



ANNO DUODECIMO

# GEORGII V REGIS.

A.D. 1921.

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No. 1496.

An Act to further amend the Irrigation and Reclaimed Lands Act, 1914, and to amend the Irrigation and Reclaimed Lands Act Further Amendment Act, 1919, and for other purposes.

[Assented to, December 7th, 1921.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the "Irrigation and Reclaimed Lands Act Further Amendment Act, 1921." Short titles.

(2) The Irrigation and Reclaimed Lands Acts, 1914 to 1919, and this Act may be cited together as the "Irrigation and Reclaimed Lands Acts, 1914 to 1921."

(3) The Irrigation and Reclaimed Lands Act, 1914, is herein- No. 1178 of 1914. after referred to as "the principal Act."

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

*Amendments.*

3. Section 8 of the principal Act is amended—

(a) by substituting for the words "improving and maintaining" in the third and fourth lines of subsection (1) thereof the words "and improving"; Amendment of principal Act, s. 8— Provision of moneys for reclamation and improvement of lands.

(b) by

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(b) by striking out the words “and shall be repaid to loan fund” in the third line of subsection (2) thereof; and

(c) by inserting after subsection (2) thereof the following subsection:—

(3) Such sums as are for the time being required for maintaining embankments shall be paid out of General Revenue, and the Governor may, without any authority other than this Act, pay all such sums to the Treasurer out of General Revenue.

Amendment of principal Act, s. 10 (2)—

Proclamation of irrigation areas may include embankments.

Repeal of s. 20 of principal Act, and substitution of new section.

Incorporation of certain provisions of Crown Lands Act, 1915.

4. Subsection (2) of section 10 of the principal Act is amended by substituting for the words “but shall not” in the third line thereof the words “and may”.

5. Section 20 of the principal Act is repealed, and the following section is substituted therefor:—

20. For the purposes of this Act all the provisions of the Crown Lands Act, 1915, which relate to the fixing and reduction of rents, to invitations for and the consideration, acceptance, or rejection of applications for leases, to the allotment of lands, and to the interpretation, preparation, execution, registration, transfer, transmission, and forfeiture of leases, in so far as such provisions are not repugnant to this Act, shall apply, *mutatis mutandis*, to leases of blocks and town allotments under this Act.

Repeal of principal Act, s. 21—

How rent determined.

6. Section 21 of the principal Act is repealed.

Amendment of principal Act, s. 22—

Payment of rent. Sliding scale inapplicable where block in full bearing.

7. Section 22 of the principal Act is amended by inserting after subsection (2) thereof the following subsection:—

(3) Notwithstanding the provisions of subsection (1) of this section, if the Minister, after having obtained a report on the matter from the Land Board, is of opinion that any block which is to be offered on perpetual lease is in a complete state of cultivation and in full bearing, he may direct that the provisions of the said subsection (1) shall not apply to the rent payable for such block, and in such a case the full amount of the rent for such block shall be due and payable for each year in advance.

Amendment of principal Act, s. 31—  
Minister may distribute water.

8. Section 31 of the principal Act is amended—

(a) by striking out the word “blocks” in the first line of subdivision (a) thereof;

(b) by inserting after the word “area” in the third line of the said subdivision (a) the words “not being irrigation blocks”; and

(c) by

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(c) by inserting after subdivision (b) thereof the following subdivision:—

(c) to lessees of blocks within the irrigation area, at such rates, in such quantities, for such periods, and upon and subject to such terms and conditions, as are prescribed by regulation.

9. Section 32 of the principal Act is repealed, and the following section is substituted therefor:—

Repeal of s. 32 of principal Act, and substitution of new section.

32. (1) The Minister may, as soon as a water supply is available for the whole or any portion of an irrigation area, declare an annual water rate for the supply of water on—

Minimum water rate.

(a) blocks within the irrigation area; and

(b) township allotments, factory sites, and other lands within the irrigation area, not being blocks.

(2) The rate on blocks shall be of such an amount per acre of such blocks as may be determined by the Minister pursuant to subsection (4) hereof.

(3) The rate on township allotments, factory sites, and other lands within the irrigation area, not being blocks, shall be of such an amount in the Pound of the unimproved value of the land, as defined by the Taxation Act, 1915, as may be determined by the Minister pursuant to subsection (4) hereof.

