



ANNO QUINQUAGESIMO SECUNDO ET QUINQUAGESIMO TERTIO

# VICTORIÆ REGINÆ.

A.D. 1889.

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## No. 463.

An Act to amend "The Water Conservation Act, 1886."  
[Assented to, December 6th, 1889.]

**W**HEREAS it is desirable to amend "The Water Conservation Act, 1886"—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

**1.** This Act may be cited for all purposes as "The Water Conservation Amendment Act, 1889," and in this Act the term "the principal Act" means "The Water Conservation Act, 1886," and this Act shall be deemed to be and shall be read as part of the principal Act. Short title and interpretation.

**2.** Act No. 438 of 1888, intituled "An Act to amend the Water Conservation Act, 1886," is hereby repealed; but nothing in this Act contained shall affect any right accrued, any liability, forfeiture, or penalty incurred, or any act, deed, matter, or thing lawfully made, executed, or done before the passing of this Act, nor any legal proceedings commenced or hereafter to be commenced with respect to such right, liability, forfeiture, penalty, act, deed, matter, or thing. Every advance and loan granted under the authority of the principal Act shall be deemed to have been granted under the authority of this Act. Repeal.  
Loans under principal Act.

**3.** The Commissioner of Public Works for the time being shall be the Commissioner for Water Conservation. Commissioner.

**4.** Section 4 of the principal Act is amended by striking out the words "situate within proclaimed hundreds" in the fifth and sixth lines thereof. Amendment of section 4 of principal Act.

**5.** Section

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Repeal of sec. 5,  
principal Act.

**5.** Section 5 of the principal Act is hereby repealed, and the said Act shall be read and construed as if there were inserted therein, in lieu of the section so repealed, the next following section:

Particulars to be in-  
serted in petition for  
new water district.

**6.** Every petition for constituting a water district shall set forth the following particulars, and shall be signed by not less than three-fifths of the ratepayers within the proposed district, such ratepayers owning or occupying not less than half of the area of the land in such proposed district:—

- i. The proposed name of the proposed district:
- ii. The boundaries of the proposed district, and of every district or part of a district (if any) sought to be included in the proposed water district:
- iii. The total area of ratable property owned or occupied within proposed water district by every ratepayer signing the petition:
- iv. The names of three persons (qualified, as provided in the principal Act, to become members of a Board) nominated by the petitioners for appointment by the Governor to the first Board for the proposed district:
- v. A preliminary description setting forth the whole scheme and purpose of the proposed works:
- vi. An estimate of the cost of such works and of the annual charges necessary for the maintenance and management of such works:
- vii. A statement as to what amount of money it is proposed that the Board shall borrow from the Commissioner:
- viii. What (if any) portion of the works the petitioners desire shall be constructed by the Commissioner, and whether the Board would be prepared to take control thereof and pay interest on the cost thereof on completion:
- ix. The powers of rating that the petitioners propose the Board shall be authorised to exercise.

Petition of owners of  
land.

**7.** Before any district or Board can be constituted or appointed, a petition from owners of land for the constitution and appointment of such district and Board shall be presented to the Governor praying that the scheme or plan of works set out in the petition presented as before provided may be adopted in part or in whole, and for this purpose owner shall include the person for the time being receiving, or entitled to receive, the rents of any lands, whether on his own account, or as agent, trustee, or attorney for any other person.

Nature of such peti-  
tion.

**8.** Such petition from owners of land shall contain, or be accompanied by, the particulars hereinbefore required to be contained in  
or

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or to accompany the petition of ratepayers presented as before provided, and shall also contain a statement of the area of land in the proposed district owned by each person signing such petition, and shall be signed by an absolute majority of the owners of land in the district proposed to be constituted, such majority being owners of at least half the land in such proposed district.

**9.** Every such petition from owners of land shall be accompanied by a declaration by some person signing the petition verifying the signatures thereto, and every such petition shall be published for three consecutive weeks in the *Government Gazette*.

Evidence in support of petition.

**10.** Section 9 of the principal Act is amended by striking out the words "On address from either House of the Legislature" in the first and second lines thereof.

Amendment of section 9 of principal Act.

**11.** Section 73 of the principal Act is hereby repealed, and the said Act shall be read and construed as if there were inserted therein, in lieu of the section so repealed, the next following section.

Repeal of section 73 of the principal Act.

**12.** The Governor may wholly, or in part, disallow any such waterworks, or may direct that the said works, or any portion thereof, shall be constructed by the Commissioner, and may require that any waterworks approved by him shall be carried out under the supervision and direction of such officer as he may direct; and all accounts for payment for works so carried out shall, when certified by such officer, be deemed loan moneys advanced for such works, and shall bear interest accordingly. All works constructed as aforesaid by the Commissioner shall remain under the sole control and management of the Commissioner for the purposes of this and the principal Act, and shall absolutely vest in the Commissioner, or, subject to the approval of the Commissioner, may be handed over to the control of any Board.

Governor may disallow waterworks proposed by Board, or direct their construction by Commissioner.

**13.** Section 75 of the principal Act is amended by striking out the words "Ten Thousand" in the third line thereof, and the said section shall be read and construed as if there were inserted therein in lieu of the words so struck out the words "Five Thousand."

