

## APPENDIX.

## PUBLIC WATERING PLACES ACT.

ACT, No. 17, 1900.

The Public Watering Places Act came into force in 1884, and was consolidated in 1900. It is administered by the Minister for Public Works, and authorises the construction by the Crown of tanks, dams, wells, or other works for the storage of water adjacent to any roads, or upon reserves. These tanks or other works when complete, may, together with a certain area of crown land, known as the tenant's lease, which has been specially set apart for that purpose, be leased by auction or tender for any term not exceeding five years. The practice of the Department is to lease by tender for periods of three years. Tenderers are given the option of offering a rental or stating the lowest sum for which they are prepared to take charge of the Public Watering Places; and if an offer of rental is not forthcoming, an agreement may be entered into with the lowest tenderer to work the place at an annual subsidy, and the person so agreeing is termed a *collector*. The lessee or collector is entitled to retain for his or her own use the fees which they are authorised to collect for the sale of water, and may cultivate or otherwise profitably use the area included in the lease or agreement. The area must not be sublet without the sanction of the Minister, and sheep must not be agisted thereon.

Any permanent improvements made by the tenant, such as buildings or fencing, to the erection and value of which the approval of the Minister for Public Works has first been obtained, may be paid for by the Crown on termination of the lease or agreement, less 5 per cent. for depreciation. During the term of his lease or agreement, the tenant is responsible for the repair and upkeep of the works and appliances in his charge, and must reside upon or in the immediate vicinity of the Public Watering Place, and at all times during daylight be accessible to persons requiring water.

When the surrounding conditions make such a course preferable, as, for instance, when the Public Watering Place supplies a village or small settlement, the work may be placed in charge of trustees for any period not exceeding three years. The trustees must collect fees in accordance with a scale to be approved by the Minister, and must apply same to the maintenance of the work and the payment of a caretaker, who must reside upon or near the Public Watering Place. Any surplus remaining must be paid into the Treasury. In other cases, a caretaker is appointed by the Crown at a weekly wage. Any member of the travelling public may obtain water, if available, at any of these watering places upon payment of the fees set out in the scale of charges, which the tenant is required to exhibit in a conspicuous position, and these fees must not be exceeded. Travelling stock may camp at the watering place for not more than twenty-fours, unless by special permission from the Minister, or under stress of weather.

Although the public watering places are usually solely for the use of travelling stock and road traffic, yet in time of necessity neighbouring settlers may, with the approval of the Minister, obtain water for their local stock or domestic requirements, at such rates as may be agreed upon with the tenant, but not exceeding those set out in the scale of charges. Persons in charge of travelling stock requiring water must produce a drover's permit or travelling statement, and are liable for a penalty for not so doing. The charges authorised by the Act are as follow:—Horses, cattle, camels, and dromedaries, one penny per head per drink; sheep, per hundred or portion of hundred, one shilling a drink; and goats and pigs, one farthing per head per drink. For water supplied in bulk the maximum rate is sixpence per hundred gallons.

ARTESIAN WELLS ACT.  
ACT, NO. 41, 1897.

The Artesian Wells Act was passed in 1897, and is administered by the Minister for Public Works. Under its provisions groups of settlers are enabled, subject to certain conditions, to obtain the assistance of the Government in securing for their lands the many benefits to be derived from an artesian well, from which otherwise they might possibly be debarred by the heavy outlay involved in its construction. It is conceivable that in any group of settlers one or more may be reluctant to join in with and share the liabilities proposed to be assumed by the others, and that the land of the unwilling settler or settlers may be in such a position as to effectually prevent the distribution of the water by drains from the proposed well to some of the other settlers. In such a case, unless provided for, it would have been possible for an apathetic or malicious individual, by refusing to join with his neighbours, to create a serious obstacle or even to frustrate their attempt to secure the construction of a well and drains to benefit their lands. Section 1 provides for such a case. Under that Section a "district" may be proclaimed, within which, provided the requirements of the Act, as described below, are fulfilled, all persons are bound to contribute and become participants in the scheme. The procedure is as follows, and although the Act appears to cast the initiative upon the Minister, the proposal in fact invariably originates from one or more of the settlers affected, and it will be seen that no proposal can be carried to completion without the active co-operation of the majority of those concerned. As the first step, the Minister publishes in the *Government Gazette* a proposal to construct an artesian well. The notification describes the site of the proposed well, and includes an estimate of the cost. The Minister then requests the local Land Board to report upon the area which can be benefited by the well. The Land Board obtains the necessary information to fix the limits of a district, and then forwards to the Minister a report describing the land which, in its opinion, can be benefited and which should be included in a district to be constituted in respect of the proposed work. The Minister may then notify the area so described to be a "district" within which the charges authorised by the Act may be levied. The Act does not provide for any alteration or addition to any "district" after its proclamation. At this point the proposal is liable to collapse, for nothing further can be done by the Crown until a petition in favour of the "proposal of the Minister," signed by at least two-thirds of the total number of occupiers, who must also own or occupy more than two-thirds of the total area of land within the district, is presented to the Land Board. The Board may then report recommending that the work be carried out, and thirty days after receipt of that recommendation, the Minister may carry out the works if funds are legally available for that purpose. From this description it will be seen the action involved under this Section is tedious, and, unless necessary, it is seldom made use of.

