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**GEORGI VI REGIS.**

A.D. 1946.

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**No. 37 of 1946.****An Act to amend the Irrigation Act, 1930-1945.**

[Assented to 19th December, 1946.]

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

Short titles.

1. (1) This Act may be cited as the "Irrigation Act Amendment Act, 1946".

(2) The Irrigation Act, 1930-1945, as amended by this Act, may be cited as the "Irrigation Act, 1930-1946".

(3) The Irrigation Act, 1930-1945, is hereinafter referred to as "the principal Act".

Enactment of s. 91a of principal Act—

Special provision for the making of advances for the erection of dwelling-houses.

2. The following section is enacted and inserted in the principal Act after section 91 thereof :—

91a. (1) The Minister may, in his discretion, make an advance of any amount not exceeding one thousand pounds to any lessee of any block in any irrigation area for the purpose of erecting, enlarging or altering a dwelling-house on the block of the lessee.

(2) The power to make an advance under this section shall be in addition to any other power to make advances under this Act.

(3) Every advance under this section shall be made subject to the following provisions :—

- I. The dwelling-house erected, enlarged or altered by means of the advance shall be used for the purpose of residence by the lessee or by a member of the family or an employee of the lessee who is employed upon the block of the lessee or by a person who, pursuant to an agreement for the share farming or the letting of the block of the lessee or any part thereof, is engaged in agricultural, horticultural, or viticultural pursuits on the block or part thereof :
- II. No advance shall be made except upon the security of a mortgage of the estate and interest of the lessee in his block. If the block is encumbered by a previous mortgage or charge in favour of the Crown or any instrumentality of the Crown, the Minister may make the advance upon the security of a mortgage subject to such previous mortgage or charge. If the block is encumbered by a previous mortgage or charge, other than a mortgage or charge in favour of the Crown or any instrumentality of the Crown, the advance may be made upon the security of a subsequent mortgage of such estate or interest subject to such previous mortgage or charge but no such advance shall be made unless the Land Board is satisfied that the primary production derived from the block is sufficient to justify the erection, enlarging or alteration of the dwelling-house and that the fair estimated value of the block is such that the advance should be made in accordance with this section and the Land Board recommends the making of the advance :
- III. An advance made under this section shall not be made to an amount so that the total amounts secured by mortgage (whether made pursuant to this or any other Act or otherwise) of the block of the lessee exceeds nine-tenths of the fair estimated value of the block of the lessee and any improvements already made on his block together with the fair estimated value of the improvement to be made by the erection, enlargement, or alteration of the dwelling-house for which the advance is made.

(4) Except where inconsistent with the provisions of this section, the provisions of this Act shall apply with respect to every advance under this section.

(5) The provisions of subsection (2) of section 90 and of section 91 shall not apply in respect of any advance made under this section and any advance made under this section shall not be taken into account for the purpose of deciding, in manner provided by subsection (2) of section 90 or by section 91, the amount which may otherwise be advanced under this Part.

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

C. W. M. NORRIE, Governor.