



ANNO DECIMO QUINTO

# GEORGII V REGIS.

A.D. 1924.

\*\*\*\*\*

## No. 1650.

An Act to amend the Irrigation Act, 1922, and for other purposes.

*[Assented to, December 24th, 1924.]*

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

1. (1) This Act may be cited as the "Irrigation Act Amendment Act, 1924." Short titles.

(2) The Irrigation Act, 1922 (hereinafter referred to as "the principal Act"), and this Act may be cited together as the "Irrigation Acts, 1922 and 1924." No. 1546 of 1922.

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.

### *Amendments.*

3. Section 49 of the principal Act is amended by inserting after the word "him" in the sixth line of subsection (2) thereof the words "or such person satisfies the Commission that it is his intention to carry out such permanent improvements immediately upon the granting of a perpetual lease to him of such allotment." Amendment of principal Act, s. 49—  
Leasing of town allotments.

4. The principal Act is amended by inserting after section 57 thereof the following sections :— Amendment of ibid.

57A. (1) Land within an irrigation area, other than blocks and township allotments, may be offered on perpetual lease on such terms and conditions as may be fixed by the Commission. Land other than blocks and township allotments may be leased.

*Irrigation Act Amendment Act.—1924.*

(2) The Commission shall fix the annual rent to be paid for such land.

Commission may grant licences of other than town allotments.

Ct. 1199, 1915, s. 245.

57B. (1) The Commission or any person authorised by them may grant a licence to any person to enter upon and occupy any unleased Crown land in an irrigation area, not being a town allotment, for the objects and purposes hereunder expressed :—

- I. For the cutting, obtaining, and taking away any live or dead timber, gravel, stone, clay, earth, guano, manure, or shell :
- II. For any other purpose, similar or not, approved by the Commission.

(2) Every licence shall contain a description of the land in respect of which it is issued, and shall continue in force for a period not exceeding one year from the date of the granting thereof, and shall be subject to the payment of such fee, and to such restrictions and conditions as are determined by the Commission.

(3) If any holder of a licence uses any land specified in such licence for any purpose not authorised as aforesaid, or fails to observe any restriction or condition imposed by the Commission in respect of such licence, the Commission may forfeit such licence.

Amendment of *ibid.*, s. 82—

Construction of drains across roads:

5. Section 82 of the principal Act is amended—

- (a) by inserting after the word “in” in the first line thereof the words “connection with the supply of water within”; and
- (b) by striking out the words “within such area” in the third line thereof.

Amendment of *ibid.*—

Commission may purchase or take land for purposes of Act.

6. The principal Act is amended by inserting after section 82 the following section :—

82A. The Commission may purchase or take any lands for the purposes of this Act or for any works or undertakings authorised by this Act.

Repeal of principal Act, s. 86, and substitution of new sections.

Annual irrigation rates on blocks.

7. Section 86 of the principal Act is repealed, and the following sections are substituted in lieu thereof :—

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

- (a) blocks within the irrigation area, or the portion thereof for which a supply of water is available, and which are ratable lands ; and
  - (b) town allotments, factory sites, and other lands (not being blocks) within the irrigation area, which are ratable lands.
- (2) The

*Irrigation Act Amendment Act.—1924.*

(2) The rate on blocks shall be of such an amount per acre of such blocks as may be determined by the Commission pursuant to this section, with the approval of the Minister.

(3) The rate on town allotments, factory sites, and other lands (not being blocks) within the irrigation area shall be of such an amount in the Pound of the unimproved value of the land, as defined by the Taxation Act, 1915, as may be determined by the Commission pursuant to subsection (4) hereof. No. 1200 of 1915.

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

(5) The rates payable for each block for the first three years during which it is rated shall be as follows—

- (a) for the first year, one quarter of the rate fixed under subsection (3) hereof;
- (b) for the second year, one-half of such rate;
- (c) for the third year, three-quarters of such rate.

(6) The provisions of subsection (5) hereof shall apply only in respect of any block which, at the time it is first rated, has not been planted or otherwise brought under cultivation and shall not apply in respect of any block to which the Commission for any reason thinks that the provisions of subsection (5) hereof should not apply. If the Commission is of opinion, at the time any block is first rated—

- (a) that the whole or any portion of the block is in a complete state of cultivation and in full bearing; or
- (b) that, although not in a complete state of cultivation or in full bearing, the block or any portion thereof is in such a state or stage of cultivation that the provisions of subsection (5) hereof should not apply; or
- (c) that there is any other reason why the provisions of subsection (5) hereof should not apply,

then the Commission may direct that the provisions of subsection (5) hereof shall not apply in respect of such block, and shall fix what proportion of the rate fixed under subsection (4) hereof (being the whole or any part thereof) shall be payable during the first, second, and third years after the block is first rated, having regard to the area of the block under cultivation at the time it is first rated, and the state or stage of such cultivation and any other circumstances respecting the block.

