



ANNO DECIMO QUARTO

GEORGI VI REGIS.

A.D. 1950.

No. 45 of 1950.

An Act to amend the Renmark Irrigation Trust Act, 1936-1948.

[Assented to 30th November, 1950.]

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 " Renmark Irrigation Trust Act Amendment Act, 1950 ".

(2) The Renmark Irrigation Trust Act, 1936-1948, as amended by this Act, may be cited as the " Renmark Irrigation Trust Act, 1936-1950 ".

(3) The Renmark Irrigation Trust Act, 1936-1948, 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
s. 5 of
principal Act—
Interpretation.**

3. Section 5 of the principal Act is amended by adding at the end of the definition of " ratable land " therein the following words " and except land for the time being declared by the trust to be non-ratable land ".

**Amendment of
s. 22 of
principal Act—
Auditors.**

4. Section 22 of the principal Act is amended—

- (a) by striking out at the end of the subsection (2) thereof the words " a local government auditor's certificate issued pursuant to Part V of the Local

Government Act, 1934-1949," and inserting in lieu thereof the words "one or more of the prescribed qualifications";

(b) by inserting after subsection (2) thereof the following subsection :—

(2a) For the purposes of this Act the prescribed qualifications for an auditor shall be—

(a) a local government auditor's certificate issued pursuant to Part V of the Local Government Act, 1934-1949 ;

(b) membership of the Institute of Chartered Accountants in Australia ;

(c) membership of the Federal Institute of Accountants (Incorporated) ;

(d) membership of the Commonwealth Institute of Accountants ;

(e) membership of the Association of Accountants of Australia Incorporated ;

(f) the Diploma in Commerce of the University of Adelaide.

5. Section 24 of the principal Act is amended by striking out paragraph IVA. thereof and inserting in lieu thereof the following paragraph :—

Amendment of
s. 24 of
principal Act—
Vacancies in
office of
auditor.

IVA. Ceasing to hold at least one of the prescribed qualifications for an auditor :

6. Section 33 of the principal Act is amended—

Amendment of
s. 33 of
principal Act—
Failure to elect
auditors and
extraordinary
vacancies.

(a) by inserting after the word "election" in the second line the words "(other than the annual election of an auditor)"; and

(b) by striking out the words "or auditor" in the eighth line ; and

(c) by adding at the end thereof the following subsection (the previous part of the section being read as subsection (1)) :—

(2) Whenever—

(a) the annual election of an auditor fails to be made upon the day appointed by this Act ; or

(b) such election being made afterwards becomes void ; or

(c) an extraordinary vacancy occurs in the office of auditor,

the trust shall appoint an auditor.

Enactment of
ss. 65a-65 of
principal Act—

7. The following sections are enacted and inserted in the principal Act after section 65 thereof :—

Power to
declare non-
ratable land.

65a. (1) Subject to this section, the trust may at any ordinary or special meeting—

(a) declare that any land within the district shall be non-ratable land ;

(b) revoke any such declaration previously made by the trust.

(2) No land which at the time of the passing of the Renmark Irrigation Trust Act Amendment Act, 1950, is ratable land included in the Assessment Book shall be declared non-ratable except at the request of the owner.

(3) Notwithstanding any other provision of this Act—

(a) land which is non-ratable pursuant to any declaration for the time being in force under this section, shall not be ratable land within the meaning of this Act ;

(b) no person shall be a ratepayer in respect of such non-ratable land.

(4) The trust may sell water to the owner or occupier of non-ratable land on such terms and conditions as to place of delivery, price, and other matters as the trust fixes.

Payments
before supply-
ing of water to
new land.

65b. The trust may, before supplying water to any land which is not for the time being included in the Assessment Book, require the owner to pay or undertake to pay to the trust such sum as the trust fixes in respect of any capital expenditure incurred or to be incurred by the trust in connection with the supply of water to that land.

Power of trust
to order
method of
irrigation.

65c. (1) The trust may by order in writing served on the occupier of any ratable land require him to water his land or any specified part thereof only by the method specified in the order.

(2) A person who contravenes an order under this section shall be guilty of an offence against this Act, and liable to a penalty not exceeding one hundred pounds.

65d. (1) Subject to subsections (4) and (5) of this section the trust 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 injury to other land by seepage from the said ratable land.

Power of trust
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) If an owner fails to comply with a requirement of a notice under this section—

(a) he shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred pounds ; and

(b) the trust may, at its discretion, itself do or cause to be done any work indicated in the notice and in respect of which default has been made, and may by action in any court of competent jurisdiction recover from the said owner the expense incurred by the trust in doing that work.

(4) Before making an order under this section the trust 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.

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

8. The following section is enacted and inserted in the principal Act after section 72 thereof :—

Enactment of
s. 72a of
principal Act—

72a. (1) in this section—

“ holding ” means any continuous area of land or any two or more parcels of land separated only by

Control of
subdivision of
irrigated land.

roads, track or channels, situated within the district and occupied and used as a single vineyard, orchard or garden :

“subdivide” means to transfer, convey or sell or enter into any other transaction under which any person becomes entitled to the separate occupation of any part of a holding.

(2) If any person subdivides any holding of irrigated land situated within the district without having first obtained the consent of the trust to the proposed subdivision the trust shall have power at its discretion and notwithstanding the other provisions of this Act to refuse to supply water to any part of that holding.

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

C. W. M. NORRIE, Governor.