RENMARK IRRIGATION TRUST ACT, 1936.

No. 2319 of 1936.

An Act to consolidate certain Acts relating to the Renmark Irrigation Trust.

[*Assented to 26th November*, 1936.]

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

PART I. PART I.

PRELIMINARY.

1. This Act may be cited as the "Renmark Irrigation Trust Act, 1936." Short title. Cf. U.K. 20 & 21 Geo. 5 c. 44.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed. Consolidation and repeal.

4. The provisions of this Act are arranged as follows :— Arrangement.

PART I.—Preliminary.

PART II.—Constitution of the trust.

PART III.—Members, auditors, and elections :—

DIVISION I.—Members :

DIVISION II.—Auditors :

DIVISION III.—Elections.

PART IV.—Management of the trust.

PART V.—General powers of the trust.

PART VI.—Assessments.

a. 2. This Act was proclaimed to commence on 1st June, 1937: *Gazette* 25th March, 1937, p. 643.

PART VII.—Rates.

PART VIII.—Drainage of land.

PART IX.—Loans.

PART X.—Sale and leasing of land.

PART XI.—Ratepayers' meetings, elections, and polls.

PART XII.—Miscellaneous.

Interpretation. 578, 1893, s. 2. 1179, 1914, s. 3.

5. In this Act, except where inconsistent with the context or subject-matter—

"agreement" means an agreement entered into under Part X. or under The Renmark Irrigation Trusts Acts Further Amendment Act, 1914, containing a covenant to purchase land:

"board" means the Allotment Board referred to in Part X:

"business day" means any day not being a Sunday, Good Friday, Christmas Day, or public or bank holiday:

"Chaffey Brothers, Limited" includes persons lawfully claiming through Chaffey Brothers, Limited:

"chairman" means the chairman of the trust:

"district" means the Renmark Irrigation District:

"irrigation works" means all watercourses, machinery, and other property and improvements constructed or brought upon or established in connection with the district and for irrigation purposes:

"member" means a member of the trust:

"Minister" means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor:

"owner", as regards land, includes the person for the time being receiving or entitled to receive the rents and profits of any ratable land, whether on his own account or as trustee, attorney, or agent for another:

"public notice" means notice given by advertisement in a newspaper circulating in the district, and by posting handbills on every place in the district appointed by the trust as a place for posting notices:

s. 5. The administration of this Act was by proclamation committed to the Commissioner of Public Works: *Gazette* 25th March, 1937, p. 643.

" ratable land " means all land within the district and available for irrigated culture under the system of irrigation works for the time being established for the service of land in the district except township allotments :

" rate " means a rate declared under the powers given by this Act or any repealed Act :

" ratepayer " means the owner or occupier of ratable land or the owner of unoccupied ratable land, and whose name appears in the assessment-book in respect of that land :

" repealed Act " means any Act repealed by this Act :

" secretary " means the secretary of the trust :

" township allotments " means land laid out as township allotments whereof a subdivision plan has been lodged in the Lands Titles Registration Office pursuant to The Real Property Act, 1886 :

" trust " means the Renmark Irrigation Trust.

PART II.

PART II.

CONSTITUTION OF THE TRUST.

6. (1) The trust called " The Renmark Irrigation Trust " is hereby continued. Continuance of trust. 2293, 1936, s. 4.

(2) The trust shall continue to be a body corporate, and shall have perpetual succession, and shall by its corporate name be capable of suing and being sued, of purchasing, holding, and alienating land, of doing all acts necessary or expedient for carrying out the purposes of this Act, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

(3) Every reference in any Act, or in any deed, document, or other writing of any kind to the Renmark Irrigation Trust No. 1 shall be deemed to be a reference to the Renmark Irrigation Trust, and the body corporate called the Renmark Irrigation Trust shall for all purposes be deemed to be the same body corporate as the body corporate called the Renmark Irrigation Trust No. 1.

(4) The district of the trust shall be called " The Renmark Irrigation District ". Every reference in any Act or in any deed, document, or other writing of any kind to " The Renmark Irrigation District No. 1 " shall be deemed to be a reference to the Renmark Irrigation District.

Common seal. 2293, 1936, s. 4.

7. (1) The trust shall have a common seal, which shall be kept at the trust office.

(2) The corporate name of the trust shall be part of the seal.

(3) Judicial notice shall be taken of the seal of the trust by every court, justice, and other tribunal.

District. 2293, 1936, s. 4.

8. The district of the trust shall be the area margined in red on the plan signed, J. H. McNamara, Surveyor-General, deposited in the Land Office on the fifth day of August, nineteen hundred and thirty-six, and numbered 324.

Purposes of trust. 578, 1893, s. 72.

9. The purposes for which the trust is constituted are—

(*a*) to facilitate the putting into operation of the water rights to which the ratepayers are entitled under or by virtue of this Act or any repealed Act, or of The Chaffey Brothers Irrigation Works Act, 1887, or any licence granted in pursuance of the last-mentioned Act, or any sale, disposition, lease, or transfer of land, such as is mentioned in paragraph 13 of the agreement in the last-mentioned Act:

(*b*) to supply and distribute to, or for the benefit of, the ratepayers water within the district:

(*c*) to supply water, at the option of the trust, to persons other than the ratepayers:

(*d*) to acquire, at the option of the trust, and so far as practicable, from the person for the time being entitled thereto, all or any portion of the water rights, privileges, concessions, and easements in respect of water given, granted, licensed, or assigned, or agreed to be given, granted, licensed, or assigned to George Chaffey or William Benjamin Chaffey, or either of them, or to Chaffey Brothers, Limited, under or by virtue of The Chaffey Brothers Irrigation Works Act, 1887, or of the agreement in that Act, or any licence issued or to be issued under or in pursuance of the said Act or agreement:

(*e*) to acquire and take over any irrigation works, at the option of the trust, from any person:

(*f*) to enter into any agreement with any other person, for the supply of water to the ratepayers, or for carrying out any of the powers or purposes of the trust:

(*g*) to exercise and carry out the powers of this Act vested in the trust, and to do all such lawful things as may be incidental or conducive to carrying out the above-mentioned purposes or any of them.

PART III.

PART III.

MEMBERS, AUDITORS, AND ELECTIONS.

DIVISION I.—MEMBERS.

DIVISION I.

Members.
578, 1893, s. 23.

10. The trust shall consist of seven members.

Qualification of members of trust.
578, 1893, s. 25.
933, 1907, s. 3 (*b*).

11. (1) Every ratepayer who is of the age of twenty-one years or upwards, and holds not less than ten acres of ratable land in the district in fee simple in his own right, shall be qualified to be and continue a member of the trust, except—

(*a*) an undischarged bankrupt:

(*b*) a ratepayer in arrear for six months with the payment of any rate for which he is liable in respect of ratable land within the district:

(*c*) a person who holds any place of profit in the gift of the trust:

(*d*) a person who directly or indirectly participates or is interested in any contract, except for advertisements and printing, with, or employment under, the trust.

(2) No person shall be disqualified from being or continuing a member by reason of his receiving travelling expenses incurred in pursuance of and authorised to be paid by a resolution of the trust, or acting as returning officer or deputy returning officer under this Act, or receiving remuneration for so acting, or by reason of his being a member of a public or joint-stock company, incorporated by the law of the United Kingdom or any British possession, which is concerned with any contract or dealing with the trust; but no member shall vote on a question relating to a contract or dealing with a company of which he is a member.

Qualified persons compellable to serve.
578, 1893, s. 26.

12. (1) Every person qualified to serve as member shall be compellable to serve, except—

(*a*) a person who, when elected, was not resident within the district, and who has not expressed his assent to his candidature in writing delivered to the returning officer previous to the election :

(*b*) a person who, after his election, goes to reside, or by reason of a change of boundaries, becomes resident, out of the district :

(*c*) a person who has served the full time during which a person duly qualified is entitled to serve as a member and who, within three years of the termination of his former service, is again elected a member for the district, and who has not expressed his assent as above mentioned :

(*d*) a person who is, or during his tenure of office may become, sixty years of age :

(*e*) a person receiving any salary from the Government :

(*f*) members of Parliament.

(2) To entitle any person other than a member of Parliament to exemption under this section, he shall, by writing, make a claim of exemption, which writing shall be posted or delivered to the chairman, if there is a chairman, or otherwise to the Minister, within fourteen days from the election of the person so exempt, or from the happening of the exemption, whichever last happens.

Vacancies.
578, 1893, s. 27.

13. Any of the following acts and events shall cause a vacancy in the office of member, namely :—

I. Death, lunacy, idiocy, bankruptcy, the execution by the member of a statutory deed of assignment for the benefit of his creditors, or a member compounding with his creditors for less than twenty shillings in the pound, or the conviction of the member for felony :

II. Absence from the State, without leave of the trust, during the holding of three consecutive ordinary meetings, or failure to attend the meetings of the trust for three consecutive ordinary meetings without sufficient cause, and followed, in either case, by a resolution passed by the trust within three weeks after the last of such three consecutive ordinary meetings, declaring the office vacant, which resolution the trust may pass, but is not bound to pass :

III. Any disqualification, and notice thereof, by the disqualified person, or some person on his behalf, posted or delivered to the chairman or secretary, or, if there is no chairman, to the Minister :

IV. Resignation by notice posted or delivered as aforesaid :

V. Retirement by rotation, as provided by this Act :

VI. The judgment or order of any duly authorised court declaring the office vacant.

Annual retirement of members.
578, 1893, s. 28.
1897, 1929, s. 2.

14. (1) On the first Saturday in July half of the members shall retire, or, if the number is uneven, a majority of one shall retire.

(2) The members to retire shall be those who have been longest in office without re-election, and when the number cannot thus be made up, lots shall be drawn between those who have been an equal time in office to decide which of them shall retire, and the retirement shall take place accordingly.

Chairman not to draw lots.
578, 1893, s. 29.

15. The chairman shall in no case be required to draw lots ; but the other member or members with whom it would be necessary, but for his position as chairman, that he should draw lots shall retire, or draw lots between them without the chairman, to decide which of them shall retire.

Retiring members to hold office until successors appointed.
578, 1893, s. 30.

16. Members required by this Act to retire shall go out of office, but shall be deemed to hold office until their successors are appointed.

Lots to be before notice of nomination.
578, 1893, s. 31.

17. All drawing of lots by members to decide retirements shall be had a week at least before the day on which notice is given of the day for the nomination of candidates for election.

Procedure on failure of members to draw lots.
578, 1893, s. 32.

18. Where lots are required to decide retirements, if the members who should draw lots fail to do so till within a week of the last day when notice has to be given for the nomination of candidates for election, the chairman, or any justice resident in the district, on the request, in writing, of any one member or any three ratepayers, shall, in the presence of three or more ratepayers, draw lots and decide which of the members shall retire, and shall thereupon declare and give public notice under his hand of the names of the members who are to retire and they shall retire accordingly.

Vacancies existing at the annual election.
578, 1893, s. 33.
1897, 1929, s. 3.

19. (1) When, at the time of giving notice of the annual day of nomination, there are vacancies in the trust, and no more members are required to retire on the first Saturday in July of

PART III. DIVISION I.

that year than there are seats then vacant, there shall be no need for any retirement of members, but the vacancies so existing shall be filled up at the annual election meeting.

(2) If any vacancy or vacancies exist at the time of giving notice of any annual day of nomination, every member whose seat is so vacant shall be taken to be a person bound to retire on the first Saturday in July of that year, and every such vacancy shall be filled up at the annual election, and any other retirements which may be necessary shall be settled in manner herein provided.

Retiring member eligible for re-election.
578, 1893, s. 34.

20. A member or chairman retiring from or ceasing to hold office, but duly qualified, shall be eligible for re-election.

Chairman's and members' fees.
1520, 1922, s. 7.

21. (1) The chairman shall be paid by the trust such annual remuneration for his services as is fixed by the trust in each financial year: Provided that the remuneration paid to the chairman during any financial year shall not exceed three hundred pounds.

(2) Every member, other than the chairman, shall be paid by the trust a fee of one pound for every meeting of the trust which he attends and at which a quorum is present: Provided that the fees paid to a member during any financial year shall not exceed twenty-five pounds in the aggregate.

(3) No person shall be disqualified from being or continuing the chairman or a member of the trust by reason of his receiving any payment under this section.

DIVISION II.

DIVISION II.—AUDITORS.

Election and retirement of auditors.
578, 1893, s. 35.
2005, 1931, s. 2.

22. (1) There shall be two auditors for the trust.

(2) Auditors shall be nominated and elected by the ratepayers in like manner as members are nominated and elected.

(3) Any auditor elected at an annual election shall hold office as from the first Monday in the September following his election.

(4) On the first Monday in every September one auditor shall retire from office. The auditor to retire shall be the one who has held office longest without re-election. If both have so held office the same length of time the auditor to retire shall be decided by lot to be drawn by the chairman one week at least before the day on which notice is given of the day for the nomination of candidates for election. If the chairman fails so to draw lots, both auditors shall retire.

Qualification of auditors.
578, 1893, s. 36.

23. The qualification and disqualifications for the office of auditor shall be the same as in the case of a member, except that an auditor need not be a ratepayer, and that no member

shall be auditor. An auditor otherwise qualified to be member may be elected member, and shall thereupon cease to be auditor

Vacancies in the office of auditor. 578, 1893, s. 37.

24. Any of the following acts and events shall cause a vacancy in the office of auditor, namely :—

I. Death, lunacy, idiocy, being adjudicated bankrupt, or the execution by the auditor of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than twenty shillings in the pound :

II. Absence from the State at the time at which any periodical audit is appointed to be held, or non-attendance at any audit after fourteen days' notice has been given to the auditor of the time and place appointed for holding the same :

III. Election as a member :

IV. Resignation by notice posted or delivered to the chairman, if there is a chairman, and otherwise to the Minister :

V. The judgment or order of any competent court or justices declaring the office vacant :

VI. The being concerned directly or indirectly, save as member of a public or joint-stock company incorporated by the law of the United Kingdom or any British possession, in any contract or dealing with the trust other than his employment as auditor.

Auditing accounts. 578, 1893, s. 38.

25. (1) The auditors shall, as soon as conveniently may be after the half-yearly balancing of accounts in accordance with this Act, proceed to audit the accounts of the trust for the half-year preceding the said half-yearly balance.

(2) The trust shall cause to be produced and laid before the auditors the said accounts, together with proper vouchers in support of the same, and all books, papers, and writings in the custody or power of the trust relating thereto.

(3) If the said accounts are found correct, the auditors shall sign the same in token of their allowance thereof.

Balance-sheet to be advertised. 578, 1893, s. 39.

26. The trust shall cause the yearly balance-sheet to be advertised once in one of the newspapers of the State and in the *Government Gazette*, within one month after the auditors have certified the same.

Persons to be present at auditing accounts. 578, 1893, s. 40.

27. The auditors may refuse to allow any person, except the chairman of the trust, to be present at the audit of the accounts.

DIVISION III.

DIVISION III.—ELECTIONS.

Returning officer.
578, 1893, s. 41.

28. (1) The trust shall appoint a returning officer, not being a candidate, to preside at the nomination and election of members and auditors.

(2) The trust shall reimburse the returning officer all expenses incurred by him in discharge of his duties, and shall pay him any remuneration that shall be agreed on.

(3) The returning officer, if he accepts office, shall not be eligible as a candidate at the election at which he is appointed to preside.

Day of nomination.
578, 1893, s. 42.

29. (1) The nominations of members and auditors for the annual election shall take place at the trust office, at noon, on the third Monday in June in every year.

(2) Ten clear days at least before that day the trust shall cause public notice to be given of the place, day, and hour for the nomination of candidates.

Form of nomination, and time for lodging it.
578, 1893, s. 43.

30. (1) The nominations of members and auditors shall be signed by two ratepayers, and shall be in such one of the forms in the second schedule as shall be applicable, or in a form as near thereto as circumstances will admit.

(2) No nomination shall be acted upon unless the same is lodged in the trust office before the hour of noon of the day fixed for nominations.

Proceedings on day of nomination
578, 1893, s. 44.
1897, 1929, s. 4.

31. (1) On the day of nomination the returning officer shall attend at the trust office at the hour of noon, at which time and place he shall cause all the nominations lodged in the office to be publicly opened and read aloud.

(2) If there is such number of candidates nominated as are required to be elected and no more, the returning officer shall declare those candidates to be elected to serve in their respective offices, in the case of members, as from the first Saturday in the July next ensuing, and in the case of auditors, as from the first Monday in September next ensuing.