(7) For the fourth and every succeeding year after the block is first rated, the full amount of the rate fixed under subsection (4) hereof shall be payable.

(8) For

*Irrigation Act Amendment Act.—1924.*

(8) For the purpose of computing the rates payable in respect of any block, a fractional part of a rood, if equal to or exceeding twenty perches, shall be deemed to be a rood, but if less than twenty perches, shall not be taken into account.

Provision for  
recovery of rates.

86A. (1) Notice of every irrigation rate declared by the Commission shall be published in the *Government Gazette*, and shall state the name of the irrigation area in respect of the lands in which the rate is declared, the amount in the pound, or the amount per acre (as the case may be), of the rate, the period for which the rate is declared, the time and place where the rate is payable, and the quantity of water to be supplied in respect of the rate.

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

No. 269 of 1882.

Cf. 1200,  
1915, s. 7.

(3) If any irrigation rate is not paid within one month after it falls due, interest at the rate of Five Pounds per centum per annum from the time when it falls due until payment thereof shall be added to the amount of the rate, and shall be payable by the person liable to pay the rate.

Amendment of  
principal Act,  
s. 107—

Repayment of  
advance.

Amendment of  
ibid., s. 128—

Discharged Soldiers  
Settlement Acts  
to be administered  
by Minister of  
Irrigation.

8. Section 107 of the principal Act is amended by striking out the figures "138" in the fourth line of subsection (6) thereof and substituting therefor the figures "137".

9. Section 128 of the principal Act is amended—

- (a) by inserting after the word "land" in the first line of paragraph (b) of subsection (1) thereof the words "set apart by the Governor under the provisions of section 6 of the said Act, or acquired by the Minister under the provisions of section 7 of the said Act, or";
- (b) by inserting after the word "irrigated" in the fourth line of paragraph (b) of subsection (1) thereof the words "or irrigable";
- (c) by inserting after the word "land" in the first line of paragraph (b) of subsection (3) thereof the words "set apart by the Governor under the provisions of section 6 of the said Act, or acquired by the Minister under the provisions of section 7 of the said Act, or"; and
- (d) by inserting after the word "irrigated" in the fourth line of paragraph (b) of subsection (3) thereof the words "or irrigable".

10. Section

*Irrigation Act Amendment Act.—1924.***10.** Section 130 of the principal Act is amended—

- (a) by inserting after the word “situated” in the eleventh line thereof the words “set apart by the Governor under the provisions of section 6 of the said Act, or acquired by the Minister under the provisions of section 7 of the said Act, or”; and
- (b) by inserting after the word “irrigated” in the fifteenth line thereof the words “or irrigable”.

Amendment of  
ibid., s. 130—Functions of Com-  
mission under  
Discharged Soldiers  
Settlement Acts.

**11.** Section 132 of the principal Act is amended by striking out the figures “1919” in the third line thereof and substituting therefor the figures “1918.”

Amendment of  
ibid., s. 132—

Annual report.

**12.** The principal Act is amended by inserting after section 136 thereof the following section:—

Amendment of  
ibid.—

136A. (1) The Governor may, by proclamation, on the recommendation of the Commission, place under the care, control, and management of any person any land set apart by the Commission under the provisions of subsection (3) of section 41, or by the Minister under the provisions of subsection (3) of section 12 of the Irrigation and Reclaimed Lands Act, 1914: Provided that no proclamation pursuant to this section shall in any wise vest any such land in any such person.

Governor may  
place certain  
lands under  
the care, control,  
and management  
of local bodies.

(2) The Governor may, on the recommendation of the Commission, by proclamation, revoke or vary any proclamation made pursuant to subsection (1) hereof.

