

SOUTH AUSTRALIA

**THE RAMCO HEIGHTS IRRIGATION AREA ACT, 1963**

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 November 1991**.*

*It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.*

## SUMMARY OF PROVISIONS

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# **THE RAMCO HEIGHTS IRRIGATION AREA ACT, 1963**

being

The Ramco Heights Irrigation Area Act, 1963, No. 30 of 1963  
[Assented to 21 November 1963]

as amended by

Statutes Amendment (Irrigation Acts) Act, 1978, No. 28 of 1978 [Assented to 30 March 1978]<sup>1</sup>

<sup>1</sup> Came into operation 3 July 1978: *Gaz.* 29 June 1978, p. 2236.

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.*

**An Act to provide for the establishment of a private irrigation area called The Ramco Heights Irrigation Area near Ramco on the River Murray and for other purposes.**

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**Short title**

1. This Act may be cited as *The Ramco Heights Irrigation Area Act, 1963*.

**Definitions**

2. In this Act, unless inconsistent with the context or subject-matter or some other meaning is clearly intended—

"Lease" means a lease specified in the Schedule to this Act:

"Lessee" means a person named in the Schedule to this Act and includes an executor administrator or assignee of such a person:

"the Company" means Ramco Heights Proprietary Limited.

**Operation of Act**

3. This Act shall apply notwithstanding the provisions of the *Real Property Act, 1886-1961*, but shall not exclude the application of that Act or any other law as except insofar as it is inconsistent with a provision of this Act.

**Issue of titles**

4. (1) A Lessee and the Company may together apply in accordance with this section to the Registrar-General for the issue to the Company of a certificate of title for an estate in fee simple in the land or any part or parts thereof comprised in the Lease and specified in the Schedule to this Act.

(2) The application shall be in such form and shall contain such particulars as the Registrar-General may require.

(3) The boundaries of the land to be comprised in a certificate of title issued under this section shall be fixed by reference to a plan or plans approved by the Surveyor-General and deposited in the General Registry Office, Adelaide.

(4) If—

(a) the Company has paid to the Director of Lands an amount fixed as purchase money by the Land Board;

(b) the Company has paid such fees as the Director and the Registrar-General may require;

(c) the Lessee has produced the Lease to the Director; and

3.

- (d) the Registrar-General is satisfied that the land to be comprised in a certificate of title issued under this section is not affected by any underlease mortgage encumbrance charge lien or other interest,

the Registrar-General may, without regard to the form or procedure required by the *Crown Lands Act, 1929-1960*, the *Irrigation Act, 1930-1946*, or the *Real Property Act, 1886-1961*, but subject to this section, issue to the Company a certificate of title for an estate in fee simple in that land.

(5) A certificate of title issued under subsection (4) shall have effect in like manner as a certificate of title under the *Real Property Act, 1886-1961*, and the land comprised therein—

- (a) shall be subject to the provisions of that Act; and
- (b) if within the Waikerie Irrigation area, shall be excised therefrom and shall cease to be affected by the provisions of the *Irrigation Act, 1930-1946*, or any proclamation under that Act.

**Effect on leases**

5. (1) Where a certificate of title is issued under section 4 of this Act, the Minister shall cancel the Lease thereby affected, either wholly or only in respect of the land comprised in the certificate of title, as the case may require, and the cancellation shall be deemed to have effect as from the day of the issue of the certificate of title.

(2) Where a certificate of title is issued for a part or parts of the land comprised in a Lease, the rent payable under the Lease shall be reduced to such amount as is determined by the Land Board.

(3) For the purposes of this section the Minister may, by a certificate of alteration—

- (a) alter the Lease so as to excise therefrom the land comprised in the certificate of title; and
- (b) make any consequential alteration of, or addition to, the terms covenants and conditions thereof.

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**Ramco Heights Irrigation Area**

6. Where any land is vested in the Company pursuant to this Act, by force of this section—

- (a) the land is constituted a private irrigation area to be called "The Ramco Heights Irrigation Area"; and
- (b) the Company, while it remains the owner of the land, is constituted the board of management thereof under the name "The Ramco Heights Irrigation Board",

and the provisions of the *Irrigation on Private Property Act, 1939-1958*, shall extend in relation to the area accordingly.

### **Union of Golden Heights and Ramco Heights Irrigation Areas**

7. (1) Upon petition by The Golden Heights Irrigation Board and The Ramco Height Irrigation Board, the Governor may, by proclamation, unite The Golden Heights Irrigation Area and The Ramco Heights Irrigation Area as a single irrigation area to be called "The Golden Heights Irrigation Area", and the members of those Board shall constitute the board of management thereof.

(2) In the succeeding provisions of this section, references to The Golden Heights Irrigation Area and The Golden Heights Irrigation Board shall be read as references to that area and that board after the union referred to in subsection (1).

