inhabitants of Balranald, in the Colony of New South Wales, and the public generally, to establish a system whereby the waters of the river Murrumbidgee and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Balranald, may be conserved and utilized for irrigation, watering of stock, and other purposes : And whereas the lands described in the First Schedule to this Act are a portion of the land, gazetted March eleven, one thousand eight hundred and seventy-three, as a Temporary Common for Balranald, and are situated on the north side of the Murrumbidgee River : 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 "Balranald Short title. Irrigation Act."

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2.

Balranald Irrigation.

Portions of Acts at variance with this.

Repeal of parts of "Mining Act of 1874."

Interpretation of terms and arrangement of sections.

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.

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.

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 First Schedule to this Act and any adjoining land which may be purchased or obtained with the sanction of the Governor.

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

"Owner" includes lessee or occupier as well as owner in fee simple.

"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 Balranald 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 Balranald to be the Trust.

5. The authority to carry out this Act shall be the members of the Council of the Municipality of Balranald for the time being, who by the name of "The Balranald 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 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, unless sanctioned at a meeting of the Trust and approved by the Minister.

Balranald 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 at Balranald. 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. 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 land described in the Schedule hereto annexed shall be sold.

(III) The water which is at any time in any swamp or creek near or within the irrigation area, and in any pipe, reservoir, or other work constructed by the Trust in pursuance of this Act.

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.

PART III.

Administration.

11. Subject to the provisions hereinafter contained, it shall be lawful for the Trust at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same, 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, and to control and use all 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.
- (II) To widen or deepen or to close or divert any existing creek, lagoon, swamp, or watercourse within the irrigation area.
- (III) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.

(IV)

Balranald Irrigation.

- (iv) To take water from the river Murrumbidgee by means of pumping or other machinery erected within or near the irrigation area on a suitable site to be selected by the Trust and approved of by the Minister 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, and the cost of such inspection and of such alterations and improvements shall be defrayed by such Trust.

Nothing in this section shall be construed to authorise the Trust to construct any dam, weir, embankment, or other work whatever in or upon the river Murrumbidgee so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such river.

Plans when approved not to be deviated from.

12. When the designs, plans, and descriptions of any works proposed by the Trust have been approved by the Minister, 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 for publicly.

13. 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 recommendations as to which tender, if any, should be accepted. The Minister shall then decide, and shall direct the Trust accordingly.

Loan works to be let by contract.

14. All works intended to be defrayed, wholly or in part, out of loans granted or guaranteed by the Crown, shall be let by contract, and the nature and the amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted.

Vouchers to be accessible for inspection.

15. 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.

Qualified engineers to be employed.

16. 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.

Power of Trust to act in cases of emergency.

17. 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, upon 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.

Balranald Irrigation.

18. 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.

19. 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 six months after such injury, loss, or damage is sustained.

Limit of time within which compensation to be claimed.

20. 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 of 1892" or any amendment thereof.

Arbitration.

21. The Trust may from time to time, with the sanction of the Minister, demise or assign, for any term 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 in paying or discharging any interest, debt, or obligation which the Trust may be liable to pay or discharge.

Trust may lease.

22. No lessee or occupier shall be allowed to transfer his lease to any other person or persons without first having obtained the sanction of the Trust in writing to such transfer.

No lessee shall transfer his lease without sanction of Trust.

23. At the expiration of any term for which land may be leased, or rented from the Trust, in the event of the lessee or occupier being unwilling to enter upon a fresh tenancy or lease from the Trust, it shall be lawful for the Trust to appoint one valuer, and for the outgoing lessee or occupier to appoint another valuer, and the two persons so appointed shall proceed to value all permanent improvements upon the land, the lease of which has expired, that shall have been affected at the sole cost of lessee or occupier, and in the event of such valuers disagreeing as to the value of such improvements, some third impartial person shall be mutually chosen as umpire, whose decision shall be final, and all costs of such valuation shall be borne equally by the said lessee or occupier and the Trust. The land aforesaid shall then be publicly offered by the Trust, for lease or occupation, upon such terms and conditions as the Trust may deem expedient and subject to the provisions of section twenty-two, and any person applying for the lease or occupation of such improved land shall pay to the Trust, an amount equal to the value of the permanent improvements estimated as aforesaid, and this payment for improvements shall be paid to the outgoing lessee, less any expenses that may have been incurred in the transfer or valuation, and the said lessee shall give to the tenant a full discharge in writing upon receiving such payment.

And in the event of his being unwilling to enter into a new lease, improvements shall be valued and he shall be paid accordingly.

24. Should there be no application to lease such land when publicly offered in the manner specified in section twenty-nine, then it shall be lawful for the Trust, after the expiration of three months from the date of its being first offered, to reduce the estimated value of the improvements to such an amount as the Trust shall decide upon, from time to time, and to publicly offer the lease again until the same be disposed of, but nothing contained herein shall bar or prevent the out-going lessee from again applying for such lease.

Lawful for Trust, after expiration of three months, to reduce estimated value of improvements, and offer lease again.

25. 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

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

Balranald Irrigation.

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

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

26. 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 when 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.

27. No person supplied with water 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.

28. 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.

29. 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.

30. 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.

Balranald Irrigation.

31. Whenever 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.

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

Water to be sold by
measurement.

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

Power to fix rates.

Recovery of rates.

34. The Trust may make by-laws in addition to those set out in the Second Schedule hereto—

Power to 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.
- (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.
- (f) To ensure *bonâ fide* settlement, improvement, and cultivation of land within the irrigation area, and all matters and things appertaining thereto.

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 proceedings whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

35. 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.

Balranald Irrigation.

PART IV.

Loans.

- Security for Loan. 36. The security for the repayment of all moneys raised on loan by the Trust, and for the payment of interest due thereon shall be—
- (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.
- Sanction of Governor for Loans essential. 37. It shall not be lawful for the Trust to borrow money from any source or for any purpose without the sanction of the Governor.
- Application for Loans. 38. Whenever the Trust desires to raise money on loan for the construction of any works authorised 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 after making such inquiries as may be deemed necessary 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.
- The Governor may grant Loans. 39. The aggregate amount of any loan raised by the Trust, together with the existing liabilities thereof, shall not at any time exceed one-half 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 of Loans. 40. 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. 41. 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 authorising of such loan direct.
- Sinking fund for each loan. 42. 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 rates 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.
- Rates, how applicable. 43. Trust shall keep a separate account of 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. 44. 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.

Balranald Irrigation.

45. 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.

46. 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.

47. 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.

48. If by reason of the alteration of the boundaries of the irrigation area, any works or property other than land 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. 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 at the time belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

Compensation for alteration of boundaries.

Governor may dissolve Trust.

PART V.

Offences and Penalties.

49. 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 authorised by this Act.

Obstructing Trust Officers.

Interfering with marks.

B

(c)

Balranald Irrigation.

Depositing material on land belonging to Government or to Trust.	(c) Deposits material or refuse of any kind within the bounds of any land resumed, or otherwise acquired, for any work authorised by this Act.
Polluting water.	(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.
Injury to water fences	(e) Interferes with the supply or flow of any 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,
Penalty.	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.
Wilful injury to works.	50. 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.
Waste of water.	51. 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 authorised distribution thereof, or uses such water in an unauthorised 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 under "Mining Act."	52. 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.	53. 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 persons or body, if any, injured by such person.
Offenders liable to pay compensation as well as penalty.	54. 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 effect the concurrent liability to punishment for the said offence under the terms of this Act.
Offenders liable to punishment under other Acts.	55. 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.