(3) In the event of there being more candidates nominated than are required to be elected, the returning officer shall adjourn all further proceedings in respect of the election until the first Saturday in the July following, when the election shall be by ballot, as by this Act provided.

Notices of adjournment to be given.
578, 1893, s. 45.

32. The returning officer upon any such adjournment shall forthwith give notice thereof, and of the object thereof, and the names of the several candidates, and the day, hour, and place

when and where the election is to take place, by posting handbills on every place appointed by the trust by by-law as a place for posting notices.

Procedure on failure of annual election and on extraordinary vacancy. 578, 1893, s. 47.

33. Wherever—

(*a*) the annual election from any cause wholly or in part fails to be made upon the day appointed by this Act; or

(*b*) any such election being made, afterwards becomes wholly or in part void; or

(*c*) an extraordinary vacancy occurs in the office of member or auditor,

a supplementary election shall be held.

Proceedings on supplementary election. 578, 1893, s. 48.

34. (1) Immediately upon the happening of any such whole or part failure or avoidance, or any such extraordinary vacancy, the trust shall by public notice appoint a day, not being earlier than seven days nor later than twenty-one days from the notice, for the nomination of the persons to be elected.

(2) The nomination shall take place on the day so appointed in like manner as at the annual election.

(3) If there is such number of candidates nominated as are required to be elected and no more, the returning officer shall declare the candidates to be elected to serve in their respective offices as from the day of nomination and election.

(4) If more candidates are nominated than are required to be elected, the returning officer shall adjourn all further proceedings in respect of the election until a day to be fixed by him for the election, not being less than six nor more than ten clear days from the day of nomination.

(5) On the day so fixed the election shall take place in like manner as at the annual election.

Notices of adjournment. 578, 1893, s. 49.

35. The returning officer shall cause public notice to be given of any such adjournment, and the object thereof, and the names of the several candidates, and, in the case of wards, for which wards they are respectively nominated, and the hour and places when and where the election is to take place.

Proceedings in case of failure or avoidance of supplementary election. 578, 1893, s. 50.

36. Whenever any supplementary election, wholly or in part, fails to be made, or becomes wholly or in part void, the trust shall hold another supplementary election in like time and manner as upon the failure or avoidance of an annual election.

PART III. DIVISION III.

Retirement of persons elected to fill extraordinary vacancies. 578, 1893, s. 51.

37. Every person elected to supply an extraordinary vacancy shall, for the purposes of retirement, be deemed to have been elected when his immediate predecessor in office was elected, and shall retire accordingly, but shall be capable of being forthwith re-elected if qualified.

Notice of election. 578, 1893, s. 52.

38. Within forty-eight hours from the election of any person to any office in connection with the trust, the returning officer shall cause to be delivered or posted to that person a notice informing him of the election, and within fourteen days of the election shall cause a notice thereof to be inserted in the *Government Gazette*.

Procedure where trust fails to hold election. 578, 1893, s. 53.

39. If—

(*a*) the trust fails to proceed as by this Act required to any election for the space of twenty-one days from the last day on which the election is required by this Act to be held ; or

(*b*) by resignation or otherwise it happens that there are no members of the trust,

any justice resident within the district, or any special magistrate, may, upon the request in writing of any three ratepayers, do every act by this Act required to be done for holding the election, including the appointment of a day of nomination and a returning officer.

PART IV.

PART IV.

MANAGEMENT OF THE TRUST.

Trust office. 578, 1893, s. 54.

40. The trust shall have and maintain a suitable office within the district, or within the township of Renmark, for transacting the business of the trust.

Election of chairman. 578, 1893, s. 55.

41. (1) At the first meeting of the trust after every annual election, the members present shall elect a chairman from among them.

(2) If there is an equal number of votes for two or more members having the largest number of votes, the person to act as chairman shall be chosen by lot between those members having the equality of votes.

(3) The omission to elect a chairman shall not prevent the trust from making such appointment at any future meeting.

(4) The chairman may resign his office at any time, and any vacancy in the office of chairman may be filled up at any meeting of the trust.

Secretary.
578, 1893, s. 56.

42. The trust shall appoint a man of full age who is not an auditor to be secretary to the trust; but any other person appointed as hereinafter provided may perform the duties of the secretary in his absence.

Annual meeting
578, 1893, s. 57.

43. An annual meeting of the trust shall be held in the month of July in every year, at the trust office, on such day and at such hour as the trust determines.

Ordinary and special meetings.
578, 1893, s. 58.

44. (1) Ordinary meetings of the trust shall be held at the trust office at such times, not being less than once in every month, as the trust from time to time determines.

(2) Special meetings may be held at any time and at any place within the district.

(3) Any meeting may be adjourned to any time and to any place within the district, and any business required to be done at an annual or ordinary meeting may be done at a special meeting

Special meetings.
578, 1893, s. 59.

45. (1) A special meeting may be called by the chairman at any time, and, on the requisition in writing of any three members, it shall be his duty to call such a meeting.

(2) If the chairman refuses or for two clear days fails to call a meeting upon any such requisition, any three members may call the meeting by public notice, signed by them, and stating the object of the meeting and the time and place of holding the same.

Notice of meeting.
578, 1893, s. 60.

46. Unless and until otherwise provided by regulations and by-laws, three days notice of every meeting, signed by the secretary, shall be sent by post to every member, informing him of the time and place of meeting, and, in the case of a special meeting, of the business to be done thereat.

Quorum.
578, 1893, s. 61.

47. (1) At all meetings of the trust, except where otherwise provided by this Act, one-half of the members for the time being shall form a quorum.

(2) The secretary, in the absence of all the members, or any member present alone, or the majority of members present at a meeting at which there is no quorum, may, at the expiration of half an hour from the time fixed for the meeting, adjourn the same, and any business which could have been transacted at the meeting may be transacted at the adjourned meeting.

Chairman.
578, 1893, s. 62.

48. (1) At every meeting of the trust the chairman, or, in his absence, such member as the members assembled choose to preside, shall preside.

(2) The person so presiding shall have a deliberative vote, and, in case of equality of votes, a casting-vote.

Business of trust to be carried on notwithstanding vacancy.
578, 1893, s. 63.

49. Notwithstanding any vacancies in the office of member the business of the trust shall be carried on by the member or members actually in office, who shall have all the powers of the trust.

Proceedings of trust valid notwithstanding defect of appointment, &c.
578, 1893, s. 64.

50. All proceedings of the trust, or of a committee of the trust, or of any person acting as a member, shall, notwithstanding it may be afterwards discovered that there was some defect in the election or appointment of the members or any of them, or of any person acting as aforesaid, or that they or any of them were incapable of being members, be as valid as if the members or member, or person, had been duly elected or appointed, and was capable of being a member.

Inability of secretary, &c., to perform duties.
578, 1893, s. 65.

51. If, in consequence of death, absence, or any lawful impediment, it is impossible or inconvenient for the secretary or any member or other person to perform any particular matter or thing which by this Act he is required to perform, the chairman, or, if for the like reason is it impossible or inconvenient for the chairman, the trust may perform the matter or thing, or appoint some member or other person to perform it.

Business falling on Sunday, &c.
578, 1893, s. 66.

52. If the day for any meeting or adjourned meeting, or for any business or thing required by this Act or any by-law to be held or done, falls on a Sunday, Good Friday, Christmas Day, or public holiday, the meeting shall be held, or business or thing done, on the third business day after the day on which it fell.

Resolutions, how revoked or altered.
578, 1893 s. 67.

53. No resolution passed at any meeting of the trust shall be revoked or altered at any subsequent meeting, unless—

(*a*) written notice of an intention to propose the revocation or alteration is given or posted to each of the members seven days at least before holding the meeting; and

(*b*) the revocation or alteration is determined upon by a majority consisting of two-thirds of the members present at the subsequent meeting, if the number of members present at the subsequent meeting is not greater than the number of members present when the resolution was passed, or by a majority if the number of members present at the subsequent meeting is greater than the number present at the former meeting.

Committees.
578, 1893, s. 68.

54. (1) The trust may appoint a committee or committees of its members, and may delegate to any such committee such of its powers and duties under this Act as the trust thinks fit.

(2) The trust may, from time to time, make such regulations and by-laws as the trust thinks fit for the guidance of a committee, and may, from time to time, remove any members of the committee and appoint in the stead of them, or any of them, other members of the trust.

(3) The proceedings of a committee, shall, unless otherwise ordered by the trust, require the approval of the trust.

(4) A committee may appoint a sub-committee of its members to execute and discharge any of the powers and duties of the committee, but the acts of any such sub-committee shall be submitted for approval to the committee by which the sub-committee was appointed.

(5) In no case shall a committee be authorised to declare any rate; and no expenditure or payment or contract to expend or pay any sum of money exceeding twenty pounds, made by a committee, shall be lawful or valid unless the expenditure, payment, or contract is afterwards approved or ratified by the trust.

(6) A committee appointed under this Act may (subject to regulations and by-laws of the trust) meet from time to time and adjourn as the committee thinks fit; but no business shall be transacted at any meeting of any such committee unless three members are present.

(7) At the first meeting of any committee or sub-committee one of its members shall be appointed chairman of the committee or sub-committee. All questions in committee shall be determined by a majority of votes of the members present. The chairman of the committee shall have a deliberative vote, and, in case of equality of votes, a casting vote.

(8) The chairman of the trust shall be *ex officio* a member of every committee or sub-committee.

Power to delegate powers to chairman. 578, 1893, s. 69.

55. The trust may delegate all or any of its powers to the chairman, with such restrictions and limitations (if any) as the trust may think proper.

Minutes of meetings. 578, 1893, s. 70.

56. (1) The trust shall cause minutes of all the meetings of the trust, and of every committee thereof, and of the proceedings thereat, with the names of the members who attend at each meeting, and the names of all members voting on any question for the decision of which a division is called, to be duly made in books provided for the purpose, and to be kept by the secretary, under the superintendence of the trust.

(2) The minutes of every trust meeting and of every meeting of a committee until a report is agreed upon, shall be put for confirmation to the next succeeding meeting, or, if that

is omitted, to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which the same are confirmed, or if he refuses or neglects so to do for seven days after the meeting, then by any two members present and entitled to vote at the meeting.

(3) The minutes of a committee meeting at which a report is agreed to shall, if found correct, be signed at the meeting, or some adjournment thereof, by the chairman thereof.

Minute books and certified extracts therefrom evidence.
578, 1893, s. 71.

57. (1) Every minute purporting to be any such minute as aforesaid and to be so signed, or a copy of or extract from any such minute purporting to be attested by the seal of the trust and signed by the secretary, shall be received as evidence in all courts, and before all judges, bodies politic, and persons without proof that the meeting to which the same refers was duly convened or held, or that the persons attending thereat were members of the trust or committee, or of the signature of the chairman or members, or of the fact of his having been such chairman, or of their having been members entitled to sign the minutes or of the affixing of the seal or of the signature of the secretary. All such matters shall be presumed until the contrary is proved.

(2) All such books shall, at all reasonable times, be open to the inspection of any member and of any creditor of the trust. Every ratepayer may inspect and take copies of the same at all reasonable times on payment of one shilling to the secretary.

PART V.

PART V.

GENERAL POWERS OF THE TRUST.

Effect of this Act on water rights and correlative obligations.
578, 1893, s. 73.
2293, 1936, s. 4.

58. (1) Where upon the sale, disposition, or transfer by Chaffey Brothers, Limited, of any land granted to them in pursuance of The Chaffey Brothers Irrigation Works Act, 1887, or the grant of which to them purports to be in pursuance of that Act, a water right to be held with and run with the land as a perpetual easement has been granted or given, or expressed to be granted, or given, by Chaffey Brothers, Limited, to the person to whom the sale, disposition, or transfer was made, the power to exercise the water right shall be deemed to be irrevocably granted by the said person on behalf of himself and all persons claiming through or under him to the trust.

Part V. CUTLACK v. THE RENMARK IRRIGATION TRUST No. 1 (1901) S.A.L.R. 36. Construction of s. 76 of The Renmark Irrigation Trusts Act, 1893 (which section has since been repealed) as to the effect of that section in vesting certain property in the trust.

s. 58. BASEY AND HOWIE v. COMMISSIONER OF TAXES (1919) S.A.L.R. 53. A water right is not an improvement within the meaning of the Land Tax Act, 1936.

(2) All ratable land which before the commencement of this Act belonged to Chaffey Brothers, Limited, shall be deemed to carry with it a water right to be held with and run with the land as a perpetual easement, and the power to exercise the right shall be deemed irrevocably granted by Chaffey Brothers, Limited, on behalf of themselves and all persons claiming through or under them, to the trust.

(3) Any such water right as in this section mentioned shall be deemed to be a right to take and divert water from the River Murray in such manner as is or may be permitted under any licence covering the land to which the right is annexed and issued, or purporting to be issued, pursuant to the said Act, and in the proportion attributable under the licence to so much of the said land as is for the time being under irrigated culture within the meaning and for the purposes of such licence, and the granting or giving of the right by Chaffey Brothers, Limited, shall be deemed to have been or to be in satisfaction of the obligations imposed by the said Act on George Chaffey and William Benjamin Chaffey, or any person claiming through them, to secure in pursuance of the said Act and the agreement therein mentioned a sufficient water right to the purchasers of any land as in such agreement mentioned to be held with and run with the land as a perpetual easement.

Distribution of water by trust.
578, 1893, s. 74 (part).
2293, 1936, s. 4.

59. (1) The trust shall, so far as practicable, take and divert from the River Murray and supply to the ratepayers in the district water in such manner as is permitted under any licence or licences for the time being in force under The Chaffey Brothers Irrigation Works Act, 1887, and in the proportion attributable under any such licence or licences to so much of the ratable land in the district as shall for the time being be under irrigated culture within the meaning and for the purposes of any such licence or licences, and shall distribute the water, less reasonable allowance for evaporation and other unavoidable loss, to the ratepayers in such manner as the trust considers most advantageous.

(2) The trust shall not be required to take, divert, or distribute water in excess of the quantity actually required from time to time for irrigation and domestic purposes.

Trust may lay pipes for supply to townships.
578, 1893, s. 74 (part).

60. The trust may, for the purpose of supplying water to township allotments for irrigation and domestic purposes, lay down pipes in streets and roads and elsewhere, and do all other acts necessary for such purpose, doing as little damage as may

s. 59. BASEY AND HOWIE v. COMMISSIONER OF TAXES (1919) S.A.L.R. 53. The right to a supply of water and the benefits from the irrigation works are to be taken into account when ascertaining the unimproved value of land for the purposes of the Land Tax Act, 1936.

be, and making compensation as provided by this Act for any damage necessarily done.

Limitation on supply of water to persons other than ratepayers.
578, 1893, s. 75.

61. In supplying water to persons other than ratepayers—

(*a*) the trust shall not supply more water to township allotments than the proportion, which would be attributable to those allotments under The Chaffey Brothers Irrigation Works Act, 1887, and any licence or licences issued pursuant thereto, if the allotments were under irrigated culture :

(*b*) the trust shall not supply water to persons for use outside of the district so as to diminish the supply to which persons within the district are entitled.

Property in water.
578, 1893, s. 77.

62. The water in an irrigation work under the control of the trust shall be the property of the trust for the purposes of this Act.

Irrigation works not taxable.
578, 1893, s. 78.

63. The irrigation works under the control of the trust shall not be liable to any rates under this Act.

Special water supply to ratepayers.
578, 1893, s. 79.

64. The trust may, with the consent in writing of the Minister, (who is hereby authorised to give such consent), make special arrangements and contracts for supplying to ratepayers water in excess of the proportion to which those ratepayers may for the time being be entitled under the provisions hereinbefore contained.

Power of trust to expend moneys for certain purposes.
2005, 1931, s. 3 (1).

65. (1) The trust may, with the consent in writing of the Minister (who is hereby authorised to give such consent), expend any moneys of the trust derived from the general rates or from any special rate for all or any of the following purposes, namely :—

I. The protection of any land within the district or of any irrigation works of the trust from inundation or damage by flood by the construction of embankments or the carrying out of any other works approved in writing by the Minister ; and the maintenance and repair of any such embankments or works :

II. Any other purpose for the benefit of the district which is approved in writing by the Minister.

(2) For any purpose of this section the trust may declare a special rate, and any such purpose shall be deemed an object of the trust within the meaning of section 94.

Procedure on subdivision of land.
2129, 1933, s. 5.