(3) If the Company acquires any land comprised in a Lease after the union of the areas referred to in subsection (1), the Governor may, upon petition by the Company and The Golden Heights Irrigation Board, by proclamation, add the land specified in the petition or any part thereof to The Golden Heights Irrigation Area.

(4) By a proclamation under this section or a subsequent proclamation, the Governor may fix any financial obligations to be undertaken by the Company or the Board presenting the petition for the proclamation, as the case may be.

(5) Upon a proclamation under this section, the land specified therein that is united as The Golden Heights Irrigation Area or added to that area, as the case may be, shall be subject to the provisions of the *Irrigation on Private Property Act, 1939-1958*.

### **Boards to carry out drainage works**

8. (1) A Board constituted under this Act shall carry out such drainage and other works as may be required by the Minister to prevent the flow or seepage of water from the irrigation area under the management of the Board to any land adjacent thereto.

(2) If the Board fails to comply with a requirement under subsection (1) within any period fixed by the Minister and to his satisfaction, the Minister may—

- (a) undertake any such work; and
- (b) recover from the board in any court of competent jurisdiction the cost of so doing.

(3) For the purposes of subsection (2), the Minister may exercise any powers conferred on a board of management under the *Irrigation on Private Property Act, 1939-1958*.

### **Board may lay pipes under roads**

9. (1) For the purpose of conveying water to or from its irrigation area, it shall be lawful for a board constituted under this Act to lay and maintain pipes under the surface of a road.

(2) If any such road is not within the irrigation area administered by the Board, the powers conferred by subsection (1) shall be exercised—

- (a) in the case of a road declared to be a main road under the *Highways Act, 1920-1960*—subject to such conditions (if any) as the Commissioner of Highways thinks fit; or

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(b) in the case of any other road—subject to such conditions (if any) as the district council of Waikerie thinks fit.

(3) In this section, "road" includes part of a road.

## THE SCHEDULE

Name and Description of Lessee.	Description of Lease.		Description of Land (Hundred of Waikerie).
	Lease No.	Crown Lease Register Book Volume and Folio.	
PART I			
IRRIGATION PERPETUAL LEASES			
(a) ROBERT ALFRED LEWIS, of Ramco, Fruitgrower	445-A	Volume 643, folio 41 .....	Block No. 293
(b) LAWRENCE CHARLES DARLING, of Ramco, Orchardist	( 445-B	Volume 643, folio 40 .....	Block No. 294
	( 444-A	Volume 770, folio 48 .....	Block No. 419
(c) HARRY PHILLIP ROGERS, of Ramco, Orchardist	444	Volume 771, folio 32 .....	Block No. 104
(d) KEITH LEWIS, of Ramco, Orchardist	443-B	Volume 1254, folio 30 .....	Section 105
(e) GEORGE EDGAR ELLIOT, of Ramco, Orchardist and LAUREL CATHERINE ELLIOT, his wife	) 442-B	Volume 1124, folio 1 .....	Section 498
	) 442	Volume 1123, folio 50 .....	Section 499
	) 434-A	Volume 613, folio 84 .....	Block No. 115
(f) CLIVE LEWIS, of Ramco, Horticulturist and MARY CATHERINE LEWIS, of Ramco, Widow	445	Volume 643, folio 42 .....	Block No. 103
(g) MARY FRANCES LILY JONES and ANNIE GABRIELLE MABEL JONES, both of Ramco, Spinsters	440-A	Volume 1249, folio 36 .....	Section 627
(h) GUIDO JOHN PIOVESAN, of Waikerie, Farmer	(1681	Volume 993, folio 29 .....	Sections 107B,
	(		116, 125 and
	( 853	Volume 667, folio 101 .....	125A Block No. 126

7.

PART II

MARGINAL LANDS PERPETUAL LEASE

(i)	COLIN MAXWELL ZIEGLER and LAURIE MALCOLM ZIEGLER, both of Ramco, Farmers	53	Volume 986, folio 30 .....	Section 450
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MISCELLANEOUS LEASE

(j)	LAWRENCE CHARLES DARLING, of Ramco, Orchardist	11966	Volume 1117, folio 24 .....	Section 463
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PERPETUAL LEASE

(k)	MAXWELL DUDLEY DARLING, of Ramco, Orchardist, and LINDSAY GORDON DARLING, of 140 Esplanade, Largs Bay, Postal Clerk	8521-A	Volume 668, folio 103 .....	Section 324
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The Leases specified in Part I are in the Waikerie Irrigation Area; those in Part II are not.

8.

**APPENDIX**

Legislative History

Section 5(4):

repealed by 28, 1978, s. 40

Section 8(1):

amended by 28, 1978, s. 41