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**ELIZABETHAE II REGINAE**

A.D. 1960

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**No. 60 of 1960**

An Act to amend the Pastoral Act, 1936-1959.

[Assented to 24th November, 1960.]

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 "Pastoral Act Amendment Act, 1960".

(2) The Pastoral Act, 1936-1959, as amended by this Act, may be cited as the "Pastoral Act, 1936-1960".

(3) The Pastoral Act, 1936-1959, 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.

Enactment of s. 40a of principal Act—

Revaluation of rent of future leases.

3. The following section is enacted and inserted in the principal Act after section 40 thereof :—

40a. (1) Where the term of any lease of pastoral lands granted after the commencement of the Pastoral Act Amendment Act, 1960, exceeds seven years, that term shall, for the purposes of this section be divided into periods, the last of which periods being of such duration as will permit the other period or each of the other periods, as the case may be, to be of the duration of seven years.

(2) Where the term of any lease so granted exceeds seven years, the rent of that lease shall be revalued for the second and each succeeding period of that term in accordance with Part V of this Act.

4. Subsection (2) of section 41 of the principal Act is amended by substituting for the word "The" being the first word of the subsection, the following passage, "Subject to section 40a of this Act, the".

Amendment of principal Act, s. 41.

5. Subsection (2) of section 42 of the principal Act is amended by substituting for the word "The" being the first word of the subsection, the following passage, "Subject to section 40a of this Act, the".

Amendment of principal Act, s. 42.

6. Subsection (2) of section 43 of the principal Act is amended by adding after the word "land" being the last word of the subsection the following passage, "if the water supply is reasonably accessible to such stock".

Amendment of principal Act, s. 43.

7. The following section is enacted and inserted in the principal Act after section 46 thereof:—

Enactment of s. 46a of principal Act—

46a. (1) The lessee of any one or more pastoral leases may, within twelve months after the commencement of the Pastoral Act Amendment Act, 1960, request the Minister to notify him whether, upon surrender of the lease or leases by the lessee, the Minister is willing to offer him another lease of the whole or any part of the lands comprised in that lease or those leases, and if so, at what rent and on what other terms and conditions.

New lease for 42 years may be granted on surrender of existing leases within 12 months of commencement of 1960 amendment.

(2) Where such a request is made, the Minister shall, on the recommendation of the Board, determine the matters mentioned in subsection (1) of this section and shall serve on the lessee a notification of his determination, and if the Minister is willing to offer the lessee another lease of a part only of the lands comprised in the lease or leases referred to in that subsection, the value of the improvements, as assessed by the Board, which the lessee is entitled to be paid under subsection (7) of this section shall be stated in the notification.

(3) If the Minister notifies the applicant that he is, upon surrender of the lease or leases by the lessee, willing to offer him a new lease of the whole or any part of the lands comprised in such lease or leases, the notification shall be deemed to be an offer on the terms so notified of a lease for the term of forty-two years of the land specified in the notification and may be accepted by the applicant at any time within six months after the service of the notification on the applicant.

(4) If the applicant accepts the offer within the time specified in subsection (3) of this section he shall surrender his existing lease or leases and the Governor may thereupon accept the surrender and on accepting the same shall grant the applicant a lease under this Act in terms of the offer.

(5) It shall not be necessary before so granting the lease to publish a notice declaring the lands comprised in the lease so granted open for leasing nor to consider any application other than that of the applicant.

(6) A lease granted to a person under subsection (4) of this section—

(a) shall comprise, where practicable, a continuous area of land that could be economically worked ; and

(b) shall include the land on which the homestead improvements are situated ; and

(c) if the surrendered lease or leases comprised in the aggregate land of an area of one hundred square miles or more, shall comprise land of not less than one hundred square miles in area ; or if the surrendered lease or leases comprised in the aggregate land of an area less than one hundred square miles, shall comprise the whole of that land.

(7) Where any part of the lands comprised in a lease or leases surrendered under subsection (4) of this section is not included in a lease granted in lieu thereof under that subsection the lessee shall be entitled to be paid by the Minister the value of the improvements on that part (not being improvements belonging to the Crown) as assessed under subsection (2) of this section.