66. If any ratable land is supplied with water, and by reason of any change in ownership in the land any part of the said

land ceases to be capable of being supplied with water from the existing irrigation works of the trust, the trust shall not be obliged to supply water to such part of the said land unless the owner thereof pays to the trust the amount of the cost to the trust of constructing any irrigation works necessary in the opinion of the trust for the purpose of supplying such part with water.

Modes in which trust may make, vary, and discharge contracts.
578, 1893, s. 83.

67. (1) The trust may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows :—

I. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the trust may make in writing and under the common seal of the trust, and in the same manner may vary or discharge the same :

II. Any contract which, if made between private persons would be by law required to be in writing signed by or on behalf of the parties to be charged therewith, the trust may make in writing under the common seal as aforesaid, or in writing signed by the members or any two of their number acting by the direction and on behalf of the trust, and may vary or discharge any such contract in the same way as it was or might have been made :

III. Any contract which, if made by private persons, would be by law valid although only made orally, may be made by the trust in either of the two ways aforesaid, or by any two of the members acting by the direction and on behalf of the trust orally or in writing, or may be varied or discharged in the same manner as it was or might have been made.

(2) All contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

Power to compound claims.
578, 1893, s. 84.

68. The trust may compound with any party who has entered into any contract with the trust, or by or against whom any action or proceeding has been brought or threatened on behalf of or against the trust, for any cause whatsoever, for such sums of money or other consideration as the trust thinks proper.

Power to contract with other bodies or persons in certain cases.
578, 1893, s. 85.

69. The trust may, from time to time, contract, upon such terms as the trust thinks fit, with any person or corporate public body in or out of the State, for or with respect to the doing and the control and management by either or both of the contracting

parties of any matter or thing which the contracting parties are, or either of them is, by law empowered to do, control, or manage; and the trust may carry out any such contract according to the tenor thereof.

Power to let, manage, and improve property.
578, 1893, s. 86.

70. The trust may, from time to time, demise, let, manage, and improve all lands, hereditaments, jetties, piers, breakwaters, wharves, foreshores, and other property real or personal acquired by, held in trust for or by, or placed under the care of the trust, so as such property be dealt with in a manner consistent with the terms, trusts, or purposes under and for which the same was acquired: Provided no such lease shall be granted for a term exceeding fifty years.

Power to establish superannuation funds, &c.
2129, 1933, s. 4.

71. The trust may expend its revenue in contributing to any sick, accident, or pension fund for its officers or employees, or in providing retiring benefits, pension benefits, or any similar benefits for its officers or employees, and for any such purpose may enter into any contract of assurance with any assurance company.

The trust to have powers of a district council.
733, 1900, s. 5.

72. (1) All rights, powers, authorities, functions, privileges, and discretions vested in or exercisable by a district council under and by virtue of the Local Government Act, 1934, shall be vested in and exercisable by the trust as fully and effectually as if the trust were a district council, and as if the members thereof were members of a district council, and as if the secretary thereof were a clerk of a district council, and as if the seal of the trust were the seal of a district council.

(2) Any rates collected by the trust may be used and employed by the trust in or towards the exercise of the said rights, powers, authorities, functions, privileges, and discretions; and any moneys received by the trust in or by reason of the exercise of such rights, powers, authorities, functions, privileges, and discretions, or any of them, including any fees paid to or fines recovered by the trust, shall belong to and be held by the trust in the same way for the same purposes as rates received by the trust.

By-laws.
578, 1893, s. 87.

73. Subject to the approval of the Minister, the trust may, from time to time, make regulations and by-laws for or relating to all or any of the following subjects:—

I. The appointment of the time and place for meetings of the trust, whether ordinary or special:

II. The powers and duties, and the control, supervision, and guidance of all officers, servants, and persons employed by the trust:

III. The form of contracts to be entered into with the trust:

IV. The leasing, care, or control of any irrigation works:

V. The measures to be taken to prevent and remedy the waste, undue consumption, obstruction, and contamination of water contained or supplied from any part of the irrigation works, and to regulate the days and hours when water can be obtained for irrigation or domestic use on any land, and the quantity to be allowed:

VI. For stopping the supply of water to or for the benefit of any ratepayer whose rates are in arrear, or to any ratable land the rates in respect of which are in arrear:

VII. The protection of every part of the irrigation works from trespass or injury:

VIII. Granting licences to competent plumbers, and cancelling such licences, and also for preventing any other than licensed plumbers from fixing, altering, or repairing any pipes, fittings, or meters connected with the pipes or works under the control of the trust:

IX. For compelling persons using water supplied by the trust to keep their pipes, fittings, and other appliances in proper repair; for preventing any alteration of or interference with such pipes or fittings without the consent of or notice to the trust; for repairing such pipes, fittings, and appliances so as to prevent waste of water, and for recovering the cost of such repairs:

X. For preventing unauthorised persons using, directly or indirectly, water supplied by the trust:

XI. For regulating the number, form, material, dimensions, construction, and arrangement of pipes, fittings, and other works supplying water from the irrigation works under the control of the trust; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting, at any hour, irrigation works, pipes, and fittings, whether situate within any buildings or otherwise:

XII. For imposing penalties not exceeding fifty pounds for any breach of any regulation or by-law:

XIII. And generally for more effectually exercising the powers conferred upon the trust by this Act, and

for carrying out the provisions of the same in every particular.

No by-law to be repugnant to any laws in force.
578, 1893, s. 88.

74. (1) No such regulation or by-law shall be repugnant to this or any other Act of the State, or to the general spirit and intendment of the laws in force in the State, or inconsistent with the trusts or purposes on which any land, hereditaments, or other property may be held by the trust, or with any regulations made by the Governor under any Act for the time being in force.

(2) The trust shall not be authorised to inflict any punishment except by way of fine as above provided.

By-law not to exempt from proceedings for nuisance.
578, 1893, s. 90.

75. Nothing contained in any regulation or by-law shall be construed to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof, nor from the consequences of conviction thereof.

Approval of by-laws.
578, 1893, s. 93.
2293, 1936, s. 4.

76. Every regulation or by-law made in pursuance of section 73, shall be approved by the Minister.

Minister may revoke by-laws.
578, 1893, s. 94.

77. (1) The Minister may at any time after fourteen days' notice in writing given to the chairman of the trust, revoke, amend, alter, or add to all or any of such regulations or by-laws.

(2) Every order by which any such regulations or by-laws is revoked, amended, altered, or added to, shall be published in the *Government Gazette*, and shall take effect and have the force of law from the time of such publication.

PART VI.

PART VI.

ASSESSMENTS.

Assessment.
578, 1893, s. 95.

78. (1) The trust shall, whenever the trust considers it necessary for the purposes of this Act, cause to be prepared and entered in a book to be called the "Assessment Book" an assessment which shall contain in the form in the third schedule the name (as a ratepayer) of every person who is the owner or occupier of ratable land, to the extent in one block of half an acre or more, within the district, and the description, area, and situation of the land.

(2) The assessment shall be signed in the said book by the chairman and two members and the secretary, who shall specify in the book the date of the signature. The assessment shall thenceforth become and remain binding on the ratepayers until a new assessment is in like manner prepared, entered, and signed.

New assessment to be made by assessors.
578, 1893, s. 96.

79. (1) Every new assessment, except as by this Act otherwise provided, shall be made by one or more assessors, to be appointed by the trust.

(2) Every such assessor shall, for the purpose of making the assessment, have power to put to any owner or occupier of ratable land, or person in charge thereof, questions upon all such matters as may be necessary to enable the assessor to state correctly the particulars by this Act required to be stated in the assessment with regard to the land.

(3) If, after being informed by the assessor of his being an assessor, and of his purpose in putting the questions, and of his authority under this Act to put the same, any such owner or occupier or person in charge refuses or wilfully omits to answer the same to the best of his knowledge and belief, or wilfully makes any false statement in answer to any such question, he shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

Power to adopt previous assessment.
578, 1893, s. 97.

80. The trust may, instead of causing any new assessment to be made by assessors, approve as a new assessment the last previous assessment, with such alterations and additions as may appear necessary.

Persons may have their names removed on change of ownership or occupation.
578, 1893, s. 98.

81. Every person whose name appears in the assessment-book as owner or occupier of any ratable land shall be entitled to have his name removed from the book, upon a change of ownership or occupation, and upon notice in writing thereof given to the trust under his hand, he having first paid all rates, notice of which has been duly given him.

Insertion of names in assessment.
578, 1893, s. 99.

82. An owner or occupier of any ratable land, but whose name does not appear in the assessment-book as such, may apply to the trust to have his name inserted in the assessment-book, and shall be entitled to have his name inserted accordingly, except within fourteen days immediately preceding any annual election.

Power to rectify errors and omissions.
578, 1893, s. 100.

83. Except within fourteen days immediately preceding any annual election, all errors and omissions in the assessment-book, with regard to any ratable land, or the ownership thereof (including errors and omissions arising from changes of ownership), shall be rectified by the trust immediately on the discovery thereof. A minute shall be made of any such rectification, and a copy thereof, signed by the secretary, shall be entered in the assessment-book, and every copy thereof; and the assessment-book and every copy thereof, shall be rectified accordingly.

Notice of assessment. 578, 1893, s. 101.

84. (1) Public notice of the making of any new assessment, of the adoption of any previous assessment, and of the place or places where copy or copies thereof may be inspected, shall be given to the effect of the form in the fourth schedule applicable thereto, within fourteen days from the making or adoption.

(2) Notice of the making of every new assessment, not being an adoption of a previous assessment, and of the making of any alteration or rectification of or addition to any assessment, shall, within fourteen days from such new assessment, alteration, rectification, or addition, be given in the form in the said schedule applicable thereto, or to the like effect, by posting or delivering the same to every person appearing in the assessment-book as the owner of the land concerned. If no person appears in the assessment-book as owner, the notice shall be given in the *Government Gazette*.

Appeal agalnst assessment. 578, 1893, s. 102.

85. Any person may appeal against the assessment or any alteration or rectification thereof, or addition thereto, on any of the grounds following:—

I. That he is not the owner or occupier of the whole or any or some particular part of the ratable land for which his name appears as owner or occupier:

II. That any ratable land, or the owner or occupier of any ratable land, within the district is omitted from the assessment:

III. That any land included in the assessment is not ratable.

Hearing of appeals. 578, 1893, s. 103.

86. (1) Appeals as aforesaid may be made either to the trust or directly to the local court of full jurisdiction nearest to the trust office.

(2) From the decision of the trust on any such appeal there may be a further appeal to the said local court.

(3) The decision of the local court shall be final, whether the appeal is to the local court direct or after a previous appeal to the trust.

Time for appealing. 578, 1893, s. 104.

87. (1) Every appeal to the trust or to the local court direct shall be commenced within twenty-one days after the publication of the notice of the adoption or making of the assessment in the *Government Gazette*, or the giving of the notice of the alteration or rectification of or addition to any assessment, as the case may be, by notice in the form in the fifth schedule, or in a form to the like effect, with such modifications as circumstances may require.

(2) If the appeal is to the trust the notice shall be given to the secretary; if the appeal is to the local court the notice shall be given to the clerk of the local court, and also to the

secretary. Notice shall also be served upon the person (if any) whose name it is proposed to insert in the assessment, or whose property is alleged to be omitted, fourteen days before the hearing of the appeal.

(3) Appeals made to the local court direct shall be heard at the sittings of the local court of full jurisdiction next after twenty-seven days from the said publication in the *Government Gazette*, or the giving of the notice of alteration or addition, as the case may be.

(4) Appeals made to the trust shall be heard within thirty-two days next after the publication or the giving of the notice. Notice of the day appointed by the trust for the hearing of appeals shall, fourteen days before the day of hearing, be given by advertisement in some convenient public newspaper (if any), and be posted on a conspicuous part of the trust office.

Production of assessment book.
578, 1893, s. 105.

88. On the hearing of all such appeals the secretary shall produce the assessment-book containing the assessment, alteration, rectification, or addition appealed against, and the trust, upon examining the witnesses without oath or the local court, upon examining the witnesses on oath on the day of hearing, or at some adjournment of the hearing, may make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment-book by the secretary, if the appeal is to the trust, or by the clerk of the local court if the appeal is to the local court.

Appeals from decision of trust.
578, 1893, s. 106.

89. (1) Every appeal from the decision of the trust given or made on the hearing of any appeal to the trust as hereinbefore provided shall be commenced by a notice in the form in the sixth schedule, or in a form to the like effect, with such modifications as circumstances may require.

(2) The notice shall, within ten days after the giving or making of the decision, be served on the secretary and the clerk of the local court.

(3) The appeal shall come on for hearing at the sittings of the local court next after ten days from the service of the notice on the clerk of the local court.

(4) On the hearing of the appeal the secretary shall produce the assessment-book containing the assessment, alteration, rectification, or addition in question, and the local court may, on the day of hearing, or at some adjournment of the hearing, make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment-book by the clerk of the local court.

PART VI.

Costs of appeal.
578, 1893, s. 107.

90. The local court, on the hearing of any appeal, may make such order as may seem just for the payment by any party to the appeal to any other party to the appeal of the costs of the appeal, and of the previous appeal (if any) to the trust. In addition to any other legal remedy available for the recovery of such costs, payment of the same may be enforced in the same manner as a judgment of the local court.

PART VII.

PART VII.

RATES.

Rate estimate.
578, 1893, s. 108.

91. (1) The trust shall, from time to time, before proceeding to make any rate by this Act authorised, cause an estimate to be prepared of the money required for the several purposes in respect of which the trust is authorised to expend or apply the funds of the trust, showing the several sums (if any) already available for those purposes, the several sums required, and the sum per acre of ratable land necessary to raise the money required.

(2) The estimate, after the same has been approved of by the trust, shall be entered in a book, to be called the "Rate Estimate Book", which shall be kept at the trust office, and shall be accessible to the ratepayers at all reasonable hours.

Rates.
578, 1893, s. 109.
733, 1900, s. 10 (2)
1179, 1914, s. 35.
1432, 1920, s. 3.

92. (1) After making such estimate, and after twenty-one days have elapsed from the giving of public notice of an assessment, the trust shall—

(*a*) for the purposes in section 93 mentioned declare on the land included in the assessment-book a general rate for the half-year ending the thirtieth day of June, and another general rate for the half-year ending the thirty-first day of December next after the declaring of the rate, each rate not to exceed one pound five shillings for every acre of such land:

and may—

(*b*) for the purposes in section 94 mentioned declare on the land included in the assessment-book a special rate for the half-year ending the thirtieth day of June, and also, if the trust thinks fit, another special rate for the half-year ending the thirty-first day of December next after the declaring of the rate, each rate not to exceed five shillings per acre of such land.

(2) For the purposes of this section a fractional part of an acre of land equal to or exceeding half an acre shall be deemed to be one acre; but any fractional part of an acre less than one-half shall not be taken into account.

(3) A rate for any half-year shall be declared during that half-year.

Purposes of general rate. 578, 1893, s. 110.

93. The purposes for which a general rate may be declared are as follows:—

I. For diverting, taking, raising, and distributing water in pursuance of the purposes of the trust:

II. For keeping in repair all irrigation works belonging to or used or required for the purposes of the trust, including all pumping apparatus, machinery, works, reservoirs, embankments, dams, conduits, channels, races, sluices, pipes, and all other property built or constructed for or in connection with the purposes of the trust, and also the lining or cementing of all channels and aqueducts:

III. For paying all moneys expended or liabilities incurred by the trust in working and managing the irrigation works, and in distributing or causing to be distributed or rendering available, or causing to be rendered available for distribution, water for the purposes of this Act, and otherwise in carrying out the purposes of the trust:

IV. Generally, and without limiting the effect of any of the preceding paragraphs, for raising money for carrying out the purposes of the trust.

Purposes of special rate. 528, 1893, s. 111.

94. The purpose for which a special rate may be declared is the raising of money for carrying out any of the objects of the trust, and paying any expenses and liabilities incidental to the carrying out of such objects, in so far as such money has not been raised by a general rate.

Rate to be entered in part II. of assessment book. 578, 1893, s. 112.

95. Every rate when declared shall forthwith be entered by the secretary in part II. of the assessment-book according to the form in the third schedule, and so that the particulars therein required in respect of each such rate shall be entered in the proper column opposite the names of the ratepayers liable to pay the same respectively. The assessment-book shall at all times show a complete record of the moneys due in respect of all assessed land.

Public notice of making of rate. 578, 1893, s. 113.

96. Within fourteen days after declaring any rate, the trust shall cause notice to be given in the *Government Gazette* and in some newspaper generally circulating in the neighbourhood, of

the nature and amount thereof, according to the form applicable thereto contained in the seventh schedule, or in a form to the like effect.