Section 2 is most frequently used, and provides that "if the owners, occupiers or mortgagees of any lands, in writing, request the Minister to construct an artesian well, and consent to pay any charge which may be levied in respect of same," the Minister may, if he approve, construct the well and such channels and drains as he may think fit. This section is regarded as not applicable, except, perhaps, under special circumstances to the case of a single owner, although he may hold a large area, and may undertake to pay all lawful charges. The number of holdings and the area comprised in the different groups vary very considerably. The "work" carried out by the Crown, if the proposal or request is approved, consists of sinking and casing the bore, supply and fitting valve to casing, construction of an arating or cooling tank into which the water from the bore is delivered, drains or fluming by which the water is carried to each of the properties concerned, and regulators by which the flow is apportioned to each length of drain. The cost of the work varies according to the depth of bore, length of drains and situation. The deepest bore in the State is 4,086 feet, and the greatest length of drains included in any one scheme is over fifty miles.

The well and other works, when completed, become virtually the property of the group of settlers concerned, who take charge of the constructed work, and are required to maintain in good repair and efficient condition each such portion of the work as is situate upon his land. The bore itself is always upon Crown land, the site, if necessary, having been resumed before construction.

On completion of the work, the date of which must be notified in the *Government Gazette*, whether under Section I or II the Land Board assess the benefit derived by each property, and the amount to be paid by each occupier. The total of the charges so assessed is limited to six per cent. on the cost to the Crown of the entire work. The charges commence to run from the date upon which the water is made available to the settlers, and are made by the Act a charge upon the land, recoverable in any court of competent jurisdiction. If the bore is unsuccessful the Crown bears all cost.

Penalties are provided for damaging any work or for obstructing or diverting the flow of water in any channel or drain constructed under authority of the Act.

All petitions, requests or consents referred to in the Act must be upon the forms prescribed in the regulations.

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## WATER RIGHTS ACT.

ACT, No. 51, 1902.

The Water Rights Act came into force in 1896, and was consolidated in 1902. It is administered by the Minister for Public Works.

On the passing of this Act, the right to the use and the control of all streams, whether perennial or intermittent, flowing in a natural channel, through or past the land of two or more occupiers, and of all lakes, swamps, lagoons or other sheets of still water, whether permanent or temporary, situate within or fronting the land of two or more occupiers, passed from the owners or occupiers of the said land and became vested in the Crown; subject, however, to the reservation that the said occupiers shall have the right to use the water on their frontage for domestic or stock purposes, or for gardens up to five acres in extent, without the necessity for obtaining a license for any work used solely for those purposes. Rights granted under the Mining Acts on any public or private statute are also preserved.

Sections 8 and 9 provide for the carrying out of works by the Crown, the formation of "districts" benefited by such works, the assessment of charges for benefits accruing to the properties within the "district," and the payment of charge by the persons benefited. The procedure is somewhat complicated, and is as follows: The Governor notifies by proclamation in the *Government Gazette* a proposal for the construction of a dam, lock, weir, channel or drainage work, as the case may be, to be constructed by the Crown, together with an estimate of cost. This notification is followed by the gazettal of the boundaries of a "district," the land within which will, in the opinion of the Local Land Board, be benefited by the construction of the proposed work, and within which water or drainage charges may be levied. It is then necessary that a "two-thirds majority" of the occupiers, who must also occupy an area exceeding two-thirds of the total area within the proclaimed district, petition the Land Board, on the proper form, to carry out the proposed work. In default of this petition the proposal lapses. On receipt of the petition, the Land Board may report to the Minister, recommending that the work be carried out, and after the expiration of thirty days from receipt of the Board's recommendation, the Minister may carry out the work with funds legally available. On completion of the work, the Land Board, by direction of the Minister, assesses the charges to be paid by each individual occupier, and the aggregate of these charges must not exceed six per cent. on the total cost of the work. The charges commence from the date of completion of the work, which must be advertised in the *Government Gazette*. The assessment takes place in open court, and the persons affected may attend and give evidence on their own behalf. On the petition of persons liable to pay one quarter of the total assessment, the Land Board must make a fresh assessment.

