



ANNO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1958.

No. 35 of 1958.**An Act to amend the Irrigation on Private Property Act, 1939-1949.**

[Assented to 20th November, 1958.]

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 on Private Property Act Amendment Act, 1958".

(2) The Irrigation on Private Property Act, 1939-1949, as amended by this Act, may be cited as the "Irrigation on Private Property Act, 1939-1958".

(3) The Irrigation on Private Property Act, 1939-1949, is hereinafter referred to as "the principal Act".

Incorporation.

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

**Amendment of
principal Act
s. 4—
Interpretation.**

3. Section 4 of the principal Act is amended as follows :—

(a) by inserting after the definition of "owner" the following definition :—

"ratable land" means any land within a private irrigation area for which the board of management for that area has approved a water supply or which is from time to time being supplied with water by that board :

- (b) by striking out the definition of "reclaimed land" ;
- (c) by inserting after the definition of "embankment" the following definition :—

"irrigable land" means land adjacent to or near the River Murray which is—

- (i) reclaimed or partly reclaimed from being swamp land ; or
- (ii) being irrigated or otherwise supplied with water from the River Murray ; or
- (iii) capable of being irrigated or otherwise supplied with water from the River Murray, and of being used for primary production.

4. Section 5 of the principal Act is amended by striking out subsection (2) thereof and by inserting in lieu thereof the following—

Amendment of principal Act, s. 5—
Petition for constitution of area.

(2) The Minister shall not consider any such petition unless he is satisfied—

(a) that in the case of irrigable land which is reclaimed or partly reclaimed from being swamp land—

(i) the petition is signed by one-half or more of the owners of such land within the part of the State proposed to be constituted a private irrigation area ; and

(ii) the area of such land owned by the persons by whom the petition is signed is more than one-half of the total area of such land within the part of the State proposed to be constituted a private irrigation area ;

(b) that in the case of irrigable land other than land which is reclaimed or partly reclaimed from being swamp land, the petition is signed by all the owners of such land within the part of the State proposed to be constituted a private irrigation area.

5. Subsection (4) of section 10 of the principal Act is amended by striking out the word "reclaimed" in the third line and by inserting in lieu thereof the words "irrigable or ratable".

Amendment of principal Act, s. 10 (4)—
Petition for addition to private irrigation area.

Amendment of
section 28 of
principal Act—
Power to
appoint
committee.

6. Section 28 of the principal Act is amended by striking out subsection (4) thereof.

Enactment of
s. 37a of
principal Act—

7. The following section is enacted and inserted in the principal Act after section 37 :—

Application
of Loans to
Producers Act,
1927-1951.

37a. (1) A board of management may apply for and be granted a loan under the Loans to Producers Act, 1927-1951, as if the board were a co-operative society registered under the Industrial and Provident Societies Act, 1923-1954, and engaged in rural production.

(2) Any such loan may be granted for the purpose of enabling the board to construct any works or execute any other powers of the board under this Act.

(3) For the purpose of obtaining a loan under the Loans to Producers Act, 1927-1951, the board may mortgage, charge or give any other form of security on its interest in any land or its interest in any goods or chattels.

Amendment of
principal Act,
s. 34—
Duties of
owners.

8. Section 34 of the principal Act is amended—

(a) by inserting the following paragraph after paragraph II :—

IIa. If so directed by the board install adequate pumping plant and irrigation equipment (including spray irrigation equipment) in accordance with directions given by the board and keep the same in good order, repair and condition ; and

(b) by inserting after the word “thereof” in the second line of paragraph V the words “(other than trees and plantations grown for the production of fruit or other produce)”.

Amendment of
principal Act,
s. 37—
Power of
board as to
embankment.

9. Section 37 of the principal Act is amended—

(a) by striking out the word “The” at the beginning of the section and by inserting the following words in lieu thereof—“If a private irrigation area consists of or includes irrigable land which is reclaimed or partly reclaimed from being swamp lands or which is subject to inundation by the waters of the River Murray the” ;

- (b) by striking out the word "the" in the second line of paragraph 1 and by inserting in lieu thereof the word "an".