Moneys to be banked.
578, 1893, s. 114.

97. (1) All moneys received on account of the trust shall be paid into a bank appointed by the trust to receive the same.

(2) Payment shall in every case be made as soon as the moneys in hand amount to five pounds or more.

(3) Every payment of one pound or more made on behalf of the trust shall be by cheque on the bank, drawn by the chairman and by a member authorised from time to time by the trust in that behalf, and countersigned by the secretary.

(4) Payments of less than one pound may be made out of a petty cash fund, replenished from time to time by cheques drawn and countersigned as aforesaid.

Person liable to pay rates.
578, 1893, s. 115.

98. The person primarily liable for the payment of rates in respect of any ratable land shall be the person for the time being appearing in the assessment-book as the occupier of the land. In default of payment by or recovery from him, or if the land is or becomes unoccupied, then the person for the time being appearing in the assessment-book as the owner of the land shall be liable.

Twenty-one days' notice to be given before recovery of rates.
578, 1893, s. 116.

99. Every rate shall become due when it is declared, but no rate shall be recoverable by action or by summary proceedings from any person resident in the State until twenty-one days after a written notice from some officer of the trust is delivered or sent by post to the usual or last known place of abode in the State of that person, informing him of the amount of the rate payable by him, and in respect of what land the same is payable.

Fine added to rate in default of payment.
1520, 1922, s. 3.

100. If any rate is not paid before the end of three months after the same becomes due and payable, a fine equal to ten pounds per centum thereof shall be added to the amount of the rate, and shall thenceforth for all purposes be deemed to be a part of the rate, and shall be paid by the person or persons liable to pay the rate, and be recoverable from any person liable to pay the rate, and in such manner as if it were part thereof: Provided that no such fine shall be added to the amount of any rate payable by a person resident in the State unless the rate has remained unpaid for the space of twenty-one days after notice of the rate has been delivered or sent by post to the usual or last known place of abode in the State of that person, as provided by section 99.

Liability of persons appearing in assessment book as owners. 578, 1893, s. 117.

101. Every person appearing in the assessment-book as the owner of any ratable land shall continue liable for all rates declared in respect of that land, notwithstanding any change in the ownership thereof prior to the declaration of the rates, unless before such declaration the name of another person is inserted in the assessment-book as the owner, or the person so ceasing to be owner gives written notice to the secretary of the change of ownership, stating who is the person who has become owner.

Rates, how recoverable. 578, 1893, s. 119.

102. Rates may be recovered from any person liable to pay them, in the name of the trust, by action in any court of competent jurisdiction, or in a summary way.

Procedure when rates in arrear. 578, 1893, s. 120. 733, 1900, s. 4.

103. If any rates in respect of any ratable land are in arrear for the period of two months, the trust may, at any time after the expiration of such period of two months, cause to be published three times in the *Government Gazette* a notice in the form in the eighth schedule, or in a form to the like effect.

Power to let land for payment of rates. 578, 1893, s. 121. 733, 1900, s. 4.

104. (1) If in such case as hereinbefore stated, after two months from the last publication of the said notice, the rates due at the time of the first publication thereof, or any part of the rates, are or is still unpaid, the trust may let the land from year to year, or for any term not exceeding fifteen years, and may receive the rents, and shall then apply the same, in the first place, in and towards reimbursing all costs of and attending the notice and letting, and, in the next place, in and towards the payment of the rates in arrear, including as well the rates in arrear at the time of the first publication of the said notice as any rates that may become due and in arrear up to the time of the letting, and also interest on all such rates at the rate of ten pounds per centum per annum, from the time of the same becoming due respectively until such letting as aforesaid, and shall hold any surplus for the owner of the land.

(2) Every deed or other instrument entered into by the trust for effectuating any such letting shall be valid and binding upon the owner or any person claiming through or under him.

Power of sale. 578, 1893, s. 122. 733, 1900, s. 4. 933, 1907, s. 3 (*d*).

105. (1) Instead of letting the land as aforesaid the trust may, after two months from the last publication of the notice, if the rates due at the time of the first publication thereof, or any part of the rates, are still unpaid, apply by petition to the Supreme Court for a sale of all or any part of the ratable land comprised in the notice.

(2) The said court, on being satisfied, by affidavit or otherwise, that the rates mentioned in the notice are lawfully due,

and were in arrear for two months at the time of the first publication of the notice, and that all things required by section 103 to be done have been done, shall—

(*a*) order the sale, by public auction, of the ratable land comprised in the petition, or so much thereof as may be sufficient to pay the rates in arrear, including as well the rates in arrear at the time of the first publication of the notice as any rates that may become due and in arrear up to the time of the application for sale, together with interest on all such rates, at the rate of ten pounds per centum, per annum from the time of the same becoming due respectively until the application for sale, and together with all costs and expenses of and attending the notice, the application, and the sale, and that the proceeds be paid into court:

(*b*) and may order that a memorandum of transfer be executed by the Master or other officer of the court, in such form as shall be approved by the court or a judge thereof, transferring the premises to the purchaser, free from any mortgage or encumbrance.

(3) The registration of any such memorandum of transfer shall vest in the purchaser an indefeasible estate on the premises, according to the tenure of the ratable land, and free from any mortgage or encumbrance.

(4) The court may order payment out of the proceeds of the sale of the said rates, interest, costs, and expenses, and the balance of the proceeds of the sale shall remain subject to any future or other orders of the court for the behoof of the parties interested therein.

Transfer to have effect as ordered.
578, 1893, s. 123.

106. Every transfer ordered by the court as aforesaid shall have effect in accordance with the order. The Registrar-General shall register every such transfer, and, where appropriate to the tenure, shall issue a certificate of title to the purchaser of the premises comprised therein, and do such other acts and things as may be necessary to give effect to the order of the court.

Properties comprised in different assessments may be included in one petition.
578, 1893, s. 124.

107. In case there are included in any such notice as aforesaid any ratable lands comprised in different assessments or belonging to different owners, the same may be included in one petition for sale, and the court may make such orders as to the apportionment of rates, interest, costs, and expenses in respect of the ratable lands, or any part thereof, as the court may deem just.

Previous sales validated.
933, 1907, s. 4.

108. Any order for sale made before the twenty-first day of December, nineteen hundred and seven, by the Supreme Court or a judge thereof under The Renmark Irrigation Trusts Act, 1893, and all sales made and titles acquired pursuant to any such order are hereby confirmed and validated.

Notice of application a condition precedent.
933, 1907, s. 5.

109. (1) No application under section 105 shall be made to the court unless it is then shown that at least one month prior to the application the trust posted a notice or notices addressed to the person or persons who at the time of the posting appeared in the register-book at the Lands Titles Registration Office at Adelaide, as having any interest in the land in respect whereof an order for sale is sought.

(2) The notice may be in the form in the ninth schedule, or to the like effect, and shall be deemed to be a sufficient notice of the said application to all persons concerned, but the non-receipt of the notice shall not affect any sale made under an order of the court.

After once offered for sale and unsold, lands may be sold privately.
933, 1907, s. 6.

110. In every case where land is offered for sale, pursuant to the provisions of section 105, but no sale has thereupon taken place, the trust may at any time thereafter, without any further application to the Supreme Court, and without any further notice in the *Government Gazette* or to any person, sell the land either by public auction or private contract, and without any reserve or upset price, if the rates which were in arrear at the date when the land was first offered for sale as aforesaid, or any part of these rates, still remains unpaid.

Application of proceeds.
933, 1907, s. 8.

111. The proceeds of any such sale, after payment of the expenses thereof and incidental thereto, shall be applied in payment—

(*a*) firstly, of such unpaid rates as aforesaid, together with interest thereon at the rate of ten pounds per centum per annum :

(*b*) secondly, of any additional rates upon the same property which at the date of the sale have accrued due, and the like interest thereon ;

and the balance shall be paid into the Supreme Court in the matter of the petition filed pursuant to the said section 105, for the benefit of the parties entitled thereto.

Transfer to purchaser.
933, 1907, s. 9.

112. Upon proper evidence of any such sale as aforesaid being adduced, a memorandum of transfer shall be executed by the Master as if he had been ordered by the Supreme Court so to do, as provided in section 105.

Clerk of local court may act as auctioneer.
933, 1907, s. 7.

113. When any land is offered for sale by public auction, pursuant to section 105 or to section 110, it shall be lawful, notwithstanding any other enactment, for the clerk of the local court at Renmark, if at the time of the sale being ordered or determined upon, there is no licensed auctioneer carrying on business at Renmark, to act as the auctioneer at the auction without taking out any licence in that behalf. The clerk shall be entitled to be paid by the trust the ordinary remuneration for his services as if he were a licensed auctioneer.

Power to lease property for arrears of rates.
733, 1900, s. 3.

114. (1) Where any rates declared by the trust in respect of any ratable land remain unpaid for three months after becoming due, the trust may, with the previous consent of the Governor, and subject as hereinafter appears, take possession of the land, and may hold the same as against any person interested therein, and from time to time grant leases of the same for any period not exceeding seven years. Every deed and other instrument entered into by the secretary in the name or on behalf of the trust as hereinafter appears for effectuating the letting shall be valid against and binding upon the owner of the land or any person claiming through or under him.

(2) The trust shall not take possession of any such land until three months after a notice in writing, setting forth that rates in respect of the land are unpaid, and demanding payment thereof, and stating that in default of payment the trust will take possession thereof under the provisions of this Act, has been served on or posted to every person appearing by the books of the Registrar-General to be a mortgagee of the land, and on or to every person who is rated in respect of the land or is entitled under any lease to the possession of the land whose name and address is known to the trust, or, if there is no such person whose name and address is so known, has been affixed to some conspicuous place on the property. Every such notice served on or posted to any person, or so affixed, shall contain a sufficient description of the land to identify the same, but every lease granted by the trust otherwise in accordance with the provisions of this Act shall be valid, notwithstanding the non-compliance with any of the provisions of this subsection.

(3) On taking possession of any land as aforesaid the trust shall cause to be affixed on some conspicuous part thereof a notice that the land has been taken possession of by the trust under the provision of this section and is to let on lease.

(4) An entry in the minute book of the trust that notice has been served, posted, or affixed as required by subsections (2) and (3) or a certified copy of any such entry, shall be accepted as conclusive evidence of the giving of the notice, and of the rates therein referred to being unpaid.

(5) Every such lease shall be for such term not exceeding seven years as to the trust may seem fit, and shall reserve the best rent which can be reasonably obtained for the land, and shall contain and be subject to such other reservations and such exceptions, covenants, and conditions as to the trust may seem fit.

(6) The secretary shall, upon being directed by the trust so to do, execute in the name and on behalf of the trust a memorandum of lease or other deed or instrument, in such form as he may think fit, leasing the land to the lessee or lessees free from any mortgage, lease, tenancy, or encumbrance.

(7) The Registrar-General shall, on the receipt of a certified copy of the entry in the minute book mentioned in subsection (4), and without any further evidence of title or of the power of the trust to grant the lease, forthwith register the same in the certificate of title bound up in the register book relating to the land, on payment of the usual fee therefor. The registration of the lease shall vest in the lessee an indefeasible estate during the term and subject to the provisions of the said lease.

(8) Within three months after demand by any person who, but for the provisions of this section, would be entitled to the possession of the land, made within twenty-one years after the taking possession thereof on the part of the trust, and after payment of all rates due in respect thereof, and all costs, charges, and expenses incurred by the trust, in respect of the land, pursuant to this Act or any repealed Act, and interest upon all arrears of such rates, costs, charges, and expenses, at the rate of six pounds per centum per annum, the trust shall execute under the common seal of the trust a release of the land from all rates due in respect thereof. If the trust makes default in executing the release the Supreme Court may, upon the motion of any person interested in that behalf, compel the trust so to do. Upon the execution of the release, subject to any lease theretofore legally granted by the trust under the provisions of this section, such person or persons shall be entitled to the land, and the possession thereof, as would have been so entitled if this section had not passed, and any tenant of the land under any such lease shall attorn to such person or persons accordingly.

(9) All rent and other moneys payable under any such lease shall, until the execution of a release as hereinbefore mentioned, or the expiration of twenty-one years from the trust taking possession, whichever shall first happen, be received by the trust, and shall be applicable—

(*a*) in defraying the expenses of and incidental to carrying into effect the provisions in this section contained,

and to the execution of the lease, and the collection of the rents, and the expenses of any repairs and improvements to the land which the trust may consider it necessary to effect:

(*b*) in payment to the trust of all arears of rates and other payments due in respect of the land, together with interest on all arrears or rates and on the said expenses at the rate of six pounds per centum per annum from the time the rates became due respectively, and in payment of all rates and other payments accruing due thereon.

The residue of any such moneys shall belong to such person or persons as would when the same respectively were received have been entitled to receive the rents and profits of the land if this section had not been passed, and the trust shall deal with such residue in all respects as the Governor shall direct.

(10) Unless some person entitled in that behalf performs the conditions entitling him to demand a release of any land of which the trust has taken possession under the foregoing provisions within twenty-one years after the taking possession, the land and all accumulations of rent and other moneys on account thereof shall vest absolutely in the trust.

(11) Any land which becomes vested in the trust under the provisions hereinbefore mentioned may be sold by the trust at such price and upon such terms as may be determined by the trust, and the proceeds of any such sale may be used by the trust in improving or extending the irrigation works, or for any of the purposes to which the rates may be applied.

(12) The powers conferred on the trust by this section shall be exercisable in addition to any other powers with regard to the sale and letting of land, and to the collection, recovery, and enforcement of the payment of rates, conferred on the trust by this Act.

PART VIII.

DRAINAGE OF LAND.

Power of trust to construct drains and drainage works 2129, 1933, s. 6.

115. (1) The trust may from time to time construct drains or drainage works for the prevention or removal of seepage conditions in the district, or any part thereof and generally for the drainage and improvement thereof.

(2) The trust shall before constructing any drains or drainage works give notice in writing by post to the owners of ratable land within the part of the district in respect of which the trust proposes to carry out the work. If within the time specified in the notice (which shall be not less than one month after the giving thereof) the owners of one-third or more of the ratable land within the said part give notice in writing to the trust requesting the trust not to carry out the work, the trust shall not carry out the work.

Notice of cost of drains and lands benefited thereby. 2129, 1933, s. 7.

116. (1) Upon the completion of the construction under the last preceding section of any drains or drainage works in the district, the trust shall publish a notice in the *Government Gazette* stating the date of completion and cost of construction of the drains or works, and what ratable land will be benefited by the drains or works and may give any other notice thereof it thinks fit.

(2) The notice shall be conclusive evidence as to the date of completion and the cost of construction of the drains or works, and as to what ratable lands will be benefited by the drains or works.

Declaration of drainage rate. 2129, 1933, s. 8.

117. (1) The trust may, after the publication in the *Government Gazette* of the certificate mentioned in the last preceding section, declare on all or any of the ratable lands which will be benefited by the drains or works a general drainage rate to defray the cost thereof.

(2) The drainage rate may be declared according to the assessment of the lands for rates for the time being in force under this Act, or according to such other assessments or on such other basis as the trust from time to time determines.

(3) The rate shall be a half-yearly rate, and shall be of such amount as will be sufficient, in the opinion of the trust, to pay out of the proceeds thereof—

(*a*) the cost of cleansing, repairing, and maintaining the drains or works ;

(*b*) the expenses connected with the care, control, and management of the drains or works ;

(*c*) interest at a rate to be fixed by the trust on the cost of construction of the drains or works, or on the balance of such cost for the time being remaining unpaid ; and

(*d*) such amount as is sufficient to repay to the trust the capital cost of the construction of the drains or works in such equal half-yearly instalments (being not more than forty) as the trust thinks fit.

Connection of private drains with trust drain.
2129, 1933, s. 9.

118. (1) If any ratable land benefited by any drain constructed under section 115 is separated from the drain by the land of any other owner the owner of such first mentioned land may—

(*a*) subject to the approval of the trust and under the supervision of the trust, construct private drains and channels of a type to be approved by the trust in each case across such second mentioned land for the purpose of connecting his private drain or channels with the drain of the trust :

(*b*) in any case in which the trust directs in writing and subject to any direction of the trust, construct private drains or channels across such second mentioned land in manner provided by and subject to paragraph (*a*), and may connect any such private drain or channel with any other private drain or channel on such land connected with the drain of the trust.