THE FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land in the Colony of New South Wales, county of Cairn and parish of Balranald, area about two thousand acres: Commencing at the north-west corner of the permanent common of one thousand four hundred and sixty-four acres, dedicated twelfth January, one thousand eight hundred and eighty-three; and bounded thence on part of the east by part of the western boundary of that common bearing south about one hundred and ninety-six chains seventy-four links to a point east of the north-east corner of portion nine of ten acres one rood; on part of the south by a line west to that corner by the northern boundary of that portion, the northern boundaries of portions ten, eleven, and twelve of ten acres one rood each, and a line in all bearing westerly about forty-two chains to the eastern boundary of the suburban lands at Balranald, as proclaimed in the *Government Gazette* of twenty-second February, one thousand eight hundred and eighty-eight; on part of the west by part of that boundary bearing north about one hundred and one chains to the north-east corner of those suburban lands; on the remainder of the south

by

Balranald Irrigation.

by the northern boundary of the suburban lands aforesaid bearing west one hundred and fifty chains to the north-west corner of those suburban lands, being a point north of the north-east corner of portion fifteen of two hundred and ninety-two acres one rood; again on part of the west by a line bearing north about ninety-eight chains to a point west of the north-west corner of portion one hundred and twenty of three hundred acres, dedicated for a racecourse, twenty-first May, one thousand eight hundred and ninety-two; on part of the north by a line bearing east about one hundred and five chains to that corner; on the remainder of the east by the western boundary of that portion bearing southerly fifty chains to its south-west corner; again on part of the north by the southern boundary of that portion bearing easterly sixty chains to its south-east corner; and on the remainder of the west by the eastern boundary of that portion bearing northerly fifty chains to its north-east corner; and on the remainder of the north by a line bearing easterly about thirty chains, to the point of commencement.

THE SECOND SCHEDULE REFERRED TO.

By-laws and Regulations.

Not less than five acres and not more than forty acres shall be held by any one person.

No person under the age of eighteen years shall be allowed to lease land, and no married woman shall be allowed to lease land in her own right, separate from her husband.

Any land leased or rented from the Trust shall be substantially fenced by the occupier within twelve months from date of occupation.

Permanent improvements to the value of at least two pounds per acre shall be effected upon all holdings within three years from the first occupation of the same; this includes value of fencing, and improvements to the value of another two pounds per acre shall be made within the next ensuing two years, that is five years from date of occupation.

Within two years from occupation one-third of the area occupied shall be put under cultivation, and within three years from date of occupation, at least one-half of the area shall be put under cultivation; and after that date, at no time during occupation, shall less than this area be kept under cultivation.

An inspector shall be appointed by the Trust to see that all conditions and improvements are faithfully carried out.

By Authority : CHARLES POTTER, Government Printer, Sydney, 1893.

[9d.]

The history of the Republic of the United States is a story of growth and progress. It begins with the first settlers who came to this land in search of a better life. They found a land of opportunity and freedom, and they built a nation that has become a model for the world. The story of the Republic is a story of the struggle for freedom and justice, and of the triumph of the American spirit.

THE HISTORY OF THE

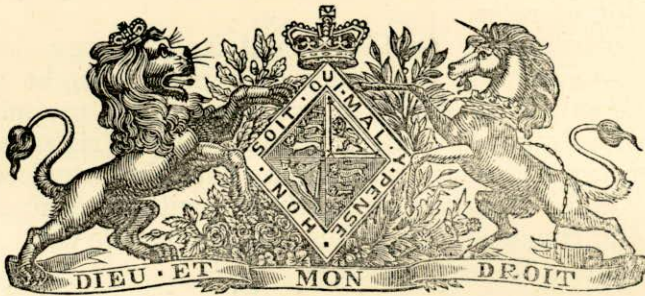
REPUBLIC OF THE UNITED STATES
The history of the Republic of the United States is a story of growth and progress. It begins with the first settlers who came to this land in search of a better life. They found a land of opportunity and freedom, and they built a nation that has become a model for the world. The story of the Republic is a story of the struggle for freedom and justice, and of the triumph of the American spirit.

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, 12 June, 1893. }*

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

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXVI.

An Act to vest certain lands situated in the Municipality of Balranald in a Trust; to enable the said Trust to purchase lands to establish works for Conserving and Utilizing Water for Irrigation; to lease such lands for purposes of settlement and improvement; to raise loans for purposes of irrigation; and for other purposes incidental thereto. [Assented to, 13th June, 1893.]

WHEREAS it is expedient, and would be for the advantage of the Preamble. inhabitants of Balranald, in the Colony of New South Wales, and the public generally, to establish a system whereby the waters of the river Murrumbidgee and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Balranald, may be conserved and utilized for irrigation, watering of stock, and other purposes: And whereas the lands described in the First Schedule to this Act are a portion of the land, gazetted March eleven, one thousand eight hundred and seventy-three, as a Temporary Common for Balranald, and are situated on the north side of the Murrumbidgee River: 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 "Balranald 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.

Balranald 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 First Schedule to this Act and any adjoining land which may be purchased or obtained with the sanction of the Governor.

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

"Owner" includes lessee or occupier as well as owner in fee simple.

"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 Balranald 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 Balranald to be the Trust.

5. The authority to carry out this Act shall be the members of the Council of the Municipality of Balranald for the time being, who by the name of "The Balranald 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 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, unless sanctioned at a meeting of the Trust and approved by the Minister.

Balranald 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 at Balranald. 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. 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 land described in the Schedule hereto annexed shall be sold.

(III) The water which is at any time in any swamp or creek near or within the irrigation area, and in any pipe, reservoir, or other work constructed by the Trust in pursuance of this Act.

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.

PART III.

Administration.

11. Subject to the provisions hereinafter contained, it shall be lawful for the Trust at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same, 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, and to control and use all 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.

(II) To widen or deepen or to close or divert any existing creek, lagoon, swamp, or watercourse within the irrigation area.

(III) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.

(IV)

Balranald Irrigation.

(IV) To take water from the river Murrumbidgee by means of pumping or other machinery erected within or near the irrigation area on a suitable site to be selected by the Trust and approved of by the Minister 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, and the cost of such inspection and of such alterations and improvements shall be defrayed by such Trust.

Nothing in this section shall be construed to authorise the Trust to construct any dam, weir, embankment, or other work whatever in or upon the river Murrumbidgee so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such river.

Plans when approved not to be deviated from.

12. When the designs, plans, and descriptions of any works proposed by the Trust have been approved by the Minister, 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 for publicly.

13. 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 recommendations as to which tender, if any, should be accepted. The Minister shall then decide, and shall direct the Trust accordingly.

Loan works to be let by contract.

14. All works intended to be defrayed, wholly or in part, out of loans granted or guaranteed by the Crown, shall be let by contract, and the nature and the amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted.

Vouchers to be accessible for inspection.

15. 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.

Qualified engineers to be employed.

16. 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.

Power of Trust to act in cases of emergency.