10. Section 38 of the principal Act is amended by inserting the following paragraph after paragraph (d) :—

Amendment of
principal Act,
s. 38—
Power of
board.

- (d1) determine from time to time the maximum area of ratable land which may be irrigated by the owner thereof, and otherwise regulate the supply of water to ratable land.

11. The following section is enacted and inserted in the principal Act after section 38—

Enactment of
section 38a of
principal Act—

38a. (1) Subject to subsections (3) and (4) of this section the board may by order in writing served on the owner of any ratable land require him to carry out or cause to be carried out within the time and in accordance with the requirements set out in the notice any works specified in the notice being works for draining or improving the drainage of the said ratable land or for the prevention of possible injury to other land by seepage from the said ratable land.

Power of
board to
order
drainage.

(2) The order may indicate the times within which the work or any part thereof is to be commenced and completed, and any details as to the place and specifications of the work.

(3) Before making an order under this section the board shall give not less than one month's notice in writing to the owner of the ratable land, stating its intention to make the order and the terms thereof.

(4) If the said owner, within twenty-one days after receipt of the notice gives the board a written notice of objection to the proposed order, the board shall not make the order until it has given the owner an opportunity of submitting to the board information and arguments by way of objection against the making of the order, and has considered any information and arguments so submitted.

12. Subsection (1) of section 55 of the principal Act is amended by striking out the word "reclaimed" in the first line and by inserting in lieu thereof the words "irrigable or ratable".

Amendment of
principal Act,
s. 55—
Owner in
default.

Amendment of
principal Act,
s. 58—
Watering
without
approval of
board.

13. Section 58 of the principal Act is amended by striking out the word "twenty" in the last line and by inserting in lieu thereof the word "fifty".

Amendment of
principal Act,
s. 60—
Taking water
without
approval.

14. Section 60 of the principal Act is amended by striking out the word "twenty" in the third line and by inserting in lieu thereof the word "fifty".

Amendment of
principal Act,
s. 61—
Rubbish, etc.,
thrown into
channels.

15. Section 61 of the principal Act is amended by striking out the word "twenty" in the last line and by inserting in lieu thereof the word "fifty".

Amendment of
principal Act,
s. 64—
Penalties for
offences.

16. Section 64 of the principal Act is amended by striking out the word "twenty" in the third line and by inserting in lieu thereof the word "fifty".

Enactment of
s. 73 of
principal Act—

17. The following section is enacted and inserted in the principal Act after section 72—

Regulations.

73. The Governor may on the recommendation of the board of a private irrigation area make regulations prescribing any matters necessary or convenient to be prescribed for the administration and enforcement of this Act in and with respect to such area and persons and property therein. Any such regulations may prescribe fines recoverable summarily for breaches of any such regulations not exceeding twenty-five pounds and in the case of a continuing breach an additional five pounds for each day on which the breach continues.

Amendment of
first schedule
of principal
Act.

18. The first schedule of the principal Act is amended by striking out the word "Reclaimed" appearing twice therein and by inserting in lieu thereof the word "Irrigable".

Consequential
amendments.

19. The sections of the principal Act set out in the schedule are amended in the manner indicated in that schedule.

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

R. A. GEORGE, Governor.

SCHEDULE.

In the portions of the principal Act indicated below the word "reclaimed" is struck out and the word "irrigable" inserted in lieu thereof in each case :—

Section.	Subsections, Paragraphs, and Lines.
9	Line two and line three of paragraph (b) of subsection (2).
12	Line one.
23	Line one of subsection (2).
24	Line three of subsection (1).
34	Line one.
34	Line two of paragraph i.
34	Line two of paragraph ii.
34	Line two of paragraph vi.

In the portions of the principal Act indicated below the word "reclaimed" is struck out and the word "ratable" inserted in lieu thereof in each case :—

Section.	Subsections, Paragraphs, and Lines.
39	Line two of subsection (3).
39	Line two of subsection (4).
40	Line three.
41	Lines two and six.
44	Line two.
47	Line one.
53	Line four of subsection (2).
54	Line four of subsection (1).
54	Line two of paragraph (a) of subsection (5).