



ANNO VICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1976

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## No. 90 of 1976

An Act to amend the Pastoral Act, 1936-1976.

[Assented to 16th December, 1976]

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 Amendment Act (No. 2), 1976". Short titles.

(2) The Pastoral Act, 1936-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Pastoral Act, 1936-1976".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 6 of the principal Act is amended by inserting in subsection (1) immediately after the definition of "intense culture" the following definition:— Amendment of principal Act, s. 6— Interpretation.

"land outside the dog fence" means land outside the portion of the State bounded by the dog fence as defined in the Dog Fence Act, 1946-1975, the eastern border of the State and the coast of the State and "land inside the dog fence" has a correlative meaning.

4. Section 42c of the principal Act is amended by striking out subsection (7) and inserting in lieu thereof the following subsection:— Amendment of principal Act, s. 42c— Power to add small areas to leases.

(7) This section applies only to—

(a) any parcel of land inside the dog fence the area of which does not exceed fifty square kilometres;

or

(b) any parcel of land outside the dog fence the area of which does not exceed five hundred square kilometres.

Amendment of  
principal Act,  
s. 44a—  
Overstocking.

5. Section 44a of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsections:—

(3) If the board is of the opinion that the condition of the land included in the lease of any lessee indicates that the lessee is depasturing on the land such a number of stock that the land is likely to be permanently injured thereby the Minister may by notice in writing to the lessee require him—

(a) within the time specified in the notice to reduce the number of stock so depastured to or by the number specified in the notice;

(b) within the time specified in the notice to advise the Minister in writing of the time and place at which and the manner in which he proposes to remove the stock from the land; and

(c) to comply with conditions specified in the notice as to the removal of the stock or as to the stocking of the land.

(4) If a lessee fails to comply with the terms of a notice given to him pursuant to subsection (3) of this section—

(a) he shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars and a further fifty dollars for each day on which the offence continues;

or

(b) the Minister may forfeit the lease.

(5) In any proceedings in respect of an offence against this section a document purporting to be a copy of a notice issued by the Minister shall, in the absence of proof to the contrary, be accepted as proof of the notice and its contents.

Amendment of  
principal Act,  
s. 61a—  
Covenants to  
spend money  
on  
improvements.

6. Section 61a of the principal Act is amended—

(a) by striking out from subsection (2) the passage “Pastoral Act Amendment Act, 1960” and inserting in lieu thereof the passage “Pastoral Act Amendment Act (No. 2), 1976”;

(b) by striking out from paragraph (a) of subsection (2) the passage “fifty dollars per square mile” and inserting in lieu thereof the passage “twenty dollars per square kilometre”;

(c) by striking out from paragraph (b) of subsection (2) the passage “eighty dollars per square mile” and inserting in lieu thereof the passage “thirty-two dollars per square kilometre”;

and

(d) by striking out from paragraph (c) of subsection (2) the passage “one hundred and twenty dollars per square mile” and inserting in lieu thereof the passage “forty-eight dollars per square kilometre”.

Amendment of  
principal Act,  
s. 61b—  
Special  
covenants may  
be included  
with respect to  
lands outside  
dog fence.

7. Section 61b of the principal Act is amended—

(a) by striking out from subsection (1) the passage “lands situated in any part of the State that lies outside the dog fence as depicted in the plan in the fourth schedule to this Act” and inserting in lieu thereof the passage “land outside the dog fence”;

(b) by striking out from paragraph (a) of subsection (2) the passage "fifty dollars per square mile" and inserting in lieu thereof the passage "twenty dollars per square kilometre";

(c) by striking out from paragraph (b) of subsection (2) the passage "eighty dollars per square mile" and inserting in lieu thereof the passage "thirty-two dollars per square kilometre";

and

(d) by striking out from paragraph (c) of subsection (2) the passage "one hundred and twenty dollars per square mile" and inserting in lieu thereof the passage "forty-eight dollars per square kilometre".

**8. Section 63 of the principal Act is amended—**

(a) by striking out from subsection (1) the proviso thereto;

and

(b) by striking out subsection (3).

Amendment of principal Act, s. 63—  
Basis of valuing improvements.

**9. Section 74 of the principal Act is repealed and the following section is enacted and inserted in its place:—**

74. A valuation pursuant to this Act of the improvements upon any land shall include valuation of any machinery or appliance that is attached or appurtenant to any well, reservoir, tank, dam or natural waters on the land and is necessary for the purpose of raising or distributing water.

Repeal of s. 74 of principal Act and enactment of section in its place—

Water appliances, etc., included in valuation of improvements.

**10. Section 82 of the principal Act is amended by striking out the passage "gold claim or mineral claim duly registered in terms of Part III, Division II, of the Mining Act, 1930, and pegged out on" and inserting in lieu thereof the passage "mineral claim pursuant to the Mining Act, 1971-1975, in respect of any part of".**

Amendment of principal Act, s. 82—  
Water to be supplied for mining purposes.

**11. Section 99 of the principal Act is amended—**

(a) by striking out from paragraph V of subsection (1) the passage "five miles" and inserting in lieu thereof the passage "eight kilometres";

(b) by striking out from paragraph V of subsection (1) the passage "ten miles" and inserting in lieu thereof the passage "sixteen kilometres";

and

(c) by striking out from subsection (4) the passage "ten miles" and inserting in lieu thereof the passage "sixteen kilometres".

Amendment of principal Act, s. 99—  
Rights to travel stock.

**12. Section 132 of the principal Act is amended—**

(a) by striking out from subsection (2) the passage "1930-1962, or the Petroleum Act, 1940-1969" and inserting in lieu thereof the passage "1971-1975, or the Petroleum Act, 1940-1971";

Amendment of principal Act, s. 132—  
Mineral leases may be granted.

(b) by striking out from paragraph (a) of subsection (2) the passage “four hundred and forty yards” and inserting in lieu thereof the passage “four hundred metres”;

and

(c) by striking out from paragraph (c) of subsection (2) the passage “twenty-five yards” and inserting in lieu thereof the passage “twenty-two metres”.

Repeal of  
s. 134a of  
principal Act  
and enactment  
of section in  
its place—  
Maintenance of  
dog fence.

13. Section 134a of the principal Act is repealed and the following section is enacted and inserted in its place:—

134a. It shall be deemed to be a condition of the lease of any land inside the dog fence that is or becomes bounded by a part of the dog fence, that such part of the dog fence shall be maintained by the lessee in dog-proof condition throughout the currency of the lease.

Amendment of  
principal Act,  
s. 140—  
Leases for  
Aboriginal  
reserves may  
be granted.

14. Section 140 of the principal Act is amended by striking out the passage “one thousand square miles” and inserting in lieu thereof the passage “two thousand six hundred square kilometres”.

Amendment of  
principal Act,  
s. 140a—  
Notice on  
mustering  
cattle.

15. Section 140a of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) This section applies only to land outside the dog fence that is subject to a lease.

Amendment of  
first schedule  
of principal  
Act.

16. The first schedule to the principal Act is amended by striking out from paragraph (b) the passage “square mile leased there shall be five head of sheep or one head of cattle” and inserting in lieu thereof the passage “five square kilometres leased there shall be ten head of sheep or two head of cattle”.

Repeal of  
second  
schedule of  
principal Act.

17. The second schedule to the principal Act is repealed.

Repeal of  
fourth  
schedule of  
principal Act.

18. The fourth schedule to the principal Act is repealed.

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

D. NICHOLLS, Governor