17. 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, upon 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.

Balranald Irrigation.

18. 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.

19. 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 six months after such injury, loss, or damage is sustained.

Limit of time within which compensation to be claimed.

20. 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 of 1892" or any amendment thereof.

Arbitration.

21. The Trust may from time to time, with the sanction of the Minister, demise or assign, for any term 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 in paying or discharging any interest, debt, or obligation which the Trust may be liable to pay or discharge.

Trust may lease.

22. No lessee or occupier shall be allowed to transfer his lease to any other person or persons without first having obtained the sanction of the Trust in writing to such transfer.

No lessee shall transfer his lease without sanction of Trust.

23. At the expiration of any term for which land may be leased, or rented from the Trust, in the event of the lessee or occupier being unwilling to enter upon a fresh tenancy or lease from the Trust, it shall be lawful for the Trust to appoint one valuer, and for the outgoing lessee or occupier to appoint another valuer, and the two persons so appointed shall proceed to value all permanent improvements upon the land, the lease of which has expired, that shall have been affected at the sole cost of lessee or occupier, and in the event of such valuers disagreeing as to the value of such improvements, some third impartial person shall be mutually chosen as umpire, whose decision shall be final, and all costs of such valuation shall be borne equally by the said lessee or occupier and the Trust. The land aforesaid shall then be publicly offered by the Trust, for lease or occupation, upon such terms and conditions as the Trust may deem expedient and subject to the provisions of section twenty-two, and any person applying for the lease or occupation of such improved land shall pay to the Trust, an amount equal to the value of the permanent improvements estimated as aforesaid, and this payment for improvements shall be paid to the outgoing lessee, less any expenses that may have been incurred in the transfer or valuation, and the said lessee shall give to the tenant a full discharge in writing upon receiving such payment.

And in the event of his being unwilling to enter into a new lease, improvements shall be valued and he shall be paid accordingly.

24. Should there be no application to lease such land when publicly offered in the manner specified in section twenty-nine, then it shall be lawful for the Trust, after the expiration of three months from the date of its being first offered, to reduce the estimated value of the improvements to such an amount as the Trust shall decide upon, from time to time, and to publicly offer the lease again until the same be disposed of, but nothing contained herein shall bar or prevent the out-going lessee from again applying for such lease.

Lawful for Trust, after expiration of three months, to reduce estimated value of improvements, and offer lease again.

25. 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

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

Balranald Irrigation.

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

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

26. 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 when 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.

27. No person supplied with water 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.

28. 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.

29. 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.

30. 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.

Balranald Irrigation.

31. Whenever 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.

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

Water to be sold by
measurement.

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

Power to fix rates.

Recovery of rates.

34. The Trust may make by-laws in addition to those set out in the Second Schedule hereto—

Power to 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.
- (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.
- (f) To ensure *bonâ fide* settlement, improvement, and cultivation of land within the irrigation area, and all matters and things appertaining thereto.

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 proceedings whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

35. 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.

Balranald Irrigation.

PART IV.

Loans.

Security for Loan.

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

- (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.

Sanction of Governor for Loans essential.

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

Application for Loans.

38. Whenever the Trust desires to raise money on loan for the construction of any works authorised 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 after making such inquiries as may be deemed necessary 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.

The Governor may grant Loans.

Limit of Loans.

39. The aggregate amount of any loan raised by the Trust, together with the existing liabilities thereof, shall not at any time exceed one-half 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.

40. 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.

41. 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 authorising of such loan direct.

Rates, how applicable.

42. 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 rates 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.

43. Trust shall keep a separate account of 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.

44. 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.

Balranald Irrigation.

45. 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.

46. 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.

47. 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.

48. If by reason of the alteration of the boundaries of the irrigation area, any works or property other than land 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. 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 at the time belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

Compensation for alteration of boundaries.

Governor may dissolve Trust.

PART V.

Offences and Penalties.

49. 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 authorised by this Act.

Obstructing Trust Officers.

Interfering with marks.

(c)

Balranald Irrigation.

Depositing material on land belonging to Government or to Trust.	(c) Deposits material or refuse of any kind within the bounds of any land resumed, or otherwise acquired, for any work authorised by this Act.
Polluting water.	(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.
Injury to water fences.	(e) Interferes with the supply or flow of any 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,
Penalty.	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.
Wilful injury to works.	50. 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.
Waste of water.	51. 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 authorised distribution thereof, or uses such water in an unauthorised 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 under "Mining Act."	52. 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.	53. 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 persons or body, if any, injured by such person.
Offenders liable to pay compensation as well as penalty.	54. 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 effect the concurrent liability to punishment for the said offence under the terms of this Act.
Offenders liable to punishment under other Acts.	55. 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.

THE FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land in the Colony of New South Wales, county of Caira and parish of Balranald, area about two thousand acres: Commencing at the north-west corner of the permanent common of one thousand four hundred and sixty-four acres, dedicated twelfth January, one thousand eight hundred and eighty-three; and bounded thence on part of the east by part of the western boundary of that common bearing south about one hundred and ninety-six chains seventy-four links to a point east of the north-east corner of portion nine of ten acres one rood; on part of the south by a line west to that corner by the northern boundary of that portion, the northern boundaries of portions ten, eleven, and twelve of ten acres one rood each, and a line in all bearing westerly about forty-two chains to the eastern boundary of the suburban lands at Balranald, as proclaimed in the *Government Gazette* of twenty-second February, one thousand eight hundred and eighty-eight; on part of the west by part of that boundary bearing north about one hundred and one chains to the north-east corner of those suburban lands; on the remainder of the south

by

Balranald Irrigation.

by the northern boundary of the suburban lands aforesaid bearing west one hundred and fifty chains to the north-west corner of those suburban lands, being a point north of the north-east corner of portion fifteen of two hundred and ninety-two acres one rood; again on part of the west by a line bearing north about ninety-eight chains to a point west of the north-west corner of portion one hundred and twenty of three hundred acres, dedicated for a racecourse, twenty-first May, one thousand eight hundred and ninety-two; on part of the north by a line bearing east about one hundred and five chains to that corner; on the remainder of the east by the western boundary of that portion bearing southerly fifty chains to its south-west corner; again on part of the north by the southern boundary of that portion bearing easterly sixty chains to its south-east corner; and on the remainder of the west by the eastern boundary of that portion bearing northerly fifty chains to its north-east corner; and on the remainder of the north by a line bearing easterly about thirty chains, to the point of commencement.

THE SECOND SCHEDULE REFERRED TO.

By-laws and Regulations.

Not less than five acres and not more than forty acres shall be held by any one person.

No person under the age of eighteen years shall be allowed to lease land, and no married woman shall be allowed to lease land in her own right, separate from her husband.

Any land leased or rented from the Trust shall be substantially fenced by the occupier within twelve months from date of occupation.

Permanent improvements to the value of at least two pounds per acre shall be effected upon all holdings within three years from the first occupation of the same; this includes value of fencing, and improvements to the value of another two pounds per acre shall be made within the next ensuing two years, that is five years from date of occupation.

Within two years from occupation one-third of the area occupied shall be put under cultivation, and within three years from date of occupation, at least one-half of the area shall be put under cultivation; and after that date, at no time during occupation, shall less than this area be kept under cultivation.