(2) Any owner who constructs any private drain or channel across the land of any other owner or connects any private drain or channel with any private drain or channel of any other owner, shall be liable to pay to such other owner as compensation for any matters arising out of the construction or connection, such sum as the trust thinks reasonable.

Owners to drain their blocks.
2129, 1933, s. 10.

119. (1) Upon the completion of the construction under section 115 of any drains or works in the district, all owners of ratable land benefited by the construction of the drains or works shall take such measures, by the construction and connection of private drains or channels with the said completed drains or otherwise, as the trust considers necessary to drain their land effectively.

(2) If any owner fails to comply with the provisions of this section, and such default continues for one month after service upon him of a notice in writing by the trust requiring him to so comply, any person authorised for the purpose by the trust may—

(*a*) enter upon the said land ;

(*b*) do all such things as are necessary to carry out the requirements of the said notice ; and

(*c*) remain on the land for so long as is necessary to enable the work to be completed.

(3) The cost incurred by the trust in doing the said work shall be a debt due by the owner to the trust, and may be recovered by the trust in any court of competent jurisdiction.

Power of trust to drain surface and storm water. 2129, 1933, s. 11.

120. (1) If any ratable land within the district is not, as to the drainage of surface and storm water, drained by some efficient drain communicating with some watercourse, or some drain used under the authority of this Act, the trust may construct through any land lying between the first-mentioned lands and the nearest such watercourse or drain an efficient drain suited for draining therefrom and from the intermediate lands such surface and storm water as aforesaid, but so that the drain shall not pass through or under any house, building or other like structure.

(2) All costs and expenses incurred in constructing any such drain shall be apportioned by the trust among the owners of land deriving any benefit therefrom, so far as possible in proportion to the benefit and the amount so apportioned to each owner shall be paid by the owner after notice in that behalf by the trust.

(3) If the amount so apportioned to any owner is not paid, the same may be sued for and recovered as a debt due to the trust in any court of competent jurisdiction.

Recovery of amounts due to trust. 2129, 1933, s. 12.

121. Any amount due to the trust pursuant to section 119 or section 120 shall (without limiting the operation of the said sections) be payable to and recoverable by the trust in the same manner as rates are payable to and recoverable by the trust, and the trust shall have the same remedies for non-payment of any such amount, or any portion thereof, as the trust has for non-payment of rates.

PART IX.

PART IX.

LOANS.

Power to borrow. 650, 1896, s. 1.

122. The trust may, for the purpose of carrying out any of the purposes or objects of the trust, from time to time raise money by way of loan on the security of its rates.

PART IX.

Provision for repayment of certain loans.
650, 1896, s. 2.
733, 1900, ss. 7 and 10 (5).
933, 1907, ss. 2 and 10.
1520, 1922, s. 5.
1974, 1930, s. 2.

123. (1) The amounts advanced to the trust by the Treasurer pursuant to section 2 of The Renmark Irrigation Trusts Loan Act, 1896, and section 7 of The Renmark Irrigation Trusts Loan Act, 1900, and referred to in section 10 of The Renmark Irrigation Trusts Acts Amendment Act, 1907, shall continue to be repayable in manner provided by section 2 of the Renmark Irrigation Trusts Act, 1930, namely, the balance of the ten thousand pounds referred to in paragraph II. of section 2 of the Renmark Irrigation Trusts Act, 1930, and unpaid at the commencement of this Act shall be repaid to the Treasurer by payments of the sum of six hundred and fifty pounds on the first day of October in every year until the said balance is paid.

(2) Upon the completion of the payment of the said balance, all liabilities of the trust in respect of all the amounts mentioned in subsection (1) shall be deemed finally to have been determined and extinguished.

(3) The amount of the balance for the time being unpaid shall be a first charge on all property for the time being vested in or belonging to the trust.

Consent of ratepayers not required to special rate.
733, 1900, s. 16.

124. The consent of the ratepayers shall not be required to a special rate declared for the purposes of repaying moneys to the Treasurer under this Part.

PART X.

PART X.

SALE AND LEASING OF LAND.

The Renmark Allotment Board.

Constitution and appointment of allotment board.
1179, 1914, s. 5.

125. (1) The board called " The Renmark Allotment Board " is hereby continued.

(2) The board shall consist of three members, who shall, subject to section 127, be appointed by the Governor after nomination as provided by section 126.

(3) When a vacancy occurs on the board the Governor shall appoint a person to fill the vacancy. If the member whose seat has become vacant was nominated by the Minister, the person to fill the vacancy shall be appointed after nomination by the Minister, and if by the trust, after nomination by the trust.

(4) Notice of every appointment shall be published in the *Government Gazette*.

Nomination of members of board.
1179, 1914, s. 6

126. (1) The trust shall nominate two persons who—

(*a*) are ratepayers in respect of land within the district; and

(*b*) are, under section 11, qualified to be members of the trust,

to be members of the board.

(2) The Minister shall nominate a member of the Land Board to be a member of the board.

Appointment without nomination on failure to nominate.
1179, 1914, s. 7.

127. If in any case the Minister or the trust fails to give notice in writing to the clerk of the Executive Council of his or its nomination within two months after being requested in writing by the said clerk to make such nomination, the Governor may appoint a member without nomination. The member so appointed shall be deemed to have been appointed after such nomination.

Casual vacancies.
1179, 1914, s. 8.

128. The seat of a member shall become vacant on—

(*a*) his death, lunacy, or bankruptcy, or his compounding with his creditors for less than twenty shillings in the pound, or his being convicted of an indictable offence; or

(*b*) his resignation by notice in writing posted or delivered to the chairman of the board, or, in the case of the chairman of the board, to the Minister; or

(*c*) his absence from three consecutive meetings of the board without the leave of the board.

Proceedings and Functions of the Board.

Defects in appointment not to invalidate proceedings of board.
1179, 1914, s. 9.

129. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of the act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if that member had been duly appointed and was qualified and entitled to be and to act, and had acted, as a member of the board, and as if the board had been properly and fully constituted.

Meetings of board.
1179, 1914, s. 10.

130. The board shall meet whenever required so to do by the Minister, by notice in writing, delivered or sent by post addressed to the several members of the board.

Quorum.
1179, 1914, s. 11.

131. Any two members of the board shall form a quorum, and may exercise all or any of the powers and authorities vested in the board.

Chairman.
1179, 1914, s. 12.

132. (1) The member of the board nominated by the Minister shall be the chairman of the board.

(2) The chairman of the board shall have a casting as well as a deliberative vote.

Who to preside at meetings.
1179, 1914, s. 13.

133. (1) The chairman of the board shall preside at all meetings of the board: Provided that in the case of his absence from a meeting, the members present may elect one of their number to preside at the meeting during such absence.

(2) Any member so presiding shall, for the purposes of the meeting, have all the powers and authorities of the chairman of the board.

Member not to sit at meeting to consider application by himself or his partner or relative.
1179, 1914, s. 14.

134. No member of the board shall sit at any meeting of the board whilst any application by himself, or on his behalf, or in which he is pecuniarily interested, or by or on behalf of any partner or relative of the member, for an agreement or lease under this Part, is being heard, considered, or dealt with.

Allotment in contravention of section 134 void.
1179, 1914, s. 15.

135. The decision of the board granting any application by any member of the board, or by any partner or relative of any member and any allotment made in consequence of any such decision, shall, if the provisions of section 134 were not observed with respect to the application, be absolutely void, except as against any person, not being a partner or relative of the member of the board who failed to observe the said provisions, who has purchased any block so allotted *bona fide* for value and without notice of the non-observance.

Powers and duties of board.
1179, 1914, s. 16.

136. In addition to and without prejudice to any other powers vested in the board, the board shall—

(*a*) subject to the approval of the Minister, fix the purchase price, or the annual rent, payable under any agreement or lease under this Part:

(*b*) consider and, after adjournment if necessary, accept or reject applications under this Part; and report its decisions thereon, and the allotments (if any) made in consequence thereof, to the trust:

(*c*) require the personal attendance of, and, when necessary, examine all applicants, objectors, and necessary witnesses:

(*d*) deal with all other matters referred to it by the trust.

137. The board may require evidence given before it to be on oath or affirmation.

Power to require evidence to be upon oath. 1179, 1914, s. 17.

138. (1) The chairman of the board or the member presiding at any meeting of the board may, when evidence is taken upon the consideration of any application under this Part, administer an oath or affirmation to any person.

Power to administer oath or affirmation. 1179, 1914, s. 18.

(2) The evidence given by any such person shall be taken down in writing, and be signed by him and countersigned by the chairman of the board or other member presiding as aforesaid.

139. Any person who, upon oath or affirmation administered under section 138, wilfully and corruptly gives any false evidence, shall be guilty of perjury, and shall be liable to be imprisoned for any period not exceeding four years.

Punishment for perjury before the board. 1179, 1914, s. 19.

Certain Land vested in the Trust.

140. The piece of land delineated and coloured blue in the plan signed J. H. McNamara, Surveyor-General, and deposited in the Land Office on the fifth day of August, nineteen hundred and thirty-six, and numbered 324, and therein marked "X", shall, so far as the same has not been alienated by the trust, continue to be vested in the trust, to be held by the trust in fee simple for the purposes of this Part.

Certain land vested in trust in fee simple. 1179, 1914, s. 20.

141. The land by this Part vested in the trust shall be offered for sale by the trust in blocks of such areas respectively as the Minister, on the recommendation of the board, approves.

Land to be offered for sale. 1179, 1914, s. 21.

Trust may grant Leases of certain Land.

142. The several pieces of land delineated and coloured purple in the plan signed J. H. McNamara, Surveyor-General, and deposited in the Land Office on the fifth day of August, nineteen hundred and thirty-six, and numbered 324, and all therein marked "Y", shall, on behalf of the Crown, be offered by the trust on leases for grazing, or for grazing and cultivation, in blocks of such areas respectively as the trust determines. The trust may, on behalf of the Crown, grant leases of such blocks as aforesaid to the applicants therefor whose applications have been granted by the board.

Certain land may be leased by trust. 1179, 1914, s. 22. 1684, 1925, s. 5.

Allotment of Lands by Trust.

143. (1) The trust shall, by notice published in the *Government Gazette*—

Notice of lands offered. 1179, 1914, s. 23.

(*a*) specify what blocks are offered under sections 141 and 142 respectively, and the areas of the blocks and

the purchase prices or annual rentals fixed by the board therefor respectively; and

(*b*) declare that the blocks may be applied for by persons desiring to purchase or to lease the same (as the case may be), and the conditions upon which the blocks may be purchased or leased respectively;

(*c*) fix a date up to or on which applications for the blocks will be received by the trust.

(2) All applications for any such blocks received by the trust shall be referred to the board.

Simultaneous applications. 1179, 1914, s. 24.

144. (1) All applications for the same block received up to or on the date fixed under section 143 for receiving applications shall be dealt with as simultaneous applications.

(2) All applications received after the said date on one and the same day, for any block not before applied for, shall also be dealt with as simultaneous applications.

How simultaneous applications to be dealt with. 1179, 1914, s. 25.

145. Subject to section 146 simultaneous applications may be decided by lot by the chairman of the board where any difficulty arises in deciding who is to be the successful applicant.

Other things being equal, Renmark settler to be preferred. 1179, 1914, s. 26.

146. The board shall, where any difficulty arises in deciding who is to be the successful applicant, give preference to the applicant (if any) who is the holder in fee simple of land within the district: Provided that the board shall not be bound to grant the application of any applicant.

Board to report, and successful applicants to be gazetted. 1179, 1914, s. 27.

147. The board shall furnish the trust with the names of the successful applicants, and the trust shall thereupon cause the names to be published in the *Government Gazette*, together with particulars of the blocks allotted to the applicants respectively, and the rent or purchase price payable in each case.

Power to offer lands not taken. 1179, 1914, s. 28.

148. If any block specified in a notice under section 143 is not applied for within three months from the date fixed by the notice as the date up to or on which applications for the block would be received, or if all applications received for the block are rejected, or if the agreement or lease under which any block is held is forfeited, the trust may re-offer the block at such reduced rent or purchase-money as the board, with the approval of the Minister, deems proper.

Terms and Conditions of Agreements and Leases.

Agreement to purchase. 1179, 1914, s. 29.

149. In the case of a block offered under section 141, a sum equal to ten per centum of the purchase price fixed by the board for the block shall be payable by the allottee upon

allotment, and the allottee shall enter into an agreement with the trust in a form to be approved by the Minister, whereby he shall covenant (*inter alia*) to purchase the block at the purchase price fixed by the board, and to pay the balance of the purchase-money, with interest at the rate of four pounds ten shillings per centum per annum upon the balance for the time being remaining unpaid, by sixty equal half-yearly instalments, which instalments shall be paid in advance: Provided that any allottee who has complied with the terms and conditions of his agreement shall have the option of completing the purchase of his block at any time after the expiration of six years from the date of allotment, upon paying the balance of the purchase price, and interest as aforesaid up to the time of the completion of the purchase.

Agreement liable to forfeiture. 1179, 1914, s. 30.

150. (1) An agreement shall be liable to forfeiture by the trust if any instalment thereunder is in arrear for six months, the purchaser thereunder having had at least three months' previous notice in writing demanding its payment, or if any breach is made of any of the terms or conditions of the agreement.

(2) Upon any such forfeiture all right, interest, or claim either in law or in equity, of the purchaser in or to the land included in the forfeited agreement, or to any moneys paid on account of his purchase, shall be absolutely determined, and the land may be dealt with as the trust, with the approval of the Minister, determines.

Terms and conditions of lease. 1179, 1914, s. 31.

151. (1) Every lease granted under section 142 shall—

(*a*) be in such form as the board approves;

(*b*) be for a term not exceeding twenty-one years; and

(*c*) be subject at the expiration of every period of seven years of the term thereof, to revaluation by the board of the land thereby leased and to such (if any) alteration of the rental thereby reserved as the board, upon such revaluation and with the approval of the Minister, determines.

(2) Every such lease shall—

(*a*) reserve to the Crown the right to resume without compensation possession of the whole or any part of the land thereby leased upon the expiration of a period of six months after the publication in the *Government Gazette* of a proclamation by the Governor declaring that the land or part is required for a public purpose, or for irrigation or reclamation;

(*b*) reserve to the Minister of Irrigation or other the Minister of the Crown for the time being performing the functions of that Minister, his officers, servants, and agents, the right at any time to enter upon the land for the purpose of surveying the same, or any part thereof, or for constructing thereon channels or any other work connected with irrigation ; and

(*c*) contain, *mutatis mutandis*, the extended meaning of "condition of forfeiture" set out in the fourth schedule to the Crown Lands Act, 1929.

PART XI.

PART XI.

RATEPAYERS' MEETINGS, ELECTIONS, AND POLLS.

Ratepayers' meetings.
578, 1893, s. 125.

152. (1) Meetings of ratepayers may be called by the trust at any time.

(2) Whenever twenty ratepayers, by writing under their hands, left at the trust office, require the trust to call a meeting, the trust shall do so within two weeks from the day of leaving the notice, the meeting to be held within five weeks from the same day.

General provision for voting at ratepayers' meetings.
578, 1893, s. 126.

153. In the absence of special provision, the proceedings at any meeting of ratepayers shall be regulated as follows :—

I. The chairman of the meeting shall in the usual way take a show of hands for every proposition and amendment touching the object of the meeting, and shall declare that proposition carried for which in his opinion the largest show of hands appears :

II. In cases where it is provided that a poll may be demanded, the chairman shall immediately after he has declared the result of the show of hands publicly inquire from the meeting whether any ratepayers demand a poll, and thereupon any six ratepayers may demand a poll by giving notice in writing of such demand to the chairman of the meeting, and the chairman shall thereupon appoint a day, not later than eight days thereafter, to take a poll of the ratepayers on the subject.

General provisions for voting at elections an polls.
578, 1893, s. 127. 93 ½, 1907, s. 3 (*e*) and (*f*).