No. 1200 of 1915.

(4) Such rates shall be of such respective amounts as the Minister determines: Provided that the annual rate in respect of any one piece of land shall not be less than One Pound.

(5) Notice of every water rate declared by the Minister shall be published in the *Gazette*, and shall state the name of the irrigation area in respect of the lands in which such rate is declared, the amount in the Pound, or the amount per acre (as the case may be), of such rate, the period for which such rate is declared, and the time and place where the rate is payable.

(6) All water rates shall be due and payable by and recoverable from the owners, lessees, and occupiers of the lands upon which the same are respectively declared, and shall, until payment, be a continual charge upon such lands, and no statute of limitations shall affect any action or other proceedings which may be brought for the recovery or enforcement of such rates. The Minister shall have the like powers of distress and sale in cases where rates are unpaid as are conferred upon the Commissioner of Waterworks by the Waterworks Act, 1882.

No. 269 of 1882.

(7) If any water rate is not paid within one month after it falls due, interest at the rate of Five Pounds per centum per annum from the

Cf. Taxation Act, 1915, s. 7.

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the time when it falls due until payment thereof shall be added to the amount of such rate, and shall be payable by the person liable to pay such rate.

Amendment of  
principal Act, s. 33  
(1)—  
Water Rate  
Assessment Book to  
be kept.

**10.** Subsection (1) of section 33 of the principal Act is amended—

- (a) by inserting the word “lessees” after the word “owners” in the first line of subdivision (a) thereof;
- (b) by substituting for the words “such lands” in the first line of subdivision (c) thereof the words “township allotments, factory sites, and other lands, not being blocks”; and
- (c) by inserting after subdivision (c) thereof the following subdivision:—
  - (d) the areas of blocks within such area.

Amendment of  
principal Act, s. 37—  
Accounts to be kept.

**11.** Section 37 of the principal Act is amended—

- (a) by striking out the words “and maintaining” in subdivision (c) of the first paragraph thereof;
- (b) by inserting before the word “lessees” in subdivision (d) thereof the words “owners and”; and
- (c) by inserting after the said subdivision (d) the following subdivision:—
  - (e) all other moneys received by the Minister from any other source within such area, and which the Minister determines should be so credited.

Amendment of  
principal Act, s. 85  
(1)—  
Minister may expend  
moneys in certain  
improvements.

**12.** (1) Subsection (1) of section 85 of the principal Act is amended—

- (a) by substituting the word “Thirty” for the word “Fifteen” in the fourth line thereof;
- (b) by inserting after the word “channels” in the seventh line thereof the words “drains and tanks”;
- (c) by inserting after the word “channels” in the eighth line thereof the words “and drains”; and
- (d) by inserting at the end of the said subsection the words “or drain”.

Amendment of  
principal Act, s. 85  
(2)—  
Mortgage to be  
executed to the  
Minister.

(2) Subsection (2) of section 85 of the principal Act is amended by adding at the end thereof the following proviso:—“Provided that such mortgage need not be a first mortgage where such block is encumbered only by a mortgage or charge in favor of the Crown.”

Amendment of 1399  
of 1919, s. 3 (1)—  
How rentals and  
town allotments fixed.

**13.** Subsection (1) of section 3 of the Irrigation and Reclaimed Lands Act Further Amendment Act, 1919, is amended by substituting for the word “Commissioner” in the third line thereof the word “Minister”.

**14.** Notwithstanding

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**14.** Notwithstanding anything to the contrary—

Validation of certain leases and licences.

(a) all leases of town allotments; and

(b) all licences to enter upon and occupy town allotments,

granted before the passing of this Act shall be deemed to have been validly granted.

**15.** The regulations made under the Irrigation and Reclaimed Lands Acts, 1914 to 1919, on the fourteenth day of July, nineteen hundred and twenty, and published in the *Government Gazette* on the fifteenth day of July, nineteen hundred and twenty, are hereby confirmed and validated as from the date of the publication of such regulations in the *Government Gazette*, but such regulations shall cease to have any effect upon the passing of this Act.

Validation of certain regulations.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. E. G. A. WEIGALL, Governor.