An inspector shall be appointed by the Trust to see that all conditions and improvements are faithfully carried out.

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

R. W. DUFF.

*Government House,
Sydney, 13th June, 1893.*

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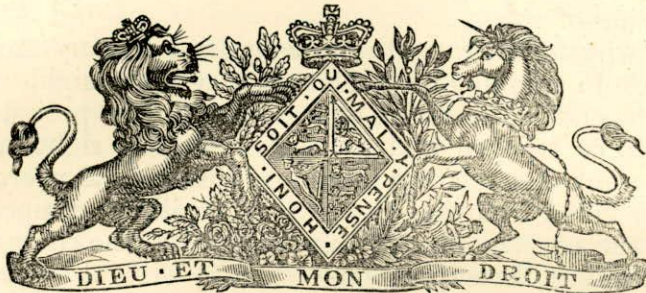
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I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 12 June, 1893. }*

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

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXVI.

An Act to vest certain lands situated in the Municipality of Balranald in a Trust; to enable the said Trust to purchase lands to establish works for Conserving and Utilizing Water for Irrigation; to lease such lands for purposes of settlement and improvement; to raise loans for purposes of irrigation; and for other purposes incidental thereto. [Assented to, 13th June, 1893.]

WHEREAS it is expedient, and would be for the advantage of the Preamble. inhabitants of Balranald, in the Colony of New South Wales, and the public generally, to establish a system whereby the waters of the river Murrumbidgee and other waters contained or flowing in the rivers, creeks, streams, and watercourses adjacent to the town of Balranald, may be conserved and utilized for irrigation, watering of stock, and other purposes: And whereas the lands described in the First Schedule to this Act are a portion of the land, gazetted March eleven, one thousand eight hundred and seventy-three, as a Temporary Common for Balranald, and are situated on the north side of the Murrumbidgee River: 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 "Balranald 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.

Balranald 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 First Schedule to this Act and any adjoining land which may be purchased or obtained with the sanction of the Governor.

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

"Owner" includes lessee or occupier as well as owner in fee simple.

"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 Balranald 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 Balranald to be the Trust.

5. The authority to carry out this Act shall be the members of the Council of the Municipality of Balranald for the time being, who by the name of "The Balranald 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 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, unless sanctioned at a meeting of the Trust and approved by the Minister.

Balranald 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 at Balranald. 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. 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 land described in the Schedule hereto annexed shall be sold.

(III) The water which is at any time in any swamp or creek near or within the irrigation area, and in any pipe, reservoir, or other work constructed by the Trust in pursuance of this Act.

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.

PART III.

Administration.

11. Subject to the provisions hereinafter contained, it shall be lawful for the Trust at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same, 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, and to control and use all 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.

(II) To widen or deepen or to close or divert any existing creek, lagoon, swamp, or watercourse within the irrigation area.

(III) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.

(IV)

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(IV) To take water from the river Murrumbidgee by means of pumping or other machinery erected within or near the irrigation area on a suitable site to be selected by the Trust and approved of by the Minister 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, and the cost of such inspection and of such alterations and improvements shall be defrayed by such Trust.

Nothing in this section shall be construed to authorise the Trust to construct any dam, weir, embankment, or other work whatever in or upon the river Murrumbidgee so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such river.

Plans when approved not to be deviated from.

12. When the designs, plans, and descriptions of any works proposed by the Trust have been approved by the Minister, 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 for publicly.

13. 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 recommendations as to which tender, if any, should be accepted. The Minister shall then decide, and shall direct the Trust accordingly.

Loan works to be let by contract.

14. All works intended to be defrayed, wholly or in part, out of loans granted or guaranteed by the Crown, shall be let by contract, and the nature and the amount of the security to be given by the contractor must be approved by the Minister before any tender shall be accepted.

Vouchers to be accessible for inspection.

15. 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.

Qualified engineers to be employed.

16. 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.

Power of Trust to act in cases of emergency.

17. 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, upon 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.

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18. 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.

19. 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 six months after such injury, loss, or damage is sustained.

Limit of time within which compensation to be claimed.

20. 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 of 1892" or any amendment thereof.

Arbitration.

21. The Trust may from time to time, with the sanction of the Minister, demise or assign, for any term 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 in paying or discharging any interest, debt, or obligation which the Trust may be liable to pay or discharge.

Trust may lease.

22. No lessee or occupier shall be allowed to transfer his lease to any other person or persons without first having obtained the sanction of the Trust in writing to such transfer.

No lessee shall transfer his lease without sanction of Trust.

23. At the expiration of any term for which land may be leased, or rented from the Trust, in the event of the lessee or occupier being unwilling to enter upon a fresh tenancy or lease from the Trust, it shall be lawful for the Trust to appoint one valuer, and for the outgoing lessee or occupier to appoint another valuer, and the two persons so appointed shall proceed to value all permanent improvements upon the land, the lease of which has expired, that shall have been affected at the sole cost of lessee or occupier, and in the event of such valuers disagreeing as to the value of such improvements, some third impartial person shall be mutually chosen as umpire, whose decision shall be final, and all costs of such valuation shall be borne equally by the said lessee or occupier and the Trust. The land aforesaid shall then be publicly offered by the Trust, for lease or occupation, upon such terms and conditions as the Trust may deem expedient and subject to the provisions of section twenty-two, and any person applying for the lease or occupation of such improved land shall pay to the Trust, an amount equal to the value of the permanent improvements estimated as aforesaid, and this payment for improvements shall be paid to the outgoing lessee, less any expenses that may have been incurred in the transfer or valuation, and the said lessee shall give to the tenant a full discharge in writing upon receiving such payment.

And in the event of his being unwilling to enter into a new lease, improvements shall be valued and he shall be paid accordingly.

24. Should there be no application to lease such land when publicly offered in the manner specified in section twenty-nine, then it shall be lawful for the Trust, after the expiration of three months from the date of its being first offered, to reduce the estimated value of the improvements to such an amount as the Trust shall decide upon, from time to time, and to publicly offer the lease again until the same be disposed of, but nothing contained herein shall bar or prevent the out-going lessee from again applying for such lease.

Lawful for Trust, after expiration of three months, to reduce estimated value of improvements, and offer lease again.

25. 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

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

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

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

26. 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 when 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.

27. No person supplied with water 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.

28. 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.

29. 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.

30. 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.

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31. Whenever 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.

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

Water to be sold by
measurement.

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

Power to fix rates.

Recovery of rates.

34. The Trust may make by-laws in addition to those set out in the Second Schedule hereto—

Power to 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.
- (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.
- (f) To ensure *bonâ fide* settlement, improvement, and cultivation of land within the irrigation area, and all matters and things appertaining thereto.

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 proceedings whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

35. 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.

Balranald Irrigation.

PART IV.

Loans.

- Security for Loan. 36. The security for the repayment of all moneys raised on loan by the Trust, and for the payment of interest due thereon shall be—
- (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.
- Sanction of Governor for Loans essential. 37. It shall not be lawful for the Trust to borrow money from any source or for any purpose without the sanction of the Governor.
- Application for Loans. 38. Whenever the Trust desires to raise money on loan for the construction of any works authorised 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 after making such inquiries as may be deemed necessary 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.
- The Governor may grant Loans. 39. The aggregate amount of any loan raised by the Trust, together with the existing liabilities thereof, shall not at any time exceed one-half 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 of Loans. 40. 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. 41. 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 authorising of such loan direct.
- Sinking fund for each loan. 42. 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 rates 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.
- Rates, how applicable. 43. Trust shall keep a separate account of 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. 44. 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.

