



ANNO QUINTO

GEORGII V REGIS.

A.D. 1914.

No. 1179.

An Act to amend "The Chaffey Brothers Amendment Act, 1902," to further amend "The Renmark Irrigation Trusts Acts," and to amend "The Renmark Irrigation Trusts Acts Amendment Act, 1907."

[Assented to, November 26th, 1914.]

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

Preliminary Provisions.

1. (1) This Act may be cited alone as "The Renmark Irrigation Trusts Acts Further Amendment Act, 1914." Short titles.

(2) "The Renmark Irrigation Trusts Acts," "The Renmark Irrigation Trusts Acts Amendment Act, 1907," and this Act, may be cited together as "The Renmark Irrigation Trusts Acts, 1893 to 1914." No. 933 of 1907.

2. This Act is incorporated with the other Acts mentioned in section 1, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. In this Act, except where some other meaning is clearly intended,— Interpretation.

"Agreement" means an agreement entered into under this Act containing a covenant to purchase land:

"Board" means the Allotment Board constituted by this Act:

"Chairman" means Chairman of the Board:

"Minister"

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“Minister” means the Minister of the Crown to whom the administration of this Act is, for the time being, committed by the Governor :

“State” means the State of South Australia :

“Trust” means the Renmark Irrigation Trust No. 1, constituted by “The Renmark Irrigation Trusts Act, 1893.”

No. 578 of 1893.

Repeal of section 4 of Act 808 of 1902—
Lands dedicated for
commonage.

4. Section 4 of “The Chaffey Brothers Amendment Act, 1902,” is hereby repealed.

The Renmark Allotment Board.

Constitution and
appointment of
Allotment Board.

5. (1) A Board, to be called “The Renmark Allotment Board,” is hereby constituted.

(2) Such Board shall consist of three members, who shall, subject to section 7, be appointed by the Governor after nomination as provided by section 6.

(3) When a vacancy occurs on the Board the Governor shall appoint a person to fill the vacancy. If the member whose seat has become vacant was nominated by the Minister, the person to fill the vacancy shall be appointed after nomination by the Minister, and if by the Trust, after nomination by the Trust.

(4) Notice of every appointment shall be published in the *Government Gazette*.

Nomination of
members of Board.

6. (1) The Trust shall nominate two persons who—

(a) are ratepayers in respect of land within the Renmark Irrigation District No. 1, and

(b) are, under section 25 of “The Renmark Irrigation Trusts Act, 1893,” qualified to be members of the Trust,

to be members of the Board.

(2) The Minister shall nominate a member of the Land Board to be a member of the Board.

Appointment
without nomination
on failure to
nominate.

7. If in any case the Minister or the Trust fails to give notice in writing to the clerk of the Executive Council of his or its nomination within two months after being requested in writing by the said clerk to make such nomination, the Governor may appoint a member without nomination ; and the member so appointed shall be deemed to have been appointed after such nomination.

Casual vacancies.

8. The seat of a member shall become vacant on—

(a) his death, lunacy, or insolvency, or his compounding with his creditors for less than Twenty Shillings in the Pound, or his being convicted of an indictable offence ; or

(b) his resignation by notice in writing posted or delivered to the Chairman, or, in the case of the Chairman, to the Minister ; or

(c) his

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(c) his absence from three consecutive meetings of the Board without the leave of the Board.

Proceedings and Functions of the Board.

9. (1) No act or proceeding of the Board shall be invalid or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding.

Defects in appointment not to invalidate proceedings of Board.

(2) All acts and proceedings of the Board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been duly appointed and was qualified and entitled to be and to act, and had acted, as a member of the Board, and as if the Board had been properly and fully constituted.

10. The Board shall meet whenever required so to do by the Minister, by notice in writing, delivered or sent by post addressed to the several members of the Board.

When Board to meet.
Cf. 830, 1903, s. 15.

11. Any two members of the Board shall form a quorum, and may exercise all or any of the powers and authorities vested in the Board.

Quorum.
Ibid., s. 16 (part)

12. (1) The member of the Board nominated by the Minister shall be the Chairman of the Board.

Chairman.
Ibid., s. 16 (part).

(2) The Chairman shall have a casting as well as a deliberative vote.

13. (1) The Chairman shall preside at all meetings of the Board: Provided that in the case of his absence from a meeting, the members present may elect one of their number to preside at such meeting during such absence.

Who to preside at meetings.
Ibid., s. 17 (part).

(2) Any member so presiding shall, for the purposes of such meeting, have all the powers and authorities of the Chairman.

14. No member of the Board shall sit at any meeting of the Board whilst any application by himself, or on his behalf, or in which he is pecuniarily interested, or by or on behalf of any partner or relative of such member, for an agreement or lease under this Act, is being heard, considered, or dealt with.

Member not to sit at meeting to consider application by himself or his partner or relative.
Ibid. s. 18.

15. The decision of the Board granting any application by any member of the Board, or by any partner or relative of any member, and any allotment made in consequence of such decision, shall, if the provisions of section 14 were not observed with respect to such application, be absolutely void, except as against any person, not being a partner or relative of the member of the Board who failed to observe such provisions, who has purchased any block so allotted *bona fide* for value and without notice of such non-observance.