(8) Where any part of the lands comprised in a lease or leases surrendered by a person under subsection (4) of this section is not included in a lease granted in lieu thereof under that subsection and is not to be allotted within a period of six months after the surrender to another lessee, the Minister may, on behalf of the Governor, from time to time, grant to that person a licence to use and occupy that part on such terms and conditions as the Minister thinks proper.

8. Subsection (6) of section 49 of the principal Act is amended by substituting for the words "The rent" in the fifth line thereof the passage, "Subject to section 40a of this Act, the rent".

Amendment of principal Act, s. 49.

9. Section 54 of the principal Act is amended by striking out the passage " , nor within ten years after any previous re-valuation" in the second and third lines thereof.

Amendment of principal Act, s. 54.

10. Section 55 of the principal Act is amended—

Amendment of principal Act, s. 55.

(a) by inserting after the word "years" in the second line thereof the passage "granted prior to the commencement of the Pastoral Act Amendment Act, 1960"; and

(b) by adding at the end thereof the following subsection (the preceding portion of the section being designated as subsection (1) thereof):—

(2) During the first six months of the last year of each seven year period into which the term of any lease granted after the commencement of the Pastoral Act Amendment Act, 1960, is divided pursuant to section 40a of this Act, the board shall make a revaluation of the run and determine, subject to the approval of the Minister, the rent to be paid by the lessee during the next succeeding period of the term of the lease.

11. Section 56 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal and re-enactment of s. 56 of principal Act—

56. (1) The revaluations referred to in section 55 of this Act shall be completed not less than six months before the expiration of the twenty-first year of the term of the lease or the last year of such seven year period, as the case may be, and the Minister shall, as the case requires, forthwith serve upon the lessee notice in writing of the rent to be paid during such last twenty-one years or succeeding period of the term of the lease.

Completion of revaluation.

(2) The annual rent payable by a lessee upon revaluation as provided in this section and section 55 of this Act shall—

(a) if the lease was granted prior to the commencement of the Pastoral Act Amendment Act, 1960, be not more than fifty per centum above or

below the rent payable during the twenty-first year of the term of the lease, and

- (b) if the lease is granted after the commencement of that Act be not more than fifty per centum above or below the rent payable during the last year of the period in which the revaluation is made.

Repeal and re-enactment of s. 59 of the principal Act—

Rent where no appeal.

**12.** Section 59 of the principal Act is repealed and the following section is enacted and inserted in its place :—

59. If the lessee does not within the time mentioned in subsection (1) of section 57 of this Act appeal against the board's revaluation, or the rent fixed on that revaluation is not reduced pursuant to that section, the rent determined on that revaluation shall be payable by the lessee from the date specified in the appropriate notice given by the Minister as the date from which the rent so determined is payable.

Amendment of principal Act, s. 60.

**13.** Section 60 of the principal Act is amended by striking out subsection (5) thereof and inserting the following subsections in lieu thereof :—

(5) No provision of this section shall, except as expressly provided therein, affect the power or duty of the board to make a revaluation of any run in accordance with this Act.

(6) Where any reduction of rent is operative during—

- (a) the twenty-first year of the term of a lease granted prior to the commencement of the Pastoral Act Amendment Act, 1960, or
- (b) the last year of any period into which the term of any lease granted after the commencement of that Act is divided pursuant to section 40a of this Act,

the rent which would have been payable by the lessee during that year if no reduction were so operative shall, for the purpose only of determining the rent on revaluation, be taken to be the rent payable during that year by the lessee.

Amendment of principal Act, s. 61a.

**14.** Section 61a of the principal Act is amended—

- (a) by inserting before the word "shall" in the second line of subsection (1) thereof the passage "but before the commencement of the Pastoral Act Amendment Act, 1960.";

(b) by inserting after subsection (1) thereof the following subsections :—

(1a) Every pastoral lease granted after the commencement of the Pastoral Act Amendment Act, 1960, not being a lease granted under subsection (4) of section 46a of this Act, shall be subject to the provisoes contained in subsection (1) of this section and shall contain all the covenants which