Balranald Irrigation.

45. 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.

46. 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.

47. 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.

48. If by reason of the alteration of the boundaries of the irrigation area, any works or property other than land 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. 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 at the time belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

Compensation for alteration of boundaries.

Governor may dissolve Trust.

PART V.

Offences and Penalties.

49. 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 authorised by this Act.

Obstructing Trust Officers.

Interfering with marks.

(c)

Balranald Irrigation.

Depositing material on land belonging to Government or to Trust.	(c) Deposits material or refuse of any kind within the bounds of any land resumed, or otherwise acquired, for any work authorised by this Act.
Polluting water.	(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.
Injury to water fences.	(e) Interferes with the supply or flow of any 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.
Penalty.	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.
Wilful injury to works.	50. 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.
Waste of water.	51. 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 authorised distribution thereof, or uses such water in an unauthorised 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 under "Mining Act."	52. 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.	53. 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 persons or body, if any, injured by such person.
Offenders liable to pay compensation as well as penalty.	54. 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 effect the concurrent liability to punishment for the said offence under the terms of this Act.
Offenders liable to punishment under other Acts.	55. 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.

THE FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land in the Colony of New South Wales, county of Cairn and parish of Balranald, area about two thousand acres: Commencing at the north-west corner of the permanent common of one thousand four hundred and sixty-four acres, dedicated twelfth January, one thousand eight hundred and eighty-three; and bounded thence on part of the east by part of the western boundary of that common bearing south about one hundred and ninety-six chains seventy-four links to a point east of the north-east corner of portion nine of ten acres one rood; on part of the south by a line west to that corner by the northern boundary of that portion, the northern boundaries of portions ten, eleven, and twelve of ten acres one rood each, and a line in all bearing westerly about forty-two chains to the eastern boundary of the suburban lands at Balranald, as proclaimed in the *Government Gazette* of twenty-second February, one thousand eight hundred and eighty-eight; on part of the west by part of that boundary bearing north about one hundred and one chains to the north-east corner of those suburban lands; on the remainder of the south

by

Balranald Irrigation.

by the northern boundary of the suburban lands aforesaid bearing west one hundred and fifty chains to the north-west corner of those suburban lands, being a point north of the north-east corner of portion fifteen of two hundred and ninety-two acres one rood; again on part of the west by a line bearing north about ninety-eight chains to a point west of the north-west corner of portion one hundred and twenty of three hundred acres, dedicated for a racecourse, twenty-first May, one thousand eight hundred and ninety-two; on part of the north by a line bearing east about one hundred and five chains to that corner; on the remainder of the east by the western boundary of that portion bearing southerly fifty chains to its south-west corner; again on part of the north by the southern boundary of that portion bearing easterly sixty chains to its south-east corner; and on the remainder of the west by the eastern boundary of that portion bearing northerly fifty chains to its north-east corner; and on the remainder of the north by a line bearing easterly about thirty chains, to the point of commencement.

THE SECOND SCHEDULE REFERRED TO.

By-laws and Regulations.

Not less than five acres and not more than forty acres shall be held by any one person.

No person under the age of eighteen years shall be allowed to lease land, and no married woman shall be allowed to lease land in her own right, separate from her husband.

Any land leased or rented from the Trust shall be substantially fenced by the occupier within twelve months from date of occupation.

Permanent improvements to the value of at least two pounds per acre shall be effected upon all holdings within three years from the first occupation of the same; this includes value of fencing, and improvements to the value of another two pounds per acre shall be made within the next ensuing two years, that is five years from date of occupation.

Within two years from occupation one-third of the area occupied shall be put under cultivation, and within three years from date of occupation, at least one-half of the area shall be put under cultivation; and after that date, at no time during occupation, shall less than this area be kept under cultivation.

An inspector shall be appointed by the Trust to see that all conditions and improvements are faithfully carried out.

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

R. W. DUFF.

*Government House,
Sydney, 13th June, 1893.*

The Victorian era was a period of great change and progress. It was a time when the British Empire reached its greatest extent, and when the Industrial Revolution transformed the world. The reign of Queen Victoria, from 1837 to 1901, was a time of stability and growth for the United Kingdom. The country became a world power, and its influence was felt in every corner of the globe. The Victorian era was a time of great achievement and progress, and it is remembered as one of the most important periods in British history.

THE REIGN OF QUEEN VICTORIA

The reign of Queen Victoria was a time of great change and progress. It was a time when the British Empire reached its greatest extent, and when the Industrial Revolution transformed the world. The reign of Queen Victoria, from 1837 to 1901, was a time of stability and growth for the United Kingdom. The country became a world power, and its influence was felt in every corner of the globe. The Victorian era was a time of great achievement and progress, and it is remembered as one of the most important periods in British history.

In the name of the Majesty of the Queen, I certify that this is a true and correct copy of the original as the same appears in the Public Office.

W. W. PITT

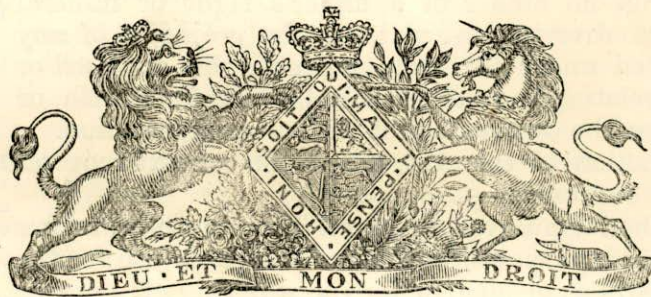
Secretary to the Queen

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, 8 June, 1893. }

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

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act to vest certain lands situated in the Municipality of Balranald in a Trust; to enable the said Trust to purchase lands to establish works for Conserving and Utilizing Water for Irrigation; to lease such lands for purposes of settlement and improvement; to raise loans for purposes of irrigation; and for other purposes incidental thereto.

WHEREAS it is expedient, and would be for the advantage of the Preamble. inhabitants of Balranald, in the Colony of New South Wales, and the public generally, to establish a system whereby the waters of the river Murrumbidgee and other waters contained or flowing in the 5 rivers, creeks, streams, and watercourses adjacent to the town of Balranald, may be conserved and utilized for irrigation, watering of stock, and other purposes: And whereas the lands described in the First Schedule to this Act are a portion of the land, gazetted March eleven, one thousand eight hundred and seventy-three, as a Temporary 10 Common for Balranald, and are situated on the north side of the Murrumbidgee River: 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:—

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PART I.

Preliminary.

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

537—A

2.

Balranald 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.

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.

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 First Schedule to this Act and any adjoining land which may be purchased or obtained with the sanction of the Governor.

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

"Owner" includes lessee or occupier as well as owner in fee simple.

"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 Balranald 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.

5. The authority to carry out this Act shall be the members of the Council of the Municipality of Balranald for the time being, who by the name of "The Balranald 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.