*Additional Provisions.*

**13.** (1) The Governor may at any time, on the application in writing of the lessee of any land within an irrigation area, grant any of the land comprised in his lease—

Sites for public and  
charitable and other  
purposes may be  
granted.—

- (a) to any corporation, or to trustees, to be used as a site for a school, church, chapel, institute, or hospital, or for any other public or charitable purpose whatsoever:
- (b) to the lessee, or his nominee, to be used as a site for a blacksmith's shop, carpenter's shop, mill, store, or post office, or for any other purpose approved by the Governor: Provided that—

Cf. 1199, 1915,  
ss. 242, 243, and 244

I. the land granted for any one of such purposes does not exceed one acre:

II. such security is given to the Governor as he thinks proper that the land will be used for one of such purposes.

(2) The lessee shall, at or before making his application, pay to the Treasurer as purchase-money for the land such sum as is agreed upon between him and the Commission, or, failing agreement, as is fixed by valuation.

(3) After

*Irrigation Act Amendment Act.—1924.*

(3) After the grant the lease shall be read as if the land comprised in the grant had been expressly excepted from the operation of the lease.

Application of s. 5 of the Crown Lands Act, 1915, to irrigation areas.

14. (1) The provisions of section 5 of the Crown Lands Act, 1915, shall apply to land within an irrigation area: Provided that the Governor shall not exercise any of the powers conferred by the said section in respect of such land except upon the recommendation of the Commission.

(2) The Governor may grant the fee simple of any lands within any irrigation area dedicated pursuant to paragraph (d) of section 5 of the Crown Lands Act, 1915, to any person subject to such conditions and to the payment to the Commission of such purchase-money, if any, as the Commission fixes; and for the purposes of this section the Commission may require the person to whom the grant is made to grant to the Commission a mortgage over the land granted in order to secure the payment of the said purchase price.

Power to grant miscellaneous leases.

15. Notwithstanding anything contained in the principal Act to the contrary, the Minister may, on the recommendation of the Commission, grant leases of any land within an irrigation area for any term not exceeding twenty-one years from the date thereof, at such rent and upon such terms and conditions as the Commission recommends and the Minister thinks fit, and for any purpose recommended by the Commission and approved by the Minister.

Commission may revise rents of certain township allotments.

16. (1) The lessee of any town allotment let on perpetual lease subject to re-valuation pursuant to section 3 of the Irrigation and Reclaimed Lands Act Further Amendment Act, 1919, may at any time before the thirtieth day of June, nineteen hundred and twenty-five, make application in writing to the Commission requesting that the rent payable in respect of the said town allotment shall be fixed by the Commission.

(2) The Commission shall thereupon fix the rent payable in respect of the said town allotment, and the rent fixed shall be the rent payable in respect of the said township allotment until any other rent is fixed in respect thereof pursuant to any provision of the perpetual lease granted in respect thereof.

Surrender of leases of blocks in Pekina Irrigation Area.

17. (1) The Commission may, by notice in the *Government Gazette*, fix a day on which the provisions of this section are to come into operation.

(2) On the day fixed as aforesaid, all leases granted before the passing of this Act by the Commissioner of Water Conservation and the Minister of Irrigation in respect of any land within the Pekina Irrigation Area set apart by the Governor by proclamation made the thirtieth day of October, nineteen hundred and nineteen, shall be deemed to have been surrendered.

(3) The lessee under any lease surrendered as aforesaid may, at any time within two months from the day fixed as aforesaid, make application

---

*Irrigation Act Amendment Act.—1924.*

---

application in writing to the Commission for the issue to him of a perpetual lease, pursuant to the provisions of the principal Act, of the land comprised in the surrendered lease, and a perpetual lease of the said land shall thereupon be granted to the lessee by the Minister. The lease shall be granted, pursuant to the provisions of the principal Act, at a rent fixed by the Commission.

(4) If any such lessee under a surrendered lease fails to make application to the Commission as aforesaid within the time limited in subsection (3) hereof, or if any such lessee, after making application as aforesaid, fails to execute any lease granted by the Minister within one month after being requested so to do by the Minister, then the lands comprised in the surrendered lease shall be and be deemed to be Crown lands, and may be offered on perpetual lease pursuant to the provisions of the principal Act: Provided that the incoming lessee shall pay to the lessee under the surrendered lease the value of all improvements on the said land at the date fixed as aforesaid.

(5) In this section "improvements" means substantial and permanent improvements, consisting of buildings, fencing, dams, tanks, wells, drainage and irrigation works, planting with fruit trees, vines, cereals, lucerne, or other fodder plants. The value of any improvements on any land as aforesaid shall, for the purposes of this section, be ascertained by a valuer appointed by the Commission. The decision of any such valuer shall be final.

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

TOM BRIDGES, Governor.