Section 10, and succeeding sections, provide for the granting of licenses to private individuals. Under Section 10, any person being in actual occupation of the site of a proposed work, may, on the forms prescribed, make application for a license. The application should be forwarded to the Minister for Public Works, who will then advertise its receipt, together with a date and place at which a public inquiry will be held as to the advisability of granting the application. These inquiries are now invariably held by the local Land Board, and any person affected by the application may attend and give evidence for or against the

granting of the application. Any person aggrieved by the finding of the Board may appeal to the Land Appeal Court within twenty-eight days of the date of such finding. The finding of the Board is published in the *Government Gazette*, and, after the expiration of thirty days from the date of publication, the Minister shall, where the Board recommend the granting of the application, and provided no appeal is pending, issue a license for such period not exceeding ten years as he may think fit, subject only to such conditions, if any, as may be embodied in the Board's finding. The applicant is notified by the Minister of the term for which it is intended to grant a license, and the amount of the fee which has been calculated as prescribed by the Schedule to the Act, and this fee must be paid in every case before a license can issue. If, therefore, as has sometimes happened, the applicant neglects to pay the fee and obtain a license, the work, if already constructed, exists, notwithstanding the recommendation of the Land Board, at the owner's risk and liability, and would possibly be held to be an illegal obstruction or interference with the flow or supply of water, and as such to be subject to the penalties provided in the regulations.

Section 14 provides for joint applications by two or more occupiers, as for instance persons on opposite sides of a stream who desire to construct a dam.

Section 18 secures to the holder of a license quiet enjoyment, and the sole and exclusive use of the licensed work as against all persons, including the Crown, and Section 22 provides that any person maliciously interfering with any licensed work, with intent to destroy or render it less useful, shall be liable to imprisonment for a term up to five years. Section 19 enacts that the holder of a license may apply for an amended license to cover any proposed alteration in the licensed work, but may not otherwise materially alter the work under a penalty not exceeding £100 and cancellation of license, unless the alteration is caused by any sudden or unforeseen emergency. Section 20 authorises the Minister and his officers to enter any land for the purposes of survey, etc., and provides a penalty for interference with the marks made in course of survey. The scale of charges fixed by the Act varies according to the conditions or permanency of the supply. The maximum charge is £2 for every 750 or part of 750 gallons of water per minute diverted by pump, channel or other means up to and including 37,500 gallons per minute, and above that quantity £4 for every 3,750 gallons or portion thereof. The fee for a dam or floodgate for drainage purposes is £1. The one fee, in every case, covers the entire term of license, and is not an annual charge. Licenses are subject to renewal for terms not exceeding ten years.

The regulations provide penalties for pollution, obstruction of or interference with the water in any stream or lake, and for causing trees, branches of trees, or debris of any kind to fall into any stream or lake, and also prescribes the various forms to be used under different sections of the Act.

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## WATER AND DRAINAGE ACT.

ACT No. 93, 1902.

The Water and Drainage Act passed last Session is administered by the Minister for Public Works, and authorises the expenditure of £200,000 annually for a period of five years on works of water supply, water conservation, irrigation or drainage, and provides for the constitution of Trusts in certain cases to administer same.

In Section 2 is described the personnel of a Board appointed for the purpose of reporting upon certain of the works proposed to be carried out under this Act. The Board consists of the Under Secretary for Public Works, five heads of branches, and another officer appointed by the Governor, all of the same Department, and when the work is situate in the Western Division of the State, the Western Land Board is included.

Section 3 provides for raising in the year 1902 and in each of the next four succeeding years a sum not exceeding £200,000 by the sale of debentures or inscribed stock, either in Sydney or London.

