

RIGHTS IN WATER AND IRRIGATION.

9° GEO. VI., No. III.

No. 3 of 1945.

AN ACT to amend the Rights in Water and Irrigation Act, 1914-1941.

[Assented to 18th October, 1945.]

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

1. This Act may be cited as the *Rights in Water and Irrigation Act Amendment Act, 1945*, and shall be read as one with the Rights in Water and Irrigation Act, 1914-1941 (No. 19 of 1914 as reprinted pursuant to the Amendments Incorporation Act, 1938, in Volume 2 of The Reprinted Acts of the Parliament of Western Australia), hereinafter referred to as the principal Act. Short title-

Amendment
of s. 15.

2. Section fifteen of the principal Act is amended as follows:—

(a) By deleting subsection (5) and inserting in lieu thereof a subsection as follows:—

Powers of
Minister.

(5) (a) The Minister after such inquiry into the subject matter of the application and of any objections thereto as he thinks proper to direct may refuse the application or, subject to the approval of the Commissioners, may grant the application either wholly or in part.

(b) Where the Minister grants the application he shall issue to the applicant a special license, in the prescribed form in respect of the land and user of the water specified in the application or of so much of such land and water as the Minister thinks fit.

(c) Such special license shall be subject to such special conditions and provisions as the Minister with the approval of the Commissioners shall determine, and to the provisions of this Act so far as the same are applicable thereto, and to the further condition that, notwithstanding that such special license is expressed to be for a period of ten years, it may be determined or modified at any time in the event or manner hereinafter prescribed.

(b) By deleting from subsection (7) the words “to recommend the Governor” in line eleven of the said subsection.

(c) By deleting from subsection (7) the words “such recommendation to the Governor and the Governor may thereupon make” in lines sixteen and seventeen of the said subsection.

(d) By deleting from subsection (7) all the words contained in the last four lines of the subsection, and inserting in lieu thereof words as follows:—“If such order is made in the interests of the public the Minister may recommend to the Governor payment to the

licensee by way of compensation of such amount out of the Consolidated Revenue Fund as to the Minister seems equitable, and if the Governor approves of such recommendation effect shall be given thereto accordingly.”

3. A section is inserted in the principal Act after section thirty-nine as follows:— New section.

39A. If any person shall take water from any water supply, which in accordance with section thirty-nine of this Act the Minister has appropriated for irrigation, in any quantity or in any manner or by any means not authorised or not permitted by this Act or to which he is not entitled he shall be guilty of an offence. Unlawful taking of water an offence.

Penalty—One hundred pounds or imprisonment for twelve months.

4. A section is inserted in the principal Act after section seventy-nine as follows:— New section.

79A. A certificate under the hand of the Minister that any specified dam, drain, channel, pipe or other work is included as portion thereof, in any works within the meaning of this Act (whether such works were constructed prior or subsequent to the commencement of this section) shall, for all purposes and in all courts be sufficient evidence of the fact as stated in such certificate. Proof of works.

5. The principal Act as amended by this Act may be cited as the Rights in Water and Irrigation Act, 1914-1945. Citation of principal Act as amended.