154. Every election under this Act, and every poll of ratepayers, shall be taken by ballot, and the following provisions shall apply :—

I. The trust shall appoint a returning officer, who shall, *mutatis mutandis*, have all the powers conferred by The Ballot Act of 1862, on a returning officer in case of an election, including the power to appoint deputies, and shall preside at the election or the taking of the poll :

II. The trust shall appoint a polling-place for the election or poll. The election or the taking of the poll shall commence at eight o'clock in the forenoon, and shall continue open until all the voters present in the polling booth at seven o'clock in the afternoon have had an opportunity of voting, and shall then close :

III. In polls other than elections one scrutineer, to be present at the voting at each polling-place, shall be appointed by the trust, and the persons demanding the poll may, by writing under their hands, or the hands of any three of them, appoint one scrutineer to be so present. In case of an election each candidate may appoint, in writing, one scrutineer to be present in the polling-place :

IV. At every election or poll the returning officer, if it appears to him expedient, may cause booths to be erected, or rooms to be hired and used as booths, at the polling-place ; and the same shall be so divided and allotted into compartments as to the returning officer may seem most convenient. The returning officer shall before the day fixed for taking the votes, cause a copy of the assessment-book to be furnished for use at the polling-place :

V. At any election or poll every person of the age of eighteen years or upwards, whose name appears as a ratepayer in the assessment-book in force for the time being, shall have one vote for every acre of ratable land in respect of which he is assessed. Any such ratepayer who at the time of the holding of the election or poll is distant more than twenty miles from the polling-booth, or is unable to attend owing to illness, may, subject to the proviso hereinafter contained, vote by his attorney under power, such power to be produced to the returning officer at the election or poll : Provided that a statutory declaration by the ratepayer as to his absence or intended absence, or as to such illness, is produced

to the returning officer, together with the power. Any such declaration shall be conclusive evidence of the absence or illness, as the case may be :

VI. For the purposes of this section a fractional part of an acre of land equal to or exceeding half an acre shall be deemed to be one acre :

VII. In case of joint tenancy or tenancy in common the vote of the person who first tenders his vote shall be taken, and none of the other joint tenants or tenants in common shall vote at the same election or poll :

VIII. Where different persons appear in the assessment-book as owner and occupier respectively of the same ratable land, only that one of those persons shall vote in respect of the land who first offers to do so, and if both offer simultaneously the owner only shall so vote :

IX. Every person entitled to vote shall present himself personally or by attorney, to the returning officer or his deputy, at the polling-place, and state his Christian and surname, abode, profession or occupation, the nature of his qualification, and the place where the land or qualification is situate. The returning officer or deputy shall thereupon place a mark against the name of the voter or of his principal on the copy of the assessment-book, and hand the voter a voting-paper or voting-papers specifying the number of votes to which he or his principal is entitled, which voting-paper or voting-papers shall bear the initials of the returning officer or deputy :

X. In cases of elections, the voting-paper shall contain the Christian and surname of each candidate, arranged in alphabetical order, according to the surnames, and if there are several candidates of the same surname, then according to the Christian name or names of the candidates, and if there are several candidates of the same Christian and surname, then as to those candidates in such order as the returning officer thinks proper. Every such voting-paper shall have a square printed opposite to the name of each candidate, with a number corresponding with the order of nomination inserted in such square :

XI. In cases other than elections, the voting-paper shall contain a statement of or reference to the particular proposition in respect of which the votes are given,

and underneath the statement or reference shall contain, on separate lines, the following sentences, that is to say :—

" I agree to the above proposition " :

" I object to the above proposition " :

And shall have a square printed opposite each such sentence :

XII. Except as above provided, nothing shall be inserted in or placed on any voting-paper :

XIII. There shall be provided one or more separate apartments or places forming part of the polling-booth, into which the voter shall, on receiving his voting-paper, immediately retire, and there alone and in private, without interruption, indicate his vote or votes by making a cross within the square on his voting-paper which is opposite the name of the candidate for whom he intends to vote, or opposite the affirmation or negation of the proposition voted upon, and shall then fold the paper and immediately deliver it so folded to the returning officer or his deputy, who shall forthwith publicly, and without opening the same, deposit it in a box to be provided for that purpose ; and no voting-paper so deposited in any box shall on any account be taken therefrom unless in the presence of the scrutineers after the close of the poll. No voting-paper shall be received unless it is so folded as to render it impossible for the returning officer, his deputy, or any other person, to see how the vote is given :

XIV. Any voter wilfully infringing any of the provisions of this section, or obstructing the voting by any unnecessary delay in performing any act within the said polling booth or room, shall be guilty of a misdemeanour :

XV. Any voter may signify to the returning officer or his deputy that by reason of blindness or defective eyesight he is unable to vote without assistance, and thereupon the returning officer or deputy, if satisfied of such inability, shall permit any agent named by the voter to accompany him into the apartment or place for voting to mark the voting-paper on the voter's behalf, and shall receive the paper from the agent and deposit it in the ballot-box :

XVI. The only persons who shall be allowed to remain in the polling-booth or room shall be the persons about to vote, the returning officer, the deputy returning officers, and the scrutineers :

XVII. No inquiry shall be permitted at any election or poll as to the right of any person to vote, except as follows, that is to say :—The returning officer or his deputy may, or if required by any scrutineer shall, put to any person applying for a voting paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other :—

(i.) Are you the person whose name appears as .....and as a ratepayer in the assessment-book of the Renmark Irrigation Trust ; or (in case of a person claiming to vote as attorney for a ratepayer) Are you the person mentioned as attorney for in the power of attorney under which you claim to vote, and is the person appointing you the person whose name appears as and as a ratepayer in the assessment-book of the Renmark Irrigation Trust ?

(ii.) Have you already voted at the present poll except in a different capacity from that in which you now claim to vote ?

No person shall be entitled to vote unless his answer to the first question, if put, is in the affirmative, and to the second, if put, is in the negative. Any person who wilfully makes a false answer to either of such questions shall be guilty of a misdemeanour :

XVIII. Any person who in the same capacity votes a second time, or offers to vote a second time, at any election or poll or who personates any other person for the purpose of voting at any such election or poll, shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding six months :

XIX. Immediately before taking the votes the returning officer or deputy returning officer shall exhibit the ballot-box empty. The returning officer or deputy returning officer shall immediately, upon the close of the voting, publicly close and seal the box containing the voting-papers. Any returning officer or deputy returning officer who unlawfully tampers with any ballot-box or voting-paper shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding six months :

XX. At the close of the election or poll the returning officer shall—

(*a*) fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the election or poll;

(*b*) in the presence of such of the scrutineers as choose to be present, open all the boxes containing voting-papers delivered in at the election or poll;

(*c*) examine the voting-papers, and reject all such as contain crosses against the names of a larger number of persons than are required to be elected, or against both the affirmation and the negation of any proposition, or contain anything other than such matters as are hereinbefore prescribed for such voting-papers;

(*d*) openly declare the general state of the votes at the close of the election or poll, as the same is made up by him from the voting-papers;

(*e*) declare the name or names of the person or persons who have been duly elected, and in the event of the number of votes being found to have been equal for any two or more candidates, shall, by his casting-vote, decide which candidate shall be elected, or shall declare any proposition or propositions carried or not, according as the majority of votes shall be for or against the same.

In case of an equality of votes for and against a proposition, the returning officer shall, by his casting-vote, decide for or against the same. No returning officer shall vote at any election or poll at which he is returning officer, except in case of an equality of votes as aforesaid; but this provision shall not apply to a deputy returning officer:

XXI. All voting-papers shall be destroyed by the returning officer immediately after the declaration of the result of the election or poll.

Payment of rates before voting. 933, 1907, s. 3 (*a*).

155. (1) Except where otherwise provided, no person shall be entitled to nominate a candidate for election or to vote at any election or poll of ratepayers unless, before the day of nomination, in the case of an election, or at least ten days

before any poll, all sums then due in respect of any rate or rates declared six months prior to the election or poll, upon all land within the district for the payment of which he is primarily liable have been paid.

(2) Any ratepayer or collector of rates or scrutineer appointed under this Act may object to any person voting if any such rates are not paid.

(3) The secretary shall cause a list of all persons whose rates are paid in accordance with the provisions hereof to be prepared for use at every polling-place, and the list shall constitute the voters' roll in respect of that polling-place. For the purpose of the annual elections, the list shall be compiled from the assessment-book for the year ending the thirtieth day of June preceding the day of election.

Powers of returning officer.
578, 1893, s. 128.

156. (1) Every returning officer and his deputy shall have authority—

(*a*) to maintain and enforce order and keep the peace at any election or poll held by him :

(*b*) without any other warrant than this Act, to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions which may be put to him under this Act or any other Act for the time being in force in that behalf, or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once at the same election or poll, or leaving or attempting to leave the polling-place after having received a voting-paper and before having deposited the same in the box, or causing a disturbance at any election or poll :

(*c*) to cause any person to be removed who obstructs the approaches to any polling-place or conducts himself in a disorderly manner there.

(2) All constables and peace officers shall aid the returning officer, his deputy, or other person so appointed as aforesaid in the performance of his duty.

What shall be deemed acts of bribery and corruption.
578, 1893, s. 129.

157. The following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate, whether committed by the candidate or by any agent authorised to act for him, that is to say :—

1. The giving of money or any other article whatsoever cockades included, to any elector with a view to influencing his vote :

II. The holding out to him any promise or expectation of profit, advancement, or enrichment in any shape in order to influence his vote, or making use of any threat to an elector, or otherwise intimidating him in any manner with a view to influencing his vote:

III. The treating of any elector or supplying him with meat, drink, lodging, horse or carriage hire, or conveyance by steam or otherwise whilst at the election or whilst engaged in coming to or going from the election:

IV. The payment to any elector of any sum of money for acting or joining in any procession during the election, or before or after the same:

V. The keeping open or allowing to be kept open any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind be distributed at such places of entertainment or not:

VI. The giving of any dinner, supper, breakfast or other entertainment at any place whatsoever by a candidate to any number of electors with a view to influencing their votes.

Any of the above acts to disqualify. 578, 1893, s. 130.

158. The commission of any one of the above-mentioned acts shall, on proof thereof, be held to render void the election of the person committing the act, and to disqualify him from being elected for the same office during the whole period that may intervene between the commission of the same and the time of the next periodical election.

Principals bound by acts of their agents. 578, 1893, s. 131.

159. The acts of all authorised agents of a candidate shall, in matters connected with elections, be held to be acts of their principal, if it is proved that the acts were committed with his knowledge or consent.

Acts of bribery and corruption by person not being the authorised agents. 578, 1893, s. 132.

160. If any of the above-mentioned acts, hereby declared to be acts of bribery and corruption, is committed by any person not the authorised agent of any candidate, the said person shall be guilty of a misdemeanour, and liable to a penalty not exceeding two hundred pounds, or imprisonment not exceeding six months, on the information of the Attorney-General or of any ratepayer of the district.

PART XI.

Penalty on persons receiving or offering reward for voting or withholding vote.
578, 1893, s. 133.
2293, 1936, s. 4.

161. If—

(*a*) any person who has, or claims to have, any right to vote in any election directly or indirectly asks receives, or takes any money or other reward by way of gift, employment, or other reward whatsoever, for himself or for any of his family or kindred, to give his vote or to abstain from giving his vote in any such election; or

(*b*) any person by himself, his friend, or by any person employed by him, by any gift or reward, or by any promise and agreement or security for any gift or reward, procures any person to give his vote in any such election, or to abstain from giving the same,

the offender shall for any such offence forfeit the sum of fifty pounds to the person who first sues for the same, to be recovered with full costs by action as of debt in the local court of full jurisdiction in or nearest to the district.

No action against candidate for costs or expenses of election.
578, 1893. s. 134.

162. No action, suit, or other proceeding shall be maintainable against any person who is a candidate at any election for or in respect of costs or expenses whatsoever in or about or relating to the election.

Provision in the event of impediments of a formal nature.
578, 1893, s. 135.

163. (1) No election or poll shall be held to be void in consequence solely of any delay of the holding of the election or poll at the time appointed, or the absence of the returning officer or any deputy returning officer, or any error on the part of any returning officer or deputy returning officer, which does not affect the result of the election or poll, or of any error or impediment of a mere formal nature.

(2) Within the period of twenty days before or after the day appointed for the holding of any election or poll the Governor may extend the time allowed for the holding of the election or poll, and may adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle by which the due course of any election or poll may be impeded, and may supply any deficiency that may otherwise affect the same.

PART XII.

PART XII.

MISCELLANEOUS.

Limitation of liability to make compensation
578, 1893, s. 137.

164. The trust shall not be liable to make compensation for the exercise of its powers under this Act unless a claim for the compensation is made in writing, addressed to the trust, within one year after the right to the compensation arises.

Compensation determined by Local Court of Adelaide. 578, 1893, s. 138.

165. When any claim for compensation in respect of any of the matters mentioned in the last preceding section is made by any person against the trust, and that person and the trust do not agree on the claim, the question whether any and what compensation shall be made to that person shall be determined by the Local Court of Adelaide of full jurisdiction.

Procedure of local court. 578, 1893, s. 139.

166. (1) Upon the application of either party, the local court shall summon the other party to appear before the local court at a time and place to be named in the summons, and upon the appearance of the parties, or in the absence of either of them upon proof of due service of the summons, the court shall hear and determine the question, and for that purpose may examine the parties and their witnesses upon oath.

(2) The costs of every such inquiry and the amount thereof shall be in the discretion of the court; but if the amount awarded by the court is less by one-fourth than the amount claimed, the person claiming compensation shall pay to the other party the said costs, the amount of which shall be fixed by the court.

Award. 578, 1893, s. 140.

167. The local court shall, after such hearing and determination, draw up an award which shall be signed by the judge or special magistrate presiding at the hearing. Judgment may thereupon be entered in the local court, or the award may be made a rule of the Supreme Court.

Incomplete works. 578, 1893, s. 141.

168. If compensation is sought to be recovered for injury alleged to be the result of the execution of works which at the time of the alleged injury and of the claim to compensation in respect thereof are incomplete, the Supreme Court or a judge thereof, upon an application by the trust, made without action and either by summons or by motion upon notice to the claimant, may order the proceedings to be stayed until the completion of the works or for such period as the Supreme Court or judge may consider sufficient for the completion.

Principles in awarding compensation 578, 1893, s. 142.

169. In determining whether any and what compensation is to be made, the court shall apply the following principles:—

I. No compensation shall be made for injury occasioned by taking or diverting surplus or flood water, permanently or temporarily, from any stream, creek, watercourse, lake, or lagoon:

II. Where, by the execution of any works by the trust, enhancement in value of any property of the claimant wherever situated has been directly or indirectly caused, or any other benefit has been gained or become available to the claimant by

reason of the execution of the works, or of any other works by the trust under this Act or any repealed Act, the compensation shall be reduced by the amount of the value of the enhancement or other benefit:

III. The measure of compensation shall be the direct pecuniary injury to the claimant by the loss of something of substantial benefit previously enjoyed by him, and shall not include remote, indirect, or speculative damages:

IV. Where the injury complained of appears to be of a permanent or continuing character, or likely to be repeated, a sum may be awarded which the court may declare to be a compensation for all possible future repetitions of the injury, as well as for the injury already done; and after the award no further compensation shall be made to any person in respect of future repetitions of the injury.

One sum may be awarded for all interests affected.
578, 1893, s. 143.

170. (1) No compensation shall be made in respect of more than one claim for any act or acts causing, or likely to cause, the same kind of injury to the same property, though the acts may injure the interest in reversion as well as in possession in the property.

(2) Before any sum is awarded as compensation the claimant shall satisfy the court as to the nature and extent of the respective estates or interests of himself and of all other persons (if any) in the property said to be injured, and that he has given sufficient notice to all such other persons of his proceedings to obtain compensation.

(3) All such other persons who may appear before the court shall be entitled to be heard on behalf of their respective interests in the compensation to be awarded, and in giving compensation the court shall award as between the claimant and such other persons the proportions of the compensation to be received by any, or some, or all of them respectively, for all injury actually caused or at any time to be caused to their respective interests in the property.

(4) The said proportion shall be received in full discharge and satisfaction of any rights, claims, or demands whatsoever accrued or to accrue to any of such persons in respect of the act or acts complained of, or any future continuance or repetitions thereof.

(5) Any person to whom any such proportion has been awarded shall have all such remedies and means for recovering the same from the party against whom the claim has been made as though such person had originally been a claimant under the claim on which the award has been made.

171. The trust shall not be liable to any penalty or damage for not supplying water if the want of supply arises from drought or other unavoidable cause or accident.

Trust not liable for accidental failure of supply.
578, 1893, s. 144.

172. Every owner or occupier of land through which a channel, water-course, or drain is cut, or over which an aqueduct or pipe is conducted or carried by the trust, shall give free passage to water of supply or drainage turned into the channel, water-course, drain, aqueduct, or pipe by the trust.