Section 4 empowers the Minister to carry out any work of water supply, water conservation, irrigation or drainage which has been proclaimed a "State work," with funds provided under this Act; such work to be carried out, and, if necessary, extended under and subject to the provisions of the Public Works Act, 1900, and may be maintained and administered as the Minister thinks fit.

Section 10 authorises the appropriation of certain funds raised under this Act for the purpose of carrying out works under the Public Watering Places Act, 1900, or the Artesian Wells Act, 1897. Any work (within the meaning of the Act) which was under construction at the time of passing of the Act, may be completed with funds obtained under this Act, and a trust in respect of same, or in respect of an already completed work, under the Minister's immediate control at the commencement of the Act constituted in the manner provided for new works.

Section 5. Where the estimated cost of any work for the conservation (or storage) of water does not exceed £5,000, the work may be carried out at the option of the Minister, and may be maintained and administered as he may think fit, provided only that where the estimated cost exceeds £500, the proposal must be referred to the "Board" for report. No charge can be made for water supplied to travelling stock from these works. All other works under this Act, that is, works of water conservation whose estimated cost exceeds £5,000, works of water supply, of irrigation or of drainage are subject to the Trust provisions of the Act.

The procedure is as follows: A proposal for the construction of the work, and the constitution of a Trust for the purpose of maintaining, administering or extending same, must be notified in the *Gazette* and in a local newspaper. The notification must state the purpose of the proposed Trust, the rate of interest which shall be paid by the Trust to the Crown, the charges to be paid by the Trust for water supplied by the Crown, and the conditions of such supply, the maximum rate which may be assessed by the Trust, the number of trustees (limited to three or five), and the number of years in which the cost of the works shall be extinguished by a sinking fund.

The maximum rate of interest to be paid by any Trust is limited to four per cent. on the actual cost of the completed work, or on the estimated cost plus ten per cent. whichever may be the lesser amount.

The persons affected by the proposal, *i.e.*, those owning or holding under lease from the Crown land within the boundaries of the district, have the right to petition the Minister against the proposed work, and such petition must be presented within eight weeks from date of notification of the "proposal," and must be signed by one-third ( $\frac{1}{3}$ ) of the persons owning freehold land, or leasing Crown land within the district. If such a petition is received, the Minister must refer the matter to the Board for inquiry and report. For the purposes of the inquiry, the Board has power to subpoena witnesses and take evidence upon oath, and the witnesses will be allowed expenses on the same scale as in District Court cases.

Section 9. If the Board reports in favour of the "proposal," the Governor may constitute the Trust, with any modification of the proposal the Board may recommend. If no petition is received, the Trust may be constituted as proposed, or with such modifications as the Minister may think fit. The constitution of the Trust must be notified in the *Government Gazette* by the Minister, and upon such notification the conditions of the proposal with modifications, if any, shall be binding, and the Minister may carry out the work described.

Section 13. The completion and the actual cost of the work must be notified in the *Government Gazette*, and the Trust thereupon assumes control and takes over the management of the work, and from that date all interest and charges payable by the Trust commence.

Section 14. Any additional area may be included in a Trust district, if approved by the Board, after the Trust shall have been given an opportunity of expressing its opinion, if petitioned for by two-thirds of the owners or lessees of Crown lands within the area proposed to be added.

Section 15 provides for the appointment of trustees. If the land within the Trust district is unoccupied Crown land, the trustees are to be appointed by the Minister until half the land in the district is occupied by persons liable to pay rates to the Trust. In the latter, and in all other cases, if the trustees are three in number, one shall be appointed by the Minister; where the number is five, two shall be appointed by the Minister, the remainder in each case being elected by the ratepayers. When the district is in the Western Division of the State, the Western Land Board shall be sole trustee.

Section 16. Trustees are elected for three years, and hold office till their successors are appointed.

Section 17. For the purposes of the first election in any district, the roll of voters shall be prepared by the Minister, and only those persons whose names appear on the roll shall be qualified to vote.

Section 18. For subsequent elections the roll shall be prepared by the trustees and revised by the police magistrate having jurisdiction within the district, before whom any person objecting to the omission or inclusion of any name may appear and be heard.

Section 21. The date of election and polling-places are to be appointed by the Minister and notified in the *Government Gazette* and a local newspaper.

Section 19 determines the voting power of occupiers. In the case of drainage or irrigation works, persons who occupy an area not exceeding fifty acres have one vote; exceeding fifty, but not exceeding 300 acres, two votes; and exceeding 300 acres, three votes. Where the work is for domestic or stock purposes, the occupier of not more than 2,000 acres shall have one vote; if more than 2,000 but not exceeding 10,000 acres two votes, and if more than 10,000 acres three votes.