Amendment of section 75 of principal Act.

**14.** Section 76 of the principal Act is amended by striking out the words "one-fourth" in the second line thereof, and the said section shall be read and construed as if there were inserted therein in lieu of the words so struck out the words "one-half."

Amendment of section 76 of principal Act.

**15.** Section 77 of the principal Act is hereby repealed, and the said Act shall be read and construed as if there were inserted therein in lieu of the section so repealed the next following section.

Repeal of section 77 of the principal Act.

**16.** Every advance and loan under this Act to a Board shall be applied by the Board for the particular purposes for which the same was made, and shall be a debt due from such Board,  
and

Loans to bear interest.

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and shall bear interest at the following rates, namely:—For the first year, the rate of One Pound per centum per annum; for the second year, the rate of Two Pounds per centum per annum; for the third year, the rate of Three Pounds per centum per annum; for the fourth year, the rate of Four Pounds per centum per annum; and for the fifth and each subsequent year, the rate of Five Pounds per centum per annum, such yearly periods to be computed from the time when such advance or loan was made. All interest accruing on any such advance or loan up to the time when the Board shall have power to levy the rates within their district, in respect of any particular waterworks, as hereinafter provided, shall be capitalised and added to the advance or loan, in respect of which such interest has accrued, and interest at the rate aforesaid on the whole debt so computed shall thereafter be payable half-yearly in advance.

Amendment of section 152 of the principal Act.

**17.** Section 152 of the principal Act is amended by striking out the words “in all proclaimed hundreds” in the third line thereof, and the said section shall be read and construed as if there were inserted therein in lieu of the words so struck out the words “in any portion of the province.”

Power to lease and surrender.

**18.** The Commissioner may grant leases for any terms not exceeding twenty-one years of any lands, waterworks, powers, or premises vested in him or under his control, and may accept surrenders of any such leases, and such leases and surrenders may be granted and accepted on such terms as he may think fit.

Perpetual leases.

**19.** The Commissioner may grant perpetual leases of any lands, waterworks, powers, or premises vested in him or under his control, and may accept surrender of such leases.

Rent how fixed.

**20.** The rent reserved by any perpetual lease for the first twenty-one years of the lease shall be decided by the Commissioner. The rent for every subsequent twenty-one years of the lease shall be fixed by re-valuation, as hereinafter provided, at least twelve months before the expiration of every such period of twenty-one years.

Mode of re-valuation.

**21.** Every re-valuation of rental under the last preceding section shall be made by some person to be appointed by the Governor, and the amount thereof shall be subject to approval by the Governor: Provided that such re-valuation of rental shall be fixed without taking into account the value of the improvements made by the lessee.

Notice of re-valuation of rent to be given to lessee.

**22.** Notice of the amount of every re-valuation of rent under the last two preceding sections shall forthwith be given by the Commissioner to the lessee, who shall, within six months after the receipt of any such notice, signify to the Commissioner, in writing, his acceptance or refusal of such re-valuation.

**23.** In

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**23.** In case any lessee under perpetual lease shall not, within six months after notice to him of any re-valuation of his rent, signify to the Commissioner his willingness to pay the rent as so fixed, his lease shall cease and determine at the expiration of the then current period of twenty-one years of his lease.

Lessee under perpetual lease not accepting re-valuation to forfeit lease.

**24.** On or at any time within six months before the cesser or determination of any lease, as mentioned in the last section, or the surrender or forfeiture of any such lease, a new lease or leases of the land shall be offered in manner provided by the regulations for the time being in one or more blocks at the rental fixed by the Commissioner, as hereinbefore provided.

On refusal to accept, or on forfeiture, &c., new lease to be offered at rent to be fixed by Commissioner

**25.** The value of the improvements made by the outgoing lessee shall be paid to the Commissioner by the incoming tenant at the time of purchase of such perpetual lease, at a price to be fixed by valuation to be made in the manner prescribed by the "Crown Lands Act, 1888," for valuation of improvements on perpetual leases, and the amount thereof, when received by the Commissioner, shall be paid by him to the outgoing lessee.

Improvements to be valued, and amount thereof paid to outgoing lessee.

**26.** In the event of the lease referred to in the preceding section remaining undisposed of for a period of three months from the time when the said lease was re-offered for sale, the Commissioner may, from time to time, reduce the amount of the valuation of the improvements as he may deem proper, and may re-offer such lease subject to the payment of such reduced amount for improvements; and such reduced amount, when received by the Commissioner, shall be the amount payable to the outgoing lessee in respect of such improvements as aforesaid.

Valuation of improvements may be reduced by the Commissioner.

**27.** The Commissioner may, from time to time, make, amend, and repeal regulations for defining the mode of disposal of lands vested in the Commissioner, the size of blocks, the amounts to be paid for rents and charges, the maximum area to be held by one person, and generally for more effectually carrying out the objects, purposes, and provisions of this Act, and every regulation made under this section shall be published in the *Government Gazette*, and shall, from the date of such publication, have the force of law, but all such regulations shall be laid before Parliament within fourteen days after the publication thereof if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days from its next sitting for the dispatch of business.

Regulations.

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

KINTORE, Governor.