Allotment in contravention of section 14 void.
Cf. *ibid.*, s. 20.

16. In

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Powers and duties
of Board.

Cf. *ibid.*, s. 21 (part)

16. In addition to and without prejudice to any other powers vested in the Board, the Board shall—

- (a) subject to the approval of the Minister, fix the purchase price, or the annual rent, payable under any agreement or lease under this Act:
- (b) consider and, after adjournment if necessary, accept or reject applications under this Act; and report its decisions thereon, and the allotments (if any) made in consequence thereof, to the Trust:
- (c) require the personal attendance of, and, when necessary, examine, all applicants, objectors, and necessary witnesses:
- (d) deal with all other matters referred to it by the Trust.

Board may require
evidence to be upon
oath.

Ibid., s. 24.

Chairman or acting
Chairman may
administer oath or
affirmation.

Cf. *ibid.*, s. 25.

17. The Board may require evidence given before it to be on oath or affirmation.

18. (1) The Chairman or the member presiding at any meeting of the Board may, when evidence is taken upon the consideration of any application under this Act, administer an oath or affirmation to any person.

(2) The evidence given by such person shall be taken down in writing, and be signed by him and countersigned by the Chairman or other member presiding as aforesaid.

Punishment for per-
jury before the Board.

Cf. *ibid.*, s. 237.

19. Any person who, upon oath or affirmation administered under section 18, wilfully and corruptly gives any false evidence, shall be guilty of perjury, and shall be liable to be imprisoned, with or without hard labor, for a period not exceeding four years.

Certain Land vested in the Trust.

Certain land vested in
Trust in fee simple.

No. 806 of 1902.

20. The two pieces of land delineated and colored pink in the plan in the Schedule hereto, and both therein marked "X", being portions containing together six thousand three hundred and ninety-two acres, or thereabouts, of the lands dedicated as commonage for the Renmark Settlement and placed under the control of the Trust, pursuant to section 4 of "The Chaffey Brothers Amendment Act, 1902," are hereby vested in the Trust, to be held by the Trust in fee simple for the purposes of this Act.

Land to be offered
for sale.

21. The land by this Act vested in the Trust shall be offered for sale by the Trust in blocks of such areas respectively as the Minister, on the recommendation of the Board, approves.

Trust may grant Leases of certain Land.

Certain land may be
leased by Trust.

22. The several pieces of land delineated and colored purple in the plan in the Schedule hereto, and all therein marked "Y", being other portions, containing together nine thousand seven hundred acres, or thereabouts,

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thereabouts, of the lands dedicated as commonage for the Renmark Settlement and placed under the control of the Trust, pursuant to section 4 of "The Chaffey Brothers Amendment Act, 1902," shall, on behalf of the Crown be offered by the Trust on leases for grazing, or for grazing and cultivation, in blocks of such areas respectively as the Trust determines; and the Trust may, on behalf of the Crown, grant leases of such blocks as aforesaid to the applicants therefor whose applications have been granted by the Board.

No. 806 of 1902.

Allotment of Lands by Trust.

23. (1) The Trust shall, by notice published in the *Government Gazette*—

Trust to give notice of lands offered.

- (a) specify what blocks are offered under sections 21 and 22 respectively, and the areas of such blocks and the purchase prices or annual rentals fixed by the Board therefor respectively; and
- (b) declare that such blocks may be applied for by persons desiring to purchase or to lease the same (as the case may be), and the conditions upon which such blocks may be purchased or leased respectively;
- (c) fix a date up to or on which applications for such blocks will be received by the Trust.

(2) All applications for such blocks received by the Trust shall be referred to the Board.

24. (1) All applications for the same block received up to or on the date fixed under section 23 for receiving applications shall be dealt with as simultaneous applications.

Simultaneous applications.

830, 1903, s. 23.

(2) All applications received after such date on one and the same day, for any block not before applied for, shall also be dealt with as simultaneous applications.

25. Subject to section 26 simultaneous applications may be decided by lot by the Chairman where any difficulty arises in deciding who is to be the successful applicant.

How simultaneous applications to be dealt with.

Ibid., s. 34.

26. The Board shall, where any difficulty arises in deciding who is to be the successful applicant, give preference to the applicant (if any) who is the holder in fee simple of land within the Renmark Irrigation District No. 1: Provided that the Board shall not be bound to grant the application of any applicant.

Other things being equal, Renmark settler to be preferred.

27. The Board shall furnish the Trust with the names of the successful applicants, and the Trust shall thereupon cause the names to be published in the *Government Gazette*, together with particulars of the blocks allotted to the applicants respectively, and the rent or purchase price payable in each case.

Board to report, and successful applicants to be gazetted.

Ibid., s. 36.

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Trust may offer lands not taken upon reduced terms.

Cf. *ibid.*, s. 37.

28. If any block specified in a notice under section 23 is not applied for within three months from the date fixed by such notice as the date up to or on which applications for such block would be received, or if all applications received for such block are rejected, or if the agreement or lease under which any block is held is forfeited, the Trust may re-offer such block at such reduced rent or purchase money as the Board, with the approval of the Minister, deems proper.