6. No member of the Trust shall be the holder of any paid office or situation under the Trust, or receive any salary, emoluments, or expenses of any kind from the Trust, unless sanctioned at a meeting of the Trust and approved by the Minister.

Balranald 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 at Balranald. 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. 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 land described in the Schedule hereto annexed shall be sold.

(III) The water which is at any time in any swamp or creek near or within the irrigation area, and in any pipe, reservoir, or other work constructed by the Trust in pursuance of this Act.

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.

PART III.

Administration.

11. Subject to the provisions hereinafter contained, it shall be lawful for the Trust at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same, 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, and to control and use all 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.

(II) To widen or deepen or to close or divert any existing creek, lagoon, swamp, or watercourse within the irrigation area.

(III) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.

(IV)

Balranald Irrigation.

(IV) To take water from the river Murrumbidgee by means of pumping or other machinery erected within or near the irrigation area on a suitable site to be selected by the Trust and approved of by the Minister 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, and the cost of such inspection and of such alterations and improvements shall be defrayed by such Trust.

Nothing in this section shall be construed to authorise the Trust to construct any dam, weir, embankment, or other work whatever in or upon the river Murrumbidgee so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such river.

12. When the designs, plans, and descriptions of any works proposed by the Trust have been approved by the Minister, 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.

13. 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 recommendations as to which tender, if any, should be accepted. The Minister shall then decide, and shall direct the Trust accordingly.

Tenders to be called for publicly.

14. All works intended to be defrayed, wholly or in part, out of loans granted or guaranteed by the Crown, shall be let by contract, and the nature and the 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.

15. 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 to be accessible for inspection.

16. 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.

17. 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, upon 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.

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18. 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.
19. 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 six months after such injury, loss, or damage is sustained. Limit of time within which compensation to be claimed.
20. 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 of 1892" or any amendment thereof. Arbitration.
21. The Trust may from time to time, with the sanction of the Minister, demise or assign, for any term 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 in paying or discharging any interest, debt, or obligation which the Trust may be liable to pay or discharge. Trust may lease.
22. No lessee or occupier shall be allowed to transfer his lease to any other person or persons without first having obtained the sanction of the Trust in writing to such transfer. No lessee shall transfer his lease without sanction of Trust.
23. At the expiration of any term for which land may be leased, or rented from the Trust, in the event of the lessee or occupier being unwilling to enter upon a fresh tenancy or lease from the Trust, it shall be lawful for the Trust to appoint one valuer, and for the outgoing lessee or occupier to appoint another valuer, and the two persons so appointed shall proceed to value all permanent improvements upon the land, the lease of which has expired, that shall have been affected at the sole cost of lessee or occupier, and in the event of such valuers disagreeing as to the value of such improvements, some third impartial person shall be mutually chosen as umpire, whose decision shall be final, and all costs of such valuation shall be borne equally by the said lessee or occupier and the Trust. The land aforesaid shall then be publicly offered by the Trust, for lease or occupation, upon such terms and conditions as the Trust may deem expedient and subject to the provisions of section twenty-two, and any person applying for the lease or occupation of such improved land shall pay to the Trust, an amount equal to the value of the permanent improvements estimated as aforesaid, and this payment for improvements shall be paid to the outgoing lessee, less any expenses that may have been incurred in the transfer or valuation, and the said lessee shall give to the tenant a full discharge in writing upon receiving such payment. And in the event of his being unwilling to enter into a new lease, improvements shall be valued and he shall be paid accordingly.
24. Should there be no application to lease such land when publicly offered in the manner specified in section twenty-nine, then it shall be lawful for the Trust, after the expiration of three months from the date of its being first offered, to reduce the estimated value of the improvements to such an amount as the Trust shall decide upon, from time to time, and to publicly offer the lease again until the same be disposed of, but nothing contained herein shall bar or prevent the out-going lessee from again applying for such lease. Lawful for Trust, after expiration of three months, to reduce estimated value of improvements, and offer lease again.
25. 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 Trust may contract to supply water for a term of years.

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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
 5 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 agree-
 10 ment by such owner or occupier, whether under seal or not, shall be deemed to be a covenant running with the land, and shall bind the land and the successive owners thereof, during the said term. But nothing in such agreement shall be construed to create any obligation on the part of the Trust to supply any stated quantity of water in the event of there being at the disposal of the Trust, an insufficiency of water as
 15 hereinafter provided, but such owner or occupier shall pay for the water actually supplied to him at the price provided for in such agreement.

26. 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
 20 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
 25 be liable to any action or other proceeding, for not supplying water to any person when 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.

27. No person supplied with water by the Trust shall have the
 30 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
 35 permission of the Trust given in writing.

Water rights not transferable save by permission of Trust.

28. 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.

29. The Trust may acquire by purchase or lease a right-of-way
 40 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
 45 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 pro-
 50 jected 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.

30. Under no circumstances shall the passage of water through
 55 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.

Balranald Irrigation.

31. Whenever 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.

5 32. In the sale of water, the Trust shall as far as practicable sell the water by measurement.

Water to be sold by
measurement.

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

Power to fix rates.

Recovery of rates.

34. The Trust may make by-laws in addition to those set out in the Second Schedule hereto—

Power to make
by-laws.

25 (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.

30 (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.

35 (f) To ensure *bonâ fide* settlement, improvement, and cultivation of land within the irrigation area, and all matters and things appertaining thereto.

40 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 proceedings whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

35. 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.

Balranald Irrigation.

PART IV.

Loans.

36. The security for the repayment of all moneys raised on loan by the Trust, and for the payment of interest due thereon shall be—
- (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.
37. It shall not be lawful for the Trust to borrow money from any source or for any purpose without the sanction of the Governor.
38. Whenever the Trust desires to raise money on loan for the construction of any works authorised 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 after making such inquiries as may be deemed necessary 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.
39. The aggregate amount of any loan raised by the Trust, together with the existing liabilities thereof, shall not at any time exceed one-half 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.
40. 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.
41. 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 authorising of such loan direct.
42. 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 rates 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.
43. Trust shall keep a separate account of 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.
44. 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.

Security for Loan.

Sanction of Governor for Loans essential.

Application for Loans.

The Governor may grant Loans.

Limit of Loans.

Sinking fund to be reckoned an asset.

Sinking fund for each loan.

Rates, how applicable.

Separate account for each loan.

Return of expenditure to be presented to Parliament.

Balranald Irrigation.

45. 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.

46. 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.

47. 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.

48. If by reason of the alteration of the boundaries of the irrigation area, any works or property other than land 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. 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 at the time belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

Compensation for alteration of boundaries.

Governor may dissolve Trust.

PART V.

Offences and Penalties.

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49. 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 authorised by this Act.

Obstructing Trust Officers.

Interfering with marks.

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Balranald Irrigation.