Section 20. With the exception of persons who have been convicted of a criminal offence, any person entitled to vote is eligible for election as trustee.

Section 25. The interest and charges due by the trustees to the Crown must be paid at fixed times into the Treasury, and the trustees must also make provision for a sinking fund. They must maintain the works in efficient condition, and must fix and levy rates to provide for such maintenance and payments, and they may, with the sanction of the Minister, appoint such officers and servants as they may require.

Section 27. The rates which the Trust may levy are limited in the aggregate by notification constituting the Trust (*see* Section 7), and may vary in proportion to the benefit received by the individual, occupiers or owners. They are subject to appeal to the Police Magistrate. Where the supply is for domestic purposes, the rate is per tenement; where the supply is for stock purposes, down a natural channel, the rate is per mile, and in other cases the rate is per acre.

Section 32. Any ratepayer may, for the purpose of draining his land, and with the approval of the trustees, make and maintain drains through any adjacent or neighbouring land, provided full compensation is made by the ratepayer or trustees for any damage done. This compensation shall be assessed by the Board at a one-fifth above the value of the property affected, and, after assessment, may be recovered in any court of competent jurisdiction. The Minister and the trustees may construct and maintain any conduit through any land, street or road.

Section 26 gives the trustees power to enter any land within the Trust District for purposes of inspection or survey, or to effect repairs or alteration to any work.

Section 29 provides for the extension or improvement of any work, or for increase in the quantity of water supplied by the Crown to a Trust. An estimate of the cost involved, and a statement of the additional interest and charges which would become payable by the Trust in respect thereof is furnished by the Minister. This must be submitted by the trustees to the voters in the district at a Special Meeting, of which at least fourteen days' notice shall have been given. If the trustees then intimate to the Minister that the meeting has approved of the estimate and statement, he may proceed with the work or increase the supply of water, as the case may be. On completion of the work, or increase in the supply of water, a notification of same is sent to the trustees, and is published in the *Government Gazette*, and the additional interest and charges to be paid by the trustees, in respect of the work or water, shall commence to run from that date.

Section 30 authorises the Minister or his officers to at any time enter upon any part of a trust district for purposes of survey or inspection of works or records and accounts, and to cause such repairs as may be necessary to be made at the cost of the Trust. If he thinks sufficient cause exists, the Minister may dissolve a Trust, remove trustees, appoint the election of other trustees, or appoint a manager of the affairs of a Trust.

Section 12. Where any work under this Act interferes with any right granted under the Water Rights Act, 1902, or any other Act, and where the unexpired term of the right or license does not exceed five years, six months' notice of his intention to carry out the work must be given to the licensee by the Minister; and where the unexpired term exceeds five years, twelve months' notice must be given.

Section 33 provides a penalty not exceeding £20, or in case of a continuing offence, not exceeding £5 a day for interference with works, for interference with or obstruction of trustees, for destroying, injuring, etc., any mark fixed by trustees, for use of water from the works, otherwise than in manner and at times prescribed, or for obstructing the flow, or polluting any water under control of a Trust, or for any breach of the Act.

Section 34 provides for the making of regulations by the Governor, and Section 35 for the making of by-laws by the trustees with the approval of the Governor.

## DRAINAGE PROMOTION ACT.

## ACT No. 31, 1901, AND No. 28, 1902.

The Drainage Promotion Act was passed in 1865, and was consolidated in 1901. It is now administered by the Minister for Public Works, and provides for the formation into unions, for purposes of compulsory drainage, of the owners of lands permanently under water or liable to inundation, whether such inundations be caused by sea-tide, river or flood. After the union has been established under some distinctive name by proclamation in the *Government Gazette*, the members may be compelled at law to drain the land held by the members of the union, and to keep it drained. The cost of the work, and the expenses of the Government, if any, are defrayed by contributions levied upon the members, which contributions are based upon the increased value to the holdings due to the drainage. This increased value is determined by a sworn appraiser, or by a jury of ten, under direction of a District Court Judge. The affairs of the union are managed by a Board of Directors elected by the members. The Board has power to collect rates by levy and distress. Any Union may be dissolved upon the petition of not less than one-third of the members who must also represent not less than one-third of the value of the holdings. The provisions of the Act are as follow :—

Section 4. Any one or more of the owners of land which is permanently under water, or liable to inundation, may present a petition to the Governor, describing, as accurately as may be, the land and its boundaries, the nature and cause of the accumulation of water, the names of all the owners of the land, including the Crown, and the areas held by each, and praying that all the owners of the land so described, excepting the Crown, be constituted a union for the purpose of compulsory drainage under the Act.

