



ANNO SEXTO

GEORGII V REGIS.

A.D. 1915.

No. 1231.

An Act to amend the Crown Lands Act, 1915.

[Assented to, December 23rd, 1915.]

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

1. (1) This Act may be cited alone as the "Crown Lands Act Amendment Act, 1915." Short titles.

(2) The Crown Lands Act, 1915 (hereinafter referred to as "the principal Act") and this Act may be cited together as the "Crown Lands Acts, 1915." No. 1199 of 1915.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation with principal Act.

3. Section 154 of the principal Act is amended by adding thereto the following paragraph:— Amendment of section 154 of the principal Act—

The provisions of section 153, *mutatis mutandis*, shall apply in respect of the land so acquired, and the cost limited by that section shall include the cost of such land: Provided that, Acquisition of land compulsorily.

i. with regard to—

(a) land acquired as being land adjacent to the River Murray suitable for reclamation or irrigation (and not as being a large estate or part thereof), and

(b) land acquired pursuant to section 162 or 162A, the condition imposed by subdivision 1. of section 153 shall,

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shall, for the purposes of this section, be read as a condition that the acquisition shall be recommended by the Surveyor-General and the Director of Irrigation and Reclamation Works; and

- ii. with regard to land acquired pursuant to section 162B, the said condition shall, for the said purposes, be read as a condition that the acquisition shall be recommended by the Surveyor-General and the Engineer-in-Chief.

Amendment of section 156—

Interpretation.

4. Section 156 of the principal Act is amended by inserting the following definition before the definition of the term "sale":—

"River Murray" includes every tributary, affluent, effluent, creek, anabranch, or extension of, and every lake or lagoon connected with, the River Murray:

Acquisition of certain classes of land.

5. The following sections, numbered 162A and 162B respectively, are inserted in the principal Act after section 162 thereof:—

Land irrigable by waters from the Murray.

162A. (1) Subject to subsection (2) of this section, any land which, by means of irrigation with water from the River Murray, is capable of being rendered suitable for closer settlement may be acquired by the Commissioner in manner prescribed by this Division, for the purposes of extension of agriculture and closer settlement, notwithstanding that such land is neither adjacent to the River Murray nor adjoining land adjacent to that River, as mentioned in sections 161 and 162.

(2) No land shall be so acquired by virtue of the power conferred by this section, unless the Surveyor-General and the Director of Irrigation and Reclamation Works have certified in writing that, by means of irrigation with water from the River Murray, the land is capable of being rendered suitable for closer settlement, and have recommended in writing that the land be so acquired.

(3) The certificate of the Surveyor-General and the said Director shall, for the purposes of this Division, be conclusive as to the matters stated therein.

(4) All the provisions of this Division as to lands adjacent to the River Murray suitable for reclamation or irrigation shall apply to land to be acquired or acquired by virtue of the power conferred by this section.

Land requiring drainage.

162B. (1) Subject to subsection (2) of this section, any land which, by means of drainage works, is capable of being rendered suitable for closer settlement may be acquired by the Commissioner in manner prescribed by this Division, for the purposes of extension of agriculture and closer settlement.

(2) No land shall be so acquired by virtue of the power conferred by this section unless the Surveyor-General and the Engineer-in-Chief

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Engineer-in-Chief have certified in writing that, by means of drainage works, the land is capable of being rendered suitable for closer settlement, and have recommended in writing that the land be so acquired.

(3) The certificate of the Surveyor-General and the Engineer-in-Chief shall, for the purposes of this Division, be conclusive as to the matters stated therein.

(4) All the provisions of this Division as to lands adjacent to the River Murray suitable for reclamation or irrigation shall apply to land to be acquired or acquired by virtue of the power conferred by this section.

6. Section 168 of the principal Act is amended by striking out the words "two or more blocks" in the eighth line thereof and substituting in lieu thereof the words "not more than two blocks".

Amendment of section 168—

Reservation of land by owner.

7. Section 170 of the principal Act is amended by adding thereto the following subsection:—

Amendment of section 170—

Method of tendering purchase-money.

