



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2239.

An Act to amend the Pastoral Acts, 1904 to 1929.

[Assented to, 19th December, 1935.]

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 as the " Pastoral Act Amend- Short titles.
ment Act, 1935".

(2) The Pastoral Acts, 1904 to 1929, and this Act may be cited together as the " Pastoral Acts, 1904 to 1935".

(3) The Pastoral Act, 1904, is in this Act called " the No. 850 of 1904
principal Act".

2. This Act is incorporated with the Pastoral Acts, 1904 to Incorporation.
1929, and those Acts and this Act shall be read as one Act.

3. The following sections are enacted and inserted in the Enactment of
principal Act after section 50 thereof :— section 50A of
the principal
Act—

50A. (1) The Governor may by proclamation declare Surrender of
that the whole or any part of any hundred shall be a Crown leases
proclaimed area within the meaning of this section. and agreements
for pastoral
leases.

(2) Any person (in this section called " the applicant ") who, pursuant to any other Act, holds any land within a proclaimed area under lease from the Crown or under an

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agreement for sale and purchase made with the Crown, may, whether the amounts payable under the lease or agreement are in arrears or not, notify the Commissioner in writing that he desires to surrender that lease or agreement and obtain a lease under this Act of the land comprised in that lease or agreement.

(3) The Board shall thereupon consider the matter and report to the Commissioner, making recommendations on such of the following matters as are applicable to the case:—

- (a) whether the Commissioner should accept the proposed surrender:
- (b) at what rent a lease of the surrendered land should be granted under this Act:
- (c) whether any provisions for payment of the arrears owing under the surrendered lease or agreement should be embodied in the lease proposed to be granted, and the nature of any such provisions.

(4) The Commissioner shall, after considering the Board's recommendations, inform the applicant whether he agrees to accept the proposed surrender, and if he so agrees, on what terms and conditions the new lease will be granted.

(5) The applicant shall within three months after receiving the notice from the Commissioner, or such further time as the Commissioner allows, accept or reject the terms offered.

(6) If the applicant accepts the terms offered he may surrender his existing lease or agreement and the Commissioner shall thereupon accept the surrender and the Governor shall grant the applicant a lease under this Act of the land surrendered. The rent payable under that lease for the first twenty-one years of its term shall be that accepted by the applicant, and that lease shall contain any covenants, terms, and conditions as to payment of the arrears of rent under the surrendered lease or agreement, which have been so accepted.

(7) Every lease so granted shall contain such other covenants, exceptions, reservations, and provisions as are authorised or required by this Act, and shall in other respects be subject to this Act.

(8) It shall not be necessary before granting such a lease, to publish a notice declaring the surrendered lands open for leasing, nor to consider any application other than that of the applicant.

50B. If any land in a proclaimed area within the meaning of the last preceding section belongs to the Crown, and is not subject to any lease or agreement to purchase

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and is not dedicated or reserved for any purpose, that land may be leased and otherwise dealt with under this Act and whilst so leased shall remain subject to this Act.

4. The following section is enacted and inserted in the principal Act after section 59 thereof:—

Enactment of section 59A of the principal Act—

59A. (1) If the Board is satisfied that the rent payable under any lease is too high, having regard to the productive capacity of the demised land and any other matters which the Board deems relevant, the Commissioner may in his discretion and on the recommendation of the Board reduce that rent.

Reduction of rent in cases of hardship.

(2) Every such reduction shall take effect from such date, whether before or after the passing of this Act, and operate for such period, as the Commissioner on the recommendation of the Board determines in each case.

(3) When the rent payable under a lease has been reduced under this section, no rent at a rate in excess of the reduced rate shall be payable during the period for which the reduction was granted, notwithstanding that a revaluation of the run is made and that the rent fixed pursuant to that revaluation is at a rate greater than the reduced rent.

(4) The rent fixed on such a revaluation, if at a rate greater than the reduced, rent shall be payable at that rate only from the end of the period for which the reduction was granted.

(5) Except as provided in the last preceding subsections the reduction of rent under this section shall not affect the power or duty of the board to revalue any run in accordance with law; and, if any reduction of rent is operative during the twenty-first year of the term of any lease, the rent which would have been payable by the lessee during that year if no reduction had been granted, shall, for the purpose only of fixing the rent on revaluation, be taken to be the rent payable during that year by the lessee.

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

W. DUGAN, Governor.