- (c) Deposits material or refuse of any kind within the bounds of any land resumed, or otherwise acquired, for any work authorised by this Act. Depositing material on land belonging to Government or to Trust.
- 5 (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 any 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
- 10 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.
- 15 50. 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.
- 20 51. 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 authorised distribution thereof, or uses such water in an unauthorised 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.
- 25 52. 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."
- 30 53. 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 persons or body, if any, injured by such person. Compensation to injured parties.
- 35 54. 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 effect the concurrent liability to punishment for the said offence under the terms of this Act. Offenders liable to pay compensation as well as penalty.
- 40 55. 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.
- 45

THE FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land in the Colony of New South Wales, county of Cairn and parish of Balranald, area about two thousand acres: Commencing at the north-west corner of the permanent common of one thousand four hundred and sixty-four acres, dedicated twelfth January, one thousand eight hundred and eighty-three; and bounded thence on part of the east by part of the western boundary of that common bearing south about one hundred and ninety-six chains seventy-four links to a point east of the north-east corner of portion nine of ten acres one rood; on part of the south by a line west to that corner by the northern boundary of that portion, the northern boundaries of portions ten, eleven, and twelve of ten acres one rood each, and a line in all bearing westerly about forty-two chains to the eastern boundary of the suburban lands at Balranald, as proclaimed in the *Government Gazette* of twenty-second February, one thousand eight hundred and eighty-eight; on part of the west by part of that boundary bearing north about one hundred and one chains to the north-east corner of those suburban lands; on the remainder of the south

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Balranald Irrigation.

by the northern boundary of the suburban lands aforesaid bearing west one hundred and fifty chains to the north-west corner of those suburban lands, being a point north of the north-east corner of portion fifteen of two hundred and ninety-two acres one rood; again on part of the west by a line bearing north about ninety-eight chains to a point west of the north-west corner of portion one hundred and twenty of three hundred acres, dedicated for a racecourse, twenty-first May, one thousand eight hundred and ninety-two; on part of the north by a line bearing east about one hundred and five chains to that corner; on the remainder of the east by the western boundary of that portion bearing southerly fifty chains to its south-west corner; again on part of the north by the southern boundary of that portion bearing easterly sixty chains to its south-east corner; and on the remainder of the west by the eastern boundary of that portion bearing northerly fifty chains to its north-east corner; and on the remainder of the north by a line bearing easterly about thirty chains, to the point of commencement.

THE SECOND SCHEDULE REFERRED TO.

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By-laws and Regulations.

Not less than five acres and not more than forty acres shall be held by any one person.

No person under the age of eighteen years shall be allowed to lease land, and no married woman shall be allowed to lease land in her own right, separate from her husband.

20

Any land leased or rented from the Trust shall be substantially fenced by the occupier within twelve months from date of occupation.

25

Permanent improvements to the value of at least two pounds per acre shall be effected upon all holdings within three years from the first occupation of the same; this includes value of fencing, and improvements to the value of another two pounds per acre shall be made within the next ensuing two years, that is five years from date of occupation.

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Within two years from occupation one-third of the area occupied shall be put under cultivation, and within three years from date of occupation, at least one-half of the area shall be put under cultivation; and after that date, at no time during occupation, shall less than this area be kept under cultivation.

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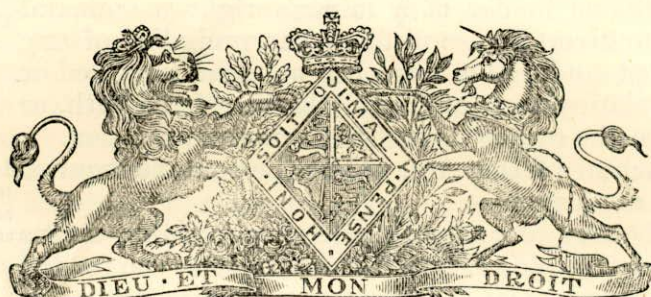
An inspector shall be appointed by the Trust to see that all conditions and improvements are faithfully carried out.

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, 8 June, 1893. }

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

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. . .

An Act to vest certain lands situated in the Municipality of Balranald in a Trust; to enable the said Trust to purchase lands to establish works for Conserving and Utilizing Water for Irrigation; to lease such lands for purposes of settlement and improvement; to raise loans for purposes of irrigation; and for other purposes incidental thereto.

WHEREAS it is expedient, and would be for the advantage of the Preamble. inhabitants of Balranald, in the Colony of New South Wales, and the public generally, to establish a system whereby the waters of the river Murrumbidgee and other waters contained or flowing in the 5 rivers, creeks, streams, and watercourses adjacent to the town of Balranald, may be conserved and utilized for irrigation, watering of stock, and other purposes: And whereas the lands described in the First Schedule to this Act are a portion of the land, gazetted March 10 eleven, one thousand eight hundred and seventy-three, as a Temporary Common for Balranald, and are situated on the north side of the Murrumbidgee River: 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:—

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PART I.

Preliminary.

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

537—A

2.

Balranald 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 First Schedule to this Act and any adjoining land which may be purchased or obtained with the sanction of the Governor.

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

"Owner" includes lessee or occupier as well as owner in fee simple.

"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 Balranald 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.

5. The authority to carry out this Act shall be the members of the Council of the Municipality of Balranald for the time being, who by the name of "The Balranald 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 Balranald to be the Trust.

6. No member of the Trust shall be the holder of any paid office or situation under the Trust, or receive any salary, emoluments, or expenses of any kind from the Trust, unless sanctioned at a meeting of the Trust and approved by the Minister.

Members of Trust not to be paid.

Balranald 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 at Balranald. 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. 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 land described in the Schedule hereto annexed shall be sold.

(III) The water which is at any time in any swamp or creek near or within the irrigation area, and in any pipe, reservoir, or other work constructed by the Trust in pursuance of this Act.

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.

PART III.

Administration.

11. Subject to the provisions hereinafter contained, it shall be lawful for the Trust at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same, 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, and to control and use all 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.

(II) To widen or deepen or to close or divert any existing creek, lagoon, swamp, or watercourse within the irrigation area.

(III) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.

(IV)

Balranald Irrigation.

(IV) To take water from the river Murrumbidgee by means of pumping or other machinery erected within or near the irrigation area on a suitable site to be selected by the Trust and approved of by the Minister 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, and the cost of such inspection and of such alterations and improvements shall be defrayed by such Trust.

Nothing in this section shall be construed to authorise the Trust to construct any dam, weir, embankment, or other work whatever in or upon the river Murrumbidgee so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such river.

12. When the designs, plans, and descriptions of any works proposed by the Trust have been approved by the Minister, 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.

13. 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 recommendations as to which tender, if any, should be accepted. The Minister shall then decide, and shall direct the Trust accordingly.

Tenders to be called for publicly.

14. All works intended to be defrayed, wholly or in part, out of loans granted or guaranteed by the Crown, shall be let by contract, and the nature and the 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.

15. 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 to be accessible for inspection.

16. 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.

17. 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, upon 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.