Terms and Conditions of Agreements and Leases.

Agreement to contain covenant to purchase by instalments in thirty years.

Cf. *ibid.*, s. 47.

29. In the case of a block offered under section 21, a sum equal to ten per centum of the purchase price fixed by the Board for such block shall be payable by the allottee upon allotment, and the allottee shall enter into an agreement with the Trust in a form to be approved by the Minister, whereby he shall covenant (*inter alia*) to purchase such block at the purchase price fixed by the Board, and to pay the balance of the purchase money, with interest at the rate of four and a half per centum per annum upon the balance for the time being remaining unpaid, by sixty equal half-yearly instalments, which instalments shall be paid in advance: Provided that any allottee who has complied with the terms and conditions of his agreement shall have the option of completing the purchase of his block at any time after the expiration of six years from the date of allotment, upon paying the balance of the purchase price, and interest as aforesaid up to the time of the completion of the purchase.

Agreement liable to forfeiture.

Ibid., s. 50.

30. (1) An agreement shall be liable to forfeiture by the Trust if any instalment thereunder is in arrear for six months, the purchaser thereunder having had at least three months' previous notice in writing demanding its payment, or if any breach is made of any of the terms or conditions of such agreement.

(2) Upon any such forfeiture all right, interest, or claim either at law or in equity, of the purchaser in or to the land included in the forfeited agreement, or to any moneys paid on account of his purchase, shall be absolutely determined, and such land may be dealt with as the Trust, with the approval of the Minister, determines.

Terms and conditions of lease.

31. (1) Every lease granted under section 22 shall—

- (a) be in such form as the Board approves,
- (b) be for a term not exceeding twenty-one years, and
- (c) be subject at the expiration of every period of seven years of the term thereof, to revaluation by the Board of the land thereby leased and to such (if any) alteration of the rental thereby reserved as the Board, upon such revaluation and with the approval of the Minister, determines.

Conditions and reservations.

(2) Every such lease shall—

- (a) reserve to the Crown the right to resume without compensation possession of the whole or any part of the land

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land thereby leased upon the expiration of a period of six months after the publication in the *Government Gazette* of a proclamation by the Governor declaring that such land or part is required for a public purpose, or for irrigation or reclamation;

- (b) reserve to the Minister of Irrigation for the State, or other the Minister of the Crown for the time being performing the functions of that Minister, his officers, servants, and agents, the right at any time to enter upon such land for the purpose of surveying the same, or any part thereof, or for constructing thereon channels or any other work connected with irrigation; and
- (c) contain, *mutatis mutandis*, the extended meaning of "condition of forfeiture" set out in the Sixth Schedule to "The Crown Lands Act, 1903."

No. 830 of 1903.

Application of Purchase Moneys and Rents.

32. All moneys received by the Trust in respect of purchase money and interest, or as rent, under this Act, shall from time to time be paid by the Trust to the Treasurer of the State in or towards repayment of the principal money and interest already due or hereafter to fall due by the Trust to the said Treasurer as provided by "The Renmark Irrigation Trusts Act, 1907."

All moneys received by Trust to be paid to the Treasurer.

No. 933 of 1907.

Commonage for Renmark Settlement.

33. The whole or any part of the piece of land delineated and colored brown in the Schedule hereto, and therein marked "Z", being the balance, containing five hundred and thirty-eight acres, or thereabouts, of the lands dedicated as commonage for the Renmark Settlement and placed under the control of the Trust, pursuant to section 4 of "The Chaffey Brothers Amendment Act, 1902," may be dedicated by the Governor as commonage for the District of Renmark Town; whereupon it shall be under the control of the District Council of that District for the benefit of the rate-payers thereof, on such terms as the Minister approves: Provided that, upon the publication in the *Government Gazette* of a proclamation by the Governor declaring that the said piece of land, or any specified part thereof, has been resumed for a public purpose or for settlement, such dedication and control shall absolutely cease as to the whole or the said part (as the case may be) of the said piece of land.

Commonage for Renmark Town.

Miscellaneous Provisions.

34. The pieces of land respectively referred to in sections 20, 22, and 33 shall, so far as is necessary to enable the Trust to exercise with reference thereto the rights, powers, authorities, functions, privileges, and discretions mentioned in section 5 of "The Renmark Irrigation Trusts Loan Amendment Act, 1900," be deemed to form part of the district of the Trust.

Trust to have powers of District Council with reference to land granted.

No. 733 of 1900.

35. Subsection

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Amendment of section
109 of Act No. 578 of
1893.

35. Subsection (1) of section 109 of "The Renmark Irrigation Trusts Act, 1893," is hereby amended—

Power to rate.

(a) by substituting the words "Fifteen Shillings" for the words "Ten Shillings," in the sixth line of subdivision (a) thereof; and

Consent of ratepayers
to special rate.

(b) by striking out the proviso to subdivision (b) thereof.

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

H. L. GALWAY, Governor.

THE SCHEDULE.

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The Schedule