(3) For the purposes of this section, the tender of an order on the Treasurer of the State, signed by the Surveyor-General or the Deputy Surveyor-General, for the amount of the purchase-money to be paid for a large estate or other land, shall be deemed to be a tender of the amount of such purchase-money.

8. (1) The following section, numbered 178A, is inserted in the principal Act after section 178, and as part of Division III. of Part X.:—

Occupation or lease of lands acquired, pending execution of drainage or other improvements.

178A. (1) When any land has been acquired for the purposes of closer settlement, but it is necessary or desirable for drainage, irrigation, or other works or improvements to be carried out, in order to render such land suitable or more suitable for closer settlement, the Commissioner may permit the person who, prior to the acquisition of the land, was the owner thereof, to remain in occupation thereof for such time, and, subject to subsection (3) of this section, upon such terms and conditions as are agreed between the parties.

(2) If in such a case as mentioned in subsection (1) of this section the person therein referred to does not, within one month after the land is acquired, apply in writing to the Commissioner to be allowed to continue in occupation, or, if in any case no arrangement is made under the said subsection within two months after the land is acquired, such land may be let in one block or in such blocks as the Commissioner thinks proper, to such persons and for such terms and, subject to subsection (3) of this section, on such terms and conditions as the Commissioner thinks proper.

(2) Section 177 of the principal Act is amended by inserting "and section 178A" after the number "178" in the first line thereof.

Consequent amendment of section 177.

9. Whereas

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Extension of time for
acquiring certain
lands.

No. 1032 of 1902.

9. Whereas on or about the twentieth day of June, nineteen hundred and thirteen, notice of the Commissioner's intention to acquire the lands described in the Schedule to this Act, and comprised in the Crown lease referred to in the said Schedule, was given under section 12 of the Closer Settlement Act, 1910: And whereas, the Commissioner having given to the owner notice in writing, pursuant to section 17 of the said Act, of the price which he was willing to pay in settlement for the said land and the improvements thereon, and the price so to be paid not having been agreed upon within the time mentioned in the said section 17, steps were taken for determining the price so to be paid by arbitration under the said section 17, but no Judge was appointed to act in such arbitration, as required by that section: And whereas the time limited by section 170 of the principal Act (which has been substituted for section 15 of the Closer Settlement Act, 1910) for the exercise of the power to acquire the said land has expired, and the said land has not been surrendered to His Majesty and has not been otherwise acquired by His Majesty, and the price so to be paid has not been agreed or ascertained as mentioned in the said section 170:

Now it is hereby enacted that section 172 of the principal Act (which has been substituted for the said section 17 of the Closer Settlement Act, 1910) shall apply for the purpose of determining the price to be paid for the said land, and the said land may be taken and acquired under section 170 of the principal Act, as if the time limited thereby as aforesaid had not expired; and that for the purposes of determining the said price and the taking and acquisition of the said land the time so limited shall be deemed to be still current, and not to expire until the expiration of the period of six months next after the passing of this Act:

Provided that it shall not be necessary for either party to give to the other party any further notice, pursuant to the said section 172, of the price which he is willing to pay or accept in settlement, and that any steps already taken towards determining by arbitration the price so to be paid shall be as valid as if the principal Act and this Act had been passed before they were taken.

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

H. L. GALWAY, Governor.

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SCHEDULE.

Section 9.

That portion of the land comprised in Perpetual Lease No. 7824, in the Hundred of Cadell, County of Albert, which lies to the westward of a line commencing at the south-west corner of block E^N and extending thence north-easterly at an angle of 36° from the west boundary of the said block, for a distance of 5,708 links; thence northerly at a north-western angle of 151° 3' for 2,929 links; thence northerly at a western angle of 162° for 4,740 links; thence north-westerly at a south-western angle of 132° 45' for 8 chains; thence northerly at a north-eastern angle of 132° 15' for 6,737 links; and thence north-easterly at an eastern angle of 147° 55' for 2,069 links, to the north-eastern boundary of block E^N aforesaid.