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18. 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.
19. 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 six months after such injury, loss, or damage is sustained. Limit of time within which compensation to be claimed.
20. 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 of 1892" or any amendment thereof. Arbitration.
21. The Trust may from time to time, with the sanction of the Minister, demise or assign, for any term 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 in paying or discharging any interest, debt, or obligation which the Trust may be liable to pay or discharge. Trust may lease.
22. No lessee or occupier shall be allowed to transfer his lease to any other person or persons without first having obtained the sanction of the Trust in writing to such transfer. No lessee shall transfer his lease without sanction of Trust.
23. At the expiration of any term for which land may be leased, or rented from the Trust, in the event of the lessee or occupier being unwilling to enter upon a fresh tenancy or lease from the Trust, it shall be lawful for the Trust to appoint one valuer, and for the outgoing lessee or occupier to appoint another valuer, and the two persons so appointed shall proceed to value all permanent improvements upon the land, the lease of which has expired, that shall have been affected at the sole cost of lessee or occupier, and in the event of such valuers disagreeing as to the value of such improvements, some third impartial person shall be mutually chosen as umpire, whose decision shall be final, and all costs of such valuation shall be borne equally by the said lessee or occupier and the Trust. The land aforesaid shall then be publicly offered by the Trust, for lease or occupation, upon such terms and conditions as the Trust may deem expedient and subject to the provisions of section twenty-two, and any person applying for the lease or occupation of such improved land shall pay to the Trust, an amount equal to the value of the permanent improvements estimated as aforesaid, and this payment for improvements shall be paid to the outgoing lessee, less any expenses that may have been incurred in the transfer or valuation, and the said lessee shall give to the tenant a full discharge in writing upon receiving such payment. And in the event of his being unwilling to enter into a new lease, improvements shall be valued and he shall be paid accordingly.
24. Should there be no application to lease such land when publicly offered in the manner specified in section twenty-nine, then it shall be lawful for the Trust, after the expiration of three months from the date of its being first offered, to reduce the estimated value of the improvements to such an amount as the Trust shall decide upon, from time to time, and to publicly offer the lease again until the same be disposed of, but nothing contained herein shall bar or prevent the out-going lessee from again applying for such lease. Lawful for Trust, after expiration of three months, to reduce estimated value of improvements, and offer lease again.
25. 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 Trust may contract to supply water for a term of years.

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

26. 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 when 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.

27. No person supplied with water 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.

28. 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.

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

Right-of-way for water.

30. 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.

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31. Whenever 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.

5 32. In the sale of water, the Trust shall as far as practicable sell the water by measurement.

Water to be sold by
measurement.

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

Power to fix rates.

Recovery of rates.

34. The Trust may make by-laws in addition to those set out in the Second Schedule hereto—

Power to make
by-laws.

25 (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.

30 (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.

35 (f) To ensure *bonâ fide* settlement, improvement, and cultivation of land within the irrigation area, and all matters and things appertaining thereto.

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 proceedings whatsoever be sufficient evidence that such by-laws have been made, confirmed, and published as is herein required.

35. 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.

Balranald Irrigation.

PART IV.

Loans.

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

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

10 37. 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.

38. Whenever the Trust desires to raise money on loan for the construction of any works authorised by this Act the Trust shall
 15 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 after making such inquiries as may be deemed necessary submit
 20 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.
Application for Loans.
The Governor may grant Loans.

39. The aggregate amount of any loan raised by the Trust, together with the existing liabilities thereof, shall not at any time
 25 exceed one-half 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 of Loans.

40. When a sinking fund has been formed as hereinafter provided for the liquidation of any loan, the accumulated amount of such
 30 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.

41. Whenever the Trust has raised a loan under the provisions of this Act, a sinking fund shall be formed to liquidate the same at
 35 such rate, and in such manner as the Minister may, at the time of the granting or authorising of such loan direct.
Sinking fund for each loan.

42. The revenue derived from the sale of water, and the rates levied in pursuance of the provisions of section thirty-one shall be
 40 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 rates fixed by the Minister.
 (c) For the maintenance and management of the works of the Trust ; or
 45 (d) For the extension and development of such works.

43. Trust shall keep a separate account of every loan, and such
 50 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.

44. The Trust shall during the month of January in each year furnish under statutory declaration a return showing the mode of
 55 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.

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45. 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.

46. 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.

47. 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.

48. If by reason of the alteration of the boundaries of the irrigation area, any works or property other than land 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. 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 at the time belonging to or vested in such Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created.

Compensation for alteration of boundaries.

Governor may dissolve Trust.

PART V.

Offences and Penalties.

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49. 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 authorised by this Act.

Obstructing Trust Officers.

Interfering with marks.

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- (c) Deposits material or refuse of any kind within the bounds of any land resumed, or otherwise acquired, for any work authorised by this Act. Depositing material on land belonging to Government or to Trust.
- 5 (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 any 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
- 10 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.
- 15 50. 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.
- 20 51. 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 authorised distribution thereof, or uses such water in an unauthorised 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.
- 25 52. 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."
- 30 53. 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 persons or body, if any, injured by such person. Compensation to injured parties.
- 35 54. 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 effect the concurrent liability to punishment for the said offence under the terms of this Act. Offenders liable to pay compensation as well as penalty.
- 40 55. 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.
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THE FIRST SCHEDULE REFERRED TO.

- All that piece or parcel of land in the Colony of New South Wales, county of Cairn and parish of Balranald, area about two thousand acres: Commencing at the north-west corner of the permanent common of one thousand four hundred and sixty-four acres, dedicated twelfth January, one thousand eight hundred and eighty-three; and bounded thence on part of the east by part of the western boundary of that common bearing south about one hundred and ninety-six chains seventy-four links to a point east of the north-east corner of portion nine of ten acres one rood; on part of the south by a line west to that corner by the northern boundary of that portion, the northern boundaries of portions ten, eleven, and twelve of ten acres one rood each, and a line in all bearing westerly about forty-two chains to the eastern boundary of the suburban lands at Balranald, as proclaimed in the *Government Gazette* of twenty-second February, one thousand eight hundred and eighty-eight; on part of the west by part of that boundary bearing north about one hundred and one chains to the north-east corner of those suburban lands; on the remainder of the south
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- by

Balranald Irrigation.

by the northern boundary of the suburban lands aforesaid bearing west one hundred and fifty chains to the north-west corner of those suburban lands, being a point north of the north-east corner of portion fifteen of two hundred and ninety-two acres one rood; again on part of the west by a line bearing north about ninety-eight 5 chains to a point west of the north-west corner of portion one hundred and twenty of three hundred acres, dedicated for a racecourse, twenty-first May, one thousand eight hundred and ninety-two; on part of the north by a line bearing east about one hundred and five chains to that corner; on the remainder of the east by the western boundary of that portion bearing southerly fifty chains to its south-west corner; again on part of 10 the north by the southern boundary of that portion bearing easterly sixty chains to its south-east corner; and on the remainder of the west by the eastern boundary of that portion bearing northerly fifty chains to its north-east corner; and on the remainder of the north by a line bearing easterly about thirty chains, to the point of commencement.

THE SECOND SCHEDULE REFERRED TO.

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By-laws and Regulations.

Not less than five acres and not more than forty acres shall be held by any one person.

No person under the age of eighteen years shall be allowed to lease land, and no married woman shall be allowed to lease land in her own right, separate from her husband.

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Any land leased or rented from the Trust shall be substantially fenced by the occupier within twelve months from date of occupation.

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Permanent improvements to the value of at least two pounds per acre shall be effected upon all holdings within three years from the first occupation of the same; this includes value of fencing, and improvements to the value of another two pounds per acre shall be made within the next ensuing two years, that is five years from date of occupation.

Within two years from occupation one-third of the area occupied shall be put under cultivation, and within three years from date of occupation, at least one-half of the area shall be put under cultivation; and after that date, at no time during occupation, shall less than this area be kept under cultivation.

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An inspector shall be appointed by the Trust to see that all conditions and improvements are faithfully carried out.

[9d.]