Section 5. The petition may then be published by the Government in the *Gazette*.

Section 6. If other owners of land within the area described, to the number of one-fifth, present a counter-petition, or for any other reason, the Governor has power to direct an examination of the land and a report as to the statements in each petition, to be made by some competent person. In which case the original petitioners must pay into the Treasury a sum sufficient to cover the estimated cost of the examination and report. If the original petition is refused, the money so paid, or the balance remaining after the examination has been made, shall be refunded.

Section 7. If the petition is not refused, the Governor may, after the lapse of two months from the date of its publication in the *Gazette*, declare the then owners of the land described in the petition and their successors (the Crown excepted) to be a drainage Union, for the purpose of draining and keeping drained the said land. All owners within the Union are then "compelled by mandamus at the instance of any one or more of such owners, or of the Crown, if holding land within the tract, or of any person interested in the land, to drain."

Section 17, "and to keep drained the land accordingly." Within one year of its establishment every Union must publish in the *Gazette* a plan of the proposed drainage works, showing full particulars of position, dimensions, and other material information, and must supply tracings of the plan for public reference to the Minister for Public Works and the District Court Registrar. A similar plan must be published, and tracings supplied every half year showing intended additional drainage.

Sections 8 and 9. The contributions or rates to be paid by the members of the Union are based upon the increased value accruing to the holdings by reason of the drainage. This value is assessed by a sworn appraiser appointed by the Governor. The appraiser is to be paid according to a scale of fees fixed by the Governor and published in the *Gazette*. If any owner objects to this mode of assessment in writing addressed to the Minister, the assessment shall then be made by a jury of ten persons, not members of the Union, under direction of the District Court Judge. The verdict of a majority of the jury is final. The cost of this method of assessment to be borne by the owner previously objecting.

Section 12. For purposes of voting at any meeting or election of the Union, every member has one or more votes as follows: If the increased value accruing

to his property is less than £50, he shall have one vote; if £50, and less than £100, two votes; if £100 and less than £250, three votes; if £250 and less than £500, four votes, and if £500 and upwards, five votes.

Section 10. The voters shall elect a Board of Directors, not less than three nor more than seven, and two auditors annually, at a general meeting convened by a notice published by the Minister in the *Gazette* and a local newspaper. The Directors choose one of themselves as chairman, and as a Board manage the affairs of the Union.

Section 13. The Board has power to appoint such officers and servants as they consider necessary, and in the name of the chairman may make contracts, and sue and be sued on behalf of the Union.

Section 14. Within three months after their election, and in every subsequent year, the Board must cause an estimate to be made of the amount required for maintenance of drains, tanks, engines, &c., connected with the Union for the then calendar year. The amount so estimated is to be raised by an assessment not exceeding ten per cent. on the increased value to the holdings accruing from the works. The occupier of the land is responsible for the payment of the rates, and provision is made whereby he may recover from his landlord a fair proportion of such rates.

Section 15. Every person, including the Crown, holding land within the Union must pay annually to the Board a rate not exceeding twenty per cent. of the increased value of the land within thirty days of receipt of a notice so to do, signed by the Chairman of the Board, or after publication of such notice in a local newspaper. [Act 23, 1902, Section 2.] In default of payment, the Chairman may recover same by distress, or in a summary way before two justices. The rates are subject to appeal to the nearest Court of Petty Sessions.

Section 16. The appellant must give seven days' notice to the Chairman of the Board of his intention to appeal.

Section 18. A correct statement of accounts, certified by the Chairman and Auditors, must be published half yearly by each Union, twice in the *Gazette*, and, if the Crown is a holder, a statement must be forwarded to the Minister.

Section 19. At any reasonable time any member of the Union may examine any drain, constructed by the Union, but shall be answerable for any damage caused by such examination.

Section 20. With the sanction of the Governor any Union may borrow on the security of its property or revenue any sum not exceeding the estimated revenue for five years.