Free passage to be given to supply water.
578, 1893, s. 145

173. Any person who—

(*a*) illegally diverts or takes the waters supplying, or flowing into, any aqueduct, waterworks, stream, or reservoir in the district; or

(*b*) does any unlawful act whereby the water therein may be drawn off or diminished in quantity, or the flow of water therein otherwise improperly affected,

and who does not immediately repair the injury done by him on being required so to do by the trust, so as to restore the said waters to the state in which they were before such act, shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds for every day during which the said supply of water is diverted or diminished, or otherwise improperly affected by reason of any act done by or by the authority of the said person.

Penalty for illegally diverting water.
578, 1893, s. 146.

174. Any person who unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any irrigation work in the district shall be guilty of felony and liable to be imprisoned for any term not exceeding ten years.

Penalty for destruction of works.
578, 1893, s. 147.

175. Any person who unlawfully destroys or injures any irrigation work in the district shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred pounds, and to be imprisoned for any term not exceeding six months, in addition to or in substitution for the said pecuniary penalty.

Penalty for unlawful injury of property.
578, 1893, s. 148.

176. Any person who wrongfully takes or uses any water from any aqueduct, reservoir, watercourse, conduit, or pipe in the district, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any tank or other like place in the district containing water, shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds, and to be imprisoned for any term not exceeding six months, in addition to or in substitution for the said pecuniary penalty.

Penalty for unlawfully taking water.
578, 1893, s. 149.

Notification of waters required to be kept free.
578, 1893, s. 150.

177. (1) The trust may give public notice of all the channels, streams, reservoirs, aqueducts, or other waterworks in the district, whether belonging to or under the control of the trust or not, required for domestic water supply to be kept free from contamination or pollution

(2) Any person who bathes in any channel, stream, reservoir, aqueduct, or other waterwork comprised in any such notice, or who washes, throws, or causes to enter, or, having charge of, allows to enter therein, any dog or other animal, shall be guilty of an offence against this Act, and liable to a penalty not exceeding ten pounds.

(3) Any person who throws or conveys or causes or permits to be thrown or conveyed, any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterwork comprised in any such notice, or who washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes, or other thing, shall be guilty of an offence against this Act, and liable to a penalty not exceeding fifty pounds.

(4) Any person who causes the water of any sink, sewer, or drain, or other filthy water belonging to him or under his control to run or be brought into any stream, reservoir, aqueduct, or other waterwork comprised in any such notice, or does any other act whereby the water therein is fouled, shall be guilty of an offence against this Act, and liable to a penalty not exceeding fifty pounds, and a further sum of twenty shillings for every day, if more than one, for which the offence continued.

Penalty for nuisance in irrigation area.
578, 1893, s. 151.

178. (1) If—

(*a*) any owner or occupier of land does or permits to be done on his land any act or permits to remain thereon any water or thing likely to injure the water supply in the district; and

(*b*) notice to discontinue or remove the same is given to him in writing by the trust; and

(*c*) he neglects or refuses to discontinue the act or to remove the matter or thing,

he shall be guilty of an offence against this Act, and liable to a penalty not exceeding fifty pounds, and a further penalty not exceeding ten pounds for every day, if more than one, for which the offence continues.

(2) This section shall not apply to the ordinary grazing of animals, except pigs and geese, on any such land.

179. Any person who at the time of his election to the office of member or auditor to his knowledge is disqualified to act in that office, or who after his election becomes disqualified, and who in any manner acts as a member or auditor after his election, and his knowledge of the existence of his disqualification, shall be guilty of an offence against this Act, and liable to a penalty not exceeding ten pounds.

Disqualified person acting as member or auditor. 578, 1893, s. 152.

180. Any person elected to the office of member or auditor, and who at the time of his election is disqualified, or who after his election becomes disqualified, and who does not, within fourteen days after having knowledge of his election and the existence of his disqualification, deliver or send through the post to the chairman, or, if there is no chairman, to the Minister, a notice stating the fact of such disqualification to act as member or auditor, as the case may be, with the grounds thereof, shall be guilty of an offence against this Act, and liable to a penalty not exceeding ten pounds.

Disqualified person to give notice of disqualification. 578, 1893, s. 153.

181. Any person duly qualified and not exempt who, having been duly elected as member, refuses to take upon himself the office of member and to act in the same, or who neglects so to do for three consecutive ordinary meetings of the trust after his election, and any qualified person who has taken upon himself the office of member, and who, without the licence of the trust, resigns such office in manner herein provided, or, without such licence, absents himself from the State, for three consecutive ordinary meetings, or without reasonable cause absents himself from three consecutive ordinary meetings of the trust, shall be guilty of an offence against this Act, and liable to a penalty not exceeding twenty pounds.

Person elected member refusing to act. 578, 1893, s. 154.

182. Any member who being duly qualified and duly elected is called upon in manner by this Act prescribed to defend his title to his office, and by default or by collusion with any person laying the complaint against him, suffers an order to be made declaring his seat to be vacant, or that he is not a member, shall be guilty of an offence against this Act, and liable to a penalty not exceeding twenty pounds.

Person elected as member and failing to defend his title to the office. 578, 1893, s. 155.

183. Any person who, not being eighteen years of age, votes at any election or poll held under this Act, or who, not being twenty-one years of age, sits or acts as a member under this Act, shall be guilty of an offence against this Act, and liable to a penalty not exceeding ten pounds.

Penalty on minors voting at elections or acting as members. 578, 1893, s. 156.

184. Any member who is a shareholder or a member of any incorporated company, and who votes as member of the trust on any question concerning any contract or dealing in

Shareholder in company which is interested, voting. 578, 1893, s. 157.

which the company of which he is a shareholder or member is interested, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Penalty for obstructing trust, officers, &c.
578, 1893, s. 158.

185. Any person who at any time obstructs the trust, or any officer or person employed by the trust in the performance of anything which they are respectively empowered to do by this or any other Act shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

Persons examined on oath, &c., making false statement.
578, 1893, s. 159.

186. Any person who is examined upon oath, affirmation, or declaration by any court or the trust, or any justice or justices or other person, under the authority of this Act, and who wilfully, upon any such examination, makes any false statement, shall be guilty of wilful and corrupt perjury, and be punished accordingly.

Forgery.
578, 1893, s. 160.

187. Any person who forges or alters, or utters, uses disposes of, or puts off, knowing the same to be forged or altered, any document or writing required or authorised by this Act, or any signature thereto or seal thereon, shall be guilty of felony, and liable to be imprisoned for any term not exceeding seven years with hard labour.

Persons publishing false statements in *Gazette*.
578, 1893, s. 161.

188. Any person who—

(*a*) wilfully publishes in the *Government Gazette* any false petition, notice, or other document in any matter in which a petition, notice, or other document is by this Act required or authorised to be published in the *Government Gazette* ; or

(*b*) wilfully posts any false notice in any matter of which public notice or any notice is by this Act required to be given ; or

(*c*) tears down, mutilates, defaces, or obliterates any public notice or other document posted in any place within the district under the authority of this Act,

shall be guilty of an offence against this Act and liable to a penalty of not less than one pound or more than ten pounds.

Non-performance of provisions of this Act.
578, 1893, s. 162.

189. Where any matter or thing is by or under this Act, or by any order or notice made and published under the authority hereof, directed and forbidden to be done, or where any authority is given by this Act to any person to direct any matter or thing to be done, or to forbid any matter or thing to be done, and the act so directed to be done remains undone, or the act so forbidden to be done is done, in every case every such person offending against the direction or prohibition shall be deemed guilty of an offence against this Act.

Penalty for offence against this Act. 578, 1893, s. 163.

190. Every person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed by this Act or by any regulation or by-law in force in that behalf, and, if no other penalty be imposed, to a penalty not exceeding twenty pounds.

Power to remit fines. 578, 1893, s. 164.

191. The trust may remit any pecuniary penalty imposed by or under this Act or any repealed Act, or any penalty which the trust is authorised to receive by virtue of this Act, or any repealed Act, in whole or in part, except any penalty imposed for neglect or refusal to act as member, or for any offence against the provisions of section 157 or section 188.

Conviction not to bar action. 578, 1893, s. 165.

192. The imposition of a penalty for any offence under this Act shall not affect any action or other remedy at the instance of the trust or any person for compensation for or the prevention of injury that may result from the offence.

Service of notices and demands. 578, 1893 s. 166.

193. (1) Save where it is otherwise expressly provided, every notice or demand which by this Act is required to be given to the owner of any building or land shall be addressed to the owner of the building or land, and shall be served on the occupier thereof (if any), or left with some adult inmate of his abode, or, if there is no occupier, shall be put up on some conspicuous part of the building or land. It shall not be necessary in any such notice or demand to name the owner of any such building or land.

(2) When the owner of any such building or land and his residence are known to the trust a copy of every such notice or demand shall, if the owner is resident within the district, be served on the owner or left with some adult inmate of his abode, and if the owner is not resident within the district, be sent by the post addressed to the owner at his residence.

Penalties exclusive of other damages. 578, 1893, s. 167.

194. Every penalty imposed on any person under this Act shall be in addition to the sum which he may be lawfully adjudged liable to pay to the trust or any person for any damage sustained. The payment of the penalty shall not bar or affect the right of the trust or any other person to bring an action against such person for such damage.

Service of notices and legal proceedings. 578, 1893, s. 168.

195. Any summons, notice, writ, or other proceeding may be served on the trust by being given personally to the chairman or secretary, or at the trust office to some officer of the trust there.

Authentication of documents by the trust. 578, 1893, s. 169.

196. Every order, summons, notice, or other document requiring to be authenticated by the trust may be sufficiently authenticated without the common seal of the trust, if signed by the chairman, by two members, or by the secretary.

Representation of trust in cases of bankruptcy. 578, 1893, s. 170.

197. In the event of any person against whom the trust has any claim or demand being adjudicated bankrupt, or making a statutory assignment for the benefit of, or composition with, his creditors, any officer of the trust appointed by the chairman in writing under his hand, may represent the trust in all proceedings relating to the bankruptcy or assignment of the estate of that person as if the claim or demand had been the claim or demand of the officer.

Representation of trust before justices and in local court. 578, 1893, s. 171.

198. In all proceedings before justices or any local court any officer of the trust appointed by the chairman in writing under his hand may represent the trust in all respects as though the officer had been the party concerned.

Reimbursement of officer. 578, 1893, s. 172.

199. The officer appointed as aforesaid shall be reimbursed out of the trust funds all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in either of the two last preceding sections.

Powers of entry by officers of trust. 578, 1893, s. 173.

200. The trust shall, for the purposes of this Act, have power by its members or officers to enter at all reasonable hours into and upon any building or land within the irrigation area for the purpose of executing any work or making any inspection authorised to be executed or made by the trust under this Act, without being liable to any legal proceedings on account thereof: Provided that the trust, its members or officers, shall do as little damage as may be, and making compensation, as provided by this Act, for any damage necessarily done.

No writ of *quo warranto* allowed to try title to any office. 578, 1893, s. 174.

201. No writ of *quo warranto* or information in the nature of a *quo warranto* or other proceeding shall issue, or be filed or had, or taken in the Supreme Court, to try or question the title of the trust or the title of any person to act as member, chairman, or auditor, or in any office or place in or in the gift of the trust.

No *mandamus* to issue from Supreme Court. 578, 1893, s. 175.

202. No *mandamus* shall issue from the Supreme Court to admit or restore to office, or to compel the trust to proceed to the election or appointment of any member, chairman, auditor, officer, or other person to any office or place in or in the gift of the trust, or to compel any person or persons to proceed to any ballot, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the trust or person may be entitled under this Act.

Proceedings for trying title of member, &c. 578, 1893, s. 176.

203. The proceedings—

(*a*) for trying the title of a member, chairman, auditor, officer, or other person to his office or place; or

(*b*) trying the right of any person to be admitted or restored to any such office or place ; or

(*c*) to compel his restoration or admission ; or

(*d*) to compel the trust to proceed to any election or appointment ; or

(*e*) to try the validity of any assessment or rate ; or

(*f*) to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the trust or any person may be entitled under this Act,

shall be had and taken before, and determined by, a court of summary jurisdiction in a summary way.

Jurisdiction of court. 578, 1893, s. 177.

204. (1) The complaint for the purposes of the last preceding section may be laid at the instance of the trust, or by any ratepayer or other person interested.

(2) The court of summary jurisdiction may make an order—

(*a*) declaring any person to be not entitled to the office or place then possessed by him, and that the office or place is vacant ; or that the complainant is entitled to the said office or place ; or

(*b*) commanding the trust to proceed to take the necessary steps for and hold any election, or make any appointment, or to compel any person or persons to proceed to any ballot that may be necessary ; or

(*c*) quashing any assessment or rate which for any reason is invalid ; or

(*d*) to compel the production or delivery of any books, voting-papers, or documents by or to the trust, or any officer thereof, to or by any person.

(3) No order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

Procedure on non-compliance with order. 578, 1893, s. 178.

205. (1) On non-compliance with any order made by any court of summary jurisdiction under the provisions hereof, on complaint laid at the instance of the trust, or by any ratepayer or person interested, any court of summary jurisdiction may order any sum of money to be paid by or to the trust, or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such officer or person to be imprisoned, either for a specified time, not exceeding six months, or until the order aforesaid is obeyed. Any such imprisonment may be ordered in addition to and without any order for payment of money as aforesaid.

(2) On non-compliance with any order commanding anything to be done by the trust, any court of summary jurisdiction may order the payment of any sum of money by, or the imprisonment of, any person who would before the twenty-third day of December eighteen hundred and ninety-three, have been liable to attachment, or subject to process of contempt for disobedience to any peremptory writ of *mandamus* issued out of the Supreme Court commanding the trust to do the act directed by the order.

Time within which proceedings may be taken.
578, 1893, s. 179.

206. (1) No proceedings to try the title of any person to any office or place in or in the gift of the trust shall be had or taken except upon a complaint laid within two months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person is liable to be ousted, whichever last happens.

(2) No proceedings to try the validity of any assessment or rate shall be had or taken except upon a complaint laid within two months from the time at which notice of the assessment or rate appeared in the *Government Gazette*.

Summary procedure.
578, 1893, s. 180.

207. (1) All proceedings for any offence against this Act, (not being a felony or misdemeanour), shall be disposed of summarily.

(2) Any complaint may be made at the instance of the trust or any person whatever.

Magistrate not disqualified because a ratepayer.
578, 1893, s. 181.

208. A special magistrate or justice shall not be disqualified from acting on an appeal in respect of an assessment, or in proceedings for the recovery of rates or under the penal sections of this Act, by reason of his being a ratepayer.

Recovery of penalties.
578, 1893, s. 182.

209. (1) The proceedings to recover any penalty under this Act or any by-law or regulation of the trust shall be commenced within three months from the commission of the offence.

(2) The money arising from any such penalty shall, except as hereinbefore provided, after payment of the expenses attending the recovery thereof, be paid one moiety thereof to the informer or person suing for the same, and the other moiety thereof to His Majesty for the public uses of the State and the support of the Government thereof.

On non-payment of penalties, &c., justice may imprison.
578, 1893, s. 184.

210. In every case of the adjudication of a fine or pecuniary penalty or amends under this Act, or any by-law or regulation of the trust, and of the non-payment of the fine or pecuniary penalty or amends, any justice may commit the offender or

person making default in payment to any prison in the State for any time not exceeding three months, the imprisonment to cease on payment of the sum due and the costs the proceedings as may have been taken for the recovery thereof. This section shall not affect any remedy under the Justices Act, 1921, for the recovery of any fine or penalty or amends.

Prosecution of officers. 578, 1893, s. 187.

211. (1) No member shall be subject to be sued or prosecuted by any person and the body, goods, or lands of a member shall not be liable to execution of any legal process by reason of any contractual or other instrument entered into by the trust, or by reason of any other lawful act done by the trust in the execution of any of its powers.

(2) Every member, his heirs, executors, and administrators, shall be indemnified by the trust for all payments made or liabilities incurred in respect of any acts done by him, and of all losses, costs, and damages which he may incur in the *bona fide* execution of the powers granted to him by this or any other Act.

Actions against members. 578, 1893, s. 188.

212. (1) All prosecutions for the infliction of pecuniary penalties upon, and all actions against, any member, chairman, officer, or person for anything done or omitted to be done in pursuance of this Act shall be commenced within six months after the happening of the cause of prosecution or action, and not otherwise except as hereinbefore to the contrary provided.

(2) The defendant in any such action may plead for the general issue and give this Act and the special matter in evidence at the trial.