Section 22. Any Union, if free from debt, may be dissolved by the Governor at the petition of not less than one-third of the members, who must also hold land to the value of at least one-third of the total value of holdings within the Union, after the petition has been published in the *Gazette* and a local paper for two months, and provided a stronger counter-petition has not been received.

Section 23. Any owner who constructs a drain whose outlet is sufficiently low to injure or endanger other property, must fix a floodgate sufficient, when closed, to prevent injury to any other land, under liability to a penalty not exceeding £100, and to a further penalty not exceeding £20 for every week after the imposition of the first penalty during which he neglects to fix such gate.

Section 26. A penalty is also provided, not exceeding £20, and not less than £1 for wilful injury to any work connected with this Act.

Section 21. The period during which actions or proceedings can be taken by the Union under this Act against any person is limited to twelve months from the date of the cause of action.

Section 27 gives power to any Union or any owner for the purpose of draining *land under the Act*, to make drains through any adjacent land, but full compensation shall be made to the owner of this land for any damage occasioned thereby. The amount of compensation to be settled by arbitration in the manner provided by the Act, and shall be assessed at one-fifth above the value of the land affected at time of injury.

Section 24. If two or more owners at mutual expense and for mutual benefit have cut a drain, not being within a Union, and such drain, in the opinion of any of the owners, requires cleansing or repair, he may give the other owner or owners fourteen days' notice to effect such cleansing or repairs. If the others

neglect or refuse to comply, he may enter the land and cause the necessary repairs to be effected, and may recover a pro rata share of the cost before any Court of Petty Sessions, provided the Court is satisfied of the necessity for the work.

Section 28 deals very completely with the appointment and proceedings of arbitrators.

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ACT 44, VICT. No. 14, 1880.

ACT 51           "           18, 1887.

ACT 57           "           19, 1894.

The Country Towns Water and Sewerage Act provides *inter alia* for the construction, maintenance and management of works for the supply of water to municipalities and boroughs situate entirely outside the County of Cumberland.

The Act of 1880 is divided into five parts.

PART I authorises any Council (within the meaning of the Act) wishing to construct works of Water Supply to submit plans, sections, estimates, etc., to the Governor, together with a statement showing the then existing charges upon the revenues of the Council, and if the Governor approves of the proposal, and notifies such approval in the *Gazette*, the Council may then borrow or raise money by the sale of debentures at five per cent., with a currency of not more than thirty years. These debentures are guaranteed by the Consolidated Revenue of the State. The amount which may be so raised is limited to five times the gross amount of rates collected in the preceding municipal year. Such money can only be raised for and applied to the construction of permanent works of water supply (or sewerage). The Council may also, subject to the approval of the Governor, acquire, purchase, lease, sell or exchange land required for the purposes of such work. This part also determines the limits within which rates in respect of water supply may be fixed. The maximum rate is fixed at five per cent. on the assessed ratable value of any house or land, the minimum rate is ten shillings per annum.

PART II gives the Council the power to carry out all works necessary for the construction of any approved work of water supply, and to enter any land, and to do all things necessary in connection with such construction. The rights of property owners are protected, and provision made for compensation where unavoidable, or other damage is occasioned. Penalties are provided in this section for interference with any work or property of the Council connected with a work of water supply; for obstructing any officer or workman employed by the Council on such work; for diverting or polluting the water, or for improperly or without authority using the same, etc.

PART V—Under Part V works for Water Supply sanctioned by the Governor may be carried out by the Minister for Public Works with money provided by Parliament for the purpose. When the work is completed, the date of such completion is notified in the *Gazette*, and the Council for which the work has been constructed, then assumes control and management.

#### ACT 57, VICT. No. 19.

The total cost of the work, including interest at the rate of three-and-a-half per cent calculated in the manner prescribed, is notified by the Minister in the *Gazette*, and at once becomes a charge upon the revenues of the Council, until it, together with interest at the rate of three-and-a-half per cent. is extinguished by annual payments extending over a period not exceeding 100 years to be fixed by the Governor.

#### ACT 51, VICT. No. 18.

The Country Towns Water and Sewerage Act Extension Act of 1887 provides for the extension of certain of the provisions of the Act of 1880 to permanent works of water supply constructed by a Council independently of the provisions of the latter Act.

Other Acts, such, for instance, as the Hunter District Water Supply and Sewerage Act, 1892, the Hay Irrigation Act, and the Wentworth Irrigation Act provide for water supplies for special purposes or districts.