(3) The plaintiff shall not recover in any such action if tender of sufficient amends is made before action brought, or if after action brought the defendant pays into court sufficient amends ; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into court, and if a judgment passes for the defendant, or the plaintiff becomes nonsuit or discontinues, or the defendant otherwise recovers judgment, he shall recover full costs as between solicitor and client, and have his remedy for the same in the usual way.

Gazette evidence of appointments and elections notified therein. 578, 1893, s. 189.

213. The *Government Gazette* containing a notice of the appointment or election of any person to any office in the trust shall be conclusive evidence of the appointment or election, except in any proceeding brought to try the title of the person so appointed or elected.

Gazette evidence of resolution of trust notified therein.
578, 1893, s. 190.

214. The *Government Gazette* containing a notice that any resolution was passed or order made at a meeting of the trust shall be conclusive evidence of the resolution being passed or order made, and of the meeting being lawfully convened, and of any facts stated in the notice relating to the majority by which the resolution was passed, and the number and proportion of members present.

Gazette conclusive evidence of proclamation and *prima facie* evidence of facts stated therein.
578, 1893, s. 191.

215. (1) The *Government Gazette* containing any proclamation or order made by the Governor under this Act, or any repealed Act, shall be conclusive evidence of the fact, tenor, and validity of the proclamation or order, and shall be evidence of the facts stated, recited, or assumed therein.

(2) No such proclamation shall be invalid by reason of anything required as preliminary thereto not having been duly done.

Assessment book and certified copies of or extracts therefrom made evidence.
578, 1893, s. 192.

216. The assessment book or any copy of or extract therefrom, certified as a true copy or extract under the hand of the chairman or the secretary, or the hands of two members, shall be conclusive evidence, except on proceedings to quash the assessment, that the assessment was duly made, and, except as aforesaid, the production of the *Government Gazette* containing a notice in any of the forms given in the fourth schedule, or to the like effect, with such modifications as circumstances may have required, shall be evidence of the facts in the notice stated or referred to.

Gazette containing notice of the making of a rate conclusive evidence.
578, 1893, s. 193.

217. The *Government Gazette* containing a notice of the declaring of any rate in the form in the seventh schedule, or in a form to the like effect, shall, except on proceedings to quash the rate, be conclusive evidence that the rate has been duly declared.

Ratepayers entitled to signed copy of by-laws on payment of one shilling.
578, 1893, s. 194.

218. Every ratepayer shall be entitled, on payment of one shilling at the trust office, to receive a printed copy signed, by the chairman, secretary, or two members, of all by-laws and regulations of the trust in force for the time being in the district, or any part thereof.

By-laws, minutes, contracts, &c., or certified copies, evidence.
578, 1893, s. 195.

219. Regulations, by-laws, minutes of the trust or any committee thereof, and contracts, specifications, plans, estimates, and other documents in the hands of the trust by this Act or any repealed Act required or authorised, and any copy thereof or extract therefrom purporting to be signed by the chairman, two members, or the secretary, shall be receivable in any proceedings before any court or person as evidence of the matters therein contained, and, in the case

of regulations or by-laws, shall be evidence of the passing, confirmation, and publication thereof, and of the performance of the requirements of this Act in respect thereof.

Saving of rules of evidence. 578, 1893, s. 197.

220. Nothing in this Act contained shall prevent proof being given of the tenure of any office by evidence of acting in the office, nor any notice purporting to be a notice given by the trust, and published or posted as by this Act, or any repealed Act directed, or a copy thereof, being given in evidence in any proceeding against the trust, or any officer thereof, or shall negative any statutory or other rule of law as to evidence or presumptions therefrom.

Limitation of liability of trustee, agent, or attorney. 578, 1893, s. 198.

221. No trustee, agent, or attorney for any owner of ratable land shall be liable to pay any money recovered or penalty imposed under the provisions of this Act in excess of the amount then in his hands or under his control and belonging to his *cestui que trust.*

Declarations. 578, 1893, s. 199.

222. (1) Any declaration required by this Act may be made before a notary public, justice, or commissioner for taking affidavits in the Supreme Court, and shall be sufficient if it purports to be a solemn and sincere declaration made in pursuance of this Act.

(2) Any person who wilfully makes a false declaration purporting to be made in pursuance of this Act shall be guilty of perjury.

Advertisements to be paid for by trust. 578, 1893, s. 200.

223. The cost of any advertisement required by this Act shall be paid by the trust or person whose action immediately necessitates the advertisement, and the Minister may require payment of the cost before causing any advertisement to be inserted.

Preservation of rights. 578, 1893, s. 201.

224. (1) Nothing in this Act contained or hereby implied shall limit, prejudice, or affect any estate, interest, power, or right possessed by or conferred on the Government of South Australia.

(2) Nothing herein contained or implied shall impose any liability or responsibility upon the Government of South Australia in any way relating to the Renmark Irrigation Settlement, nor shall the Government undertake any such liability or responsibility.

Commonage for municipality of Renmark. 1179, 1914, s. 33.

225. (1) The piece of land coloured brown and marked " Z " in the plan signed J. H. McNamara, Surveyor-General, and deposited in the Land Office on the fifth day of August, nineteen hundred and thirty-six, and numbered 324

shall continue to be dedicated as commonage for the Corporation of the Town of Renmark and under the control of the council of the said corporation for the benefit of the ratepayers thereof, on such terms as the Minister approves.

(2) Upon the publication in the *Government Gazette* of a proclamation by the Governor declaring that the said piece of land or any part thereof has been resumed for a public purpose or for settlement, the said dedication and control shall absolutely cease as to the whole or part (as the case may be) of the said piece of land.

Validation of certain order, proclamation, and leases and agreements for sale and purchase.
1684, 1925, s. 4.

226. (1) The order dated the seventh day of November, nineteen hundred and twenty-one, whereby the Renmark Irrigation Trust No. 1 did order that certain pieces of land, portions of Nelbuck Street and therein described, were to be discontinued as roads and to be deemed thenceforth as Crown Lands (which said order was confirmed by the Governor by notice published in the *Government Gazette* on the twenty-sixth day of January, nineteen hundred and twenty-two) shall be deemed to have been lawfully made, and shall have the same force and effect as if section 3 of the Renmark Irrigation Trusts Act Amendment Act, 1925, had been enacted before the said order had been made and confirmed as aforesaid.

(2) The proclamation made by the Governor on the twenty-eighth day of February, nineteen hundred and twenty-three, and published in the *Government Gazette* on the seventeenth day of May, nineteen hundred and twenty-three, whereby the Governor set aside the whole of blocks 82A, 83A, 84A, 85A, 86A, 87A, 88A, 89A, 90A, 91A, and 92A, part of Block E, Renmark Irrigation District, County of Hamley, exclusive of necessary roads, for allotment pursuant to the Discharged Soldiers Settlement Acts, 1917 to 1919, to discharged soldiers shall be deemed to have been lawfully made, and shall have the same force and effect as if section 3 of the Renmark Irrigation Trusts Acts Amendment Act, 1925, and subsection (1) of this section had been enacted before the making of the said proclamation.

(3) All leases and agreements for sale and purchase issued in respect of the land described in subsection (2) hereof shall be deemed to have been lawfully issued, and shall have the same force and effect as if section 3 of the Renmark Irrigation Trusts Acts Amendment Act, 1925 and subsections (1) and (2) of this section had been enacted before the issue thereof.

Amendment of Insolvent Act, 1886.
578, 1893, s. 118.

227. The words " or to any Trust constituted by or under 'The Renmark Irrigation Trusts Act, 1893,' " are hereby inserted in section 219 of The Insolvent Act, 1886, after the words " District Council."

SCHEDULES.

THE FIRST SCHEDULE.

ACTS CONSOLIDATED AND REPEALED.

Number and Year of Act.	Short Title.
No. 397 of 1887	The Chaffey Brothers Irrigation Works Act, 1887.
No. 578 of 1893	The Renmark Irrigation Trusts Act, 1893.
No. 650 of 1896	The Renmark Irrigation Trusts Loan Act, 1896.
No. 733 of 1900	The Renmark Irrigation Trusts Loan Amendment Act, 1900.
No. 806 of 1902	The Chaffey Brothers Amendment Act, 1902.
No. 933 of 1907	The Renmark Irrigation Trusts Acts Amendment Act, 1907.
No. 1179 of 1914	The Renmark Irrigation Trusts Acts Further Amendment Act, 1914.
No. 1400 of 1919	Renmark Irrigation Trusts Acts Further Amendment Act, 1919.
No. 1432 of 1920	Renmark Irrigation Trusts Acts Further Amendment Act, 1920.
No. 1520 of 1922	Renmark Irrigation Trusts Act Further Amendment Act, 1922.
No. 1562 of 1923	Renmark Irrigation Trusts Acts Amendment Act, 1923.
No. 1684 of 1925	Renmark Irrigation Trusts Acts Amendment Act, 1925.
No. 1897 of 1929	Renmark Irrigation Trusts Act Amendment Act, 1929.
No. 1974 of 1930	Renmark Irrigation Trusts Act, 1930.
No. 2005 of 1931	Renmark Irrigation Trusts Act, 1931.
No. 2129 of 1933	Renmark Irrigation Trusts Act, 1933.

THE SECOND SCHEDULE.

Section 30. 578, 1893, Third Schedule.

Nomination of Member.

Renmark Irrigation District. Annual election, 19 [*or as the case may be*]

We, the undersigned ratepayers of the district, do hereby nominate [*here state names of candidate*], of as a candidate for the office of member of the trust at the election to be held for the district on the day of 19 [*fill in date of nomination day*].

[*Signatures of nominators.*]

Nomination of Auditor.

Renmark Irrigation District. Annual election, 19 [*or as the case may be*]

We, the undersigned ratepayers of the district, hereby nominate [*here state names of candidate*] as a candidate for the office of auditor of the district at the election to be held on the day of 19 [*fill in date of nomination day*].

[*Signatures of nominators.*]

I, the above-named [*candidate's name*], do hereby consent to the above nomination.

[*Candidate's signature.*]

Section 78. 578, 1893, Fourth Schedule.

THE THIRD SCHEDULE.

Renmark Irrigation District.

Assessment Book.

PART I.

No.	Name of Occupier.	Name of Owner.	No. or Distinguishing Mark of Lot, Section, or Block.	Area.	Situation.	Description of Property.

PART II.

Arrears of Rates.		General Rate of per acre declared on the day of 19 for the half year ending 19		Special Rate of per acre declared on the day of 19 for the half year ending 19				Remarks.
Amount.	When Paid.	Amount Payable.	When Paid.	Amount Payable.	When Paid.			

Section 84. 578, 1893, Fifth Schedule.

THE FOURTH SCHEDULE.

Notice of Assessment.

Renmark Irrigation District.

The Renmark Irrigation Trust has caused to be made an assessment of all ratable land within the district, with the names of the owners and occupiers, so far as known, of that land: Copies of the assessment have been made, and the copies are deposited at [*here state where the copies are deposited*], and are open for inspection at all reasonable times. Any person intending to appeal against the assessment may do so by notice, as required by the Renmark Irrigation Trust Act, 1936, within twenty-one days from the publication of this notice in the *Government Gazette*.

Dated this day of , 19 .

(*Signed*) A. B., Chairman (*or* Secretary).

Notice of Assessment by Adoption of previous Assessment [*and of new Assessment of portion not previously assessed*].

Renmark Irrigation District.

Assessment made the day of , 19 , by the Renmark Irrigation Trust.

The Renmark Irrigation Trust has caused to be made an assessment of the ratable land within the district by adopting the above-mentioned assessment, with and subject to certain alterations (*or* additions), [and has caused to be made an assessment of all other ratable land within the above district].

Copies of the adopted assessment so altered (*or* added to) [and of the said assessment] are deposited at [*here state where the copies are deposited*], and are open for inspection at all reasonable times.

Any person intending to appeal against either of the said assessments may do so in manner required by the Renmark Irrigation Trust Act, 1936, within twenty-one days from the publication of this notice in the *Government Gazette*.

Dated this day of 19 .

(*Signed*) A. B., Chairman (*or* Secretary).

Notice of Alteration or Rectification of or Addition to Assessment.

Renmark Irrigation District.

Assessment made the day of 19 .

The Renmark Irrigation Trust has caused the following alterations (*or* rectifications, *or* additions, *as the case may be*) to be made in the above-mentioned assessment, that is to say [*here state nature of alterations, rectifications, or additions*].

Copies of the assessment so altered (*or* rectified, *or* added to) are deposited at [*here state where the copies are deposited*], and are open for inspection at all reasonable hours.

Any person intending to appeal against such alteration (*or* rectification, *or* addition) may do so in manner required by the Renmark Irrigation Trust Act, 1936, within twenty-one days from the giving of this notice.

Dated this day of 19 .

(*Signed*) A.B., Chairman (*or* Secretary).

THE FIFTH SCHEDULE.

Section 87. 578, 1893, Sixth Schedule.

Notice of Appeal from Assessment.

Take notice that I appeal to the Renmark Irrigation Trust (*or* Local Court of of full jurisdiction, *as the case may be*) against the assessment of my land, section (*or* block *or* lot) assessment No. [*or as the case may be*] on the following grounds [*here set forth grounds of appeal*].

[*Signature of appellant, by himself or his agent.*]

To the secretary of the Renmark Irrigation Trust;
or to the secretary of the Renmark Irrigation Trust;
and to the clerk of the Local Court of [*as the case may be*].

THE SIXTH SCHEDULE.

Section 89. 578, 1893, Seventh Schedule.

Notice of Appeal from the Decision of the Trust.

, 19 .

To the secretary of the Renmark Irrigation Trust, and to the clerk of the Local Court of :

Take notice that it is my intention to appeal to the Local Court of of full jurisdiction, from the decision of the Renmark Irrigation Trust on my appeal thereto against the assessment of my land, section (*or* block *or* lot) No. , assessment No. [*or as the case may be*], on the following grounds [*here set forth grounds of appeal*].

[*Signature of appeallant, by himself or his agent.*]

THE SEVENTH SCHEDULE.

Section 96. 578, 1893, Eighth Schedule.

Notice of General or Special Rate.

At a meeting of the Renmark Irrigation Trust, duly held on the day of , 19 , a general (*or* special) rate for the half year ending was declared of per acre upon the land included in the assessment for the district; and all persons liable are required to pay the amount of the rate, according to the assessment, to the secretary (*or other officer*), at the trust office.

Dated this day of 19 .

(*Signed*) A.B., Chairman (*or* Secretary) of the Renmark Irrigation Trust.

Section 103. 578, 1893, Ninth Schedule. 933 1900, s. 4.

THE EIGHTH SCHEDULE.

Notice of Letting or Selling Land for Arrears of Rates.

Renmark Irrigation District.

There is now due, in respect of the land (*or* lands, *as the case may be*) mentioned in the schedule hereto the sum (*or* respective sums) set opposite to the description of such land (*or* lands) in the schedule, for a rate (*or* rates) declared by the Renmark Irrigation Trust, for the half-year (*or* half-years) ending as in the said schedule mentioned; and the owner (*or* owners) of such land (*or* lands) are required to take notice that unless the amount (*or* amounts) so due, together with the costs of and attending this notice, be paid in two months from the first publication of this notice, the said trust will let the same in manner provided by the Renmark Irrigation Trust Act, 1936, or an application will be made by the said trust to the Supreme Court for an order for the sale of the said land (*or* lands) or so much thereof as may be necessary to produce the rates so due and costs as aforesaid, and also the costs of and attending the said application.

Dated this day of , 19 .

Chairman (*or* Secretary).

The Schedule.

Description of Land—by numbers or distinguishing marks of Lots, Sections, and Blocks or other description.	Name of Owner, or Reputed Owner (or state if owner unknown).	Number of Half Years for which Rates in arrear.	Date of ending of last Half Year for which Rates in arrear.	Amount of Rates.

Section 109. 933, 1907, Schedule.

THE NINTH SCHEDULE.

NOTICE TO OWNERS, &C.

Renmark Irrigation Trust.

To A. B. [*here set out address appearing in register book*].

Take notice that there is now due to the above trust in respect of [*here describe property*] the sum of £ , for rates up to the year ending , and unless the amount so due be paid to the secretary of the trust within one month from the posting of this notice a petition will be presented to the Supreme Court for an order for sale of the said land.

Dated this day of , 19 .

.....

Secretary of the Renmark Irrigation Trust.

By-laws.

The following by-laws were in force under this Act on 23rd October, 1937:—

Gazette—15th November, 1923, p. 1177.
24th July, 1930, p. 180.

RENT REDUCTION

see Landlord and Tenant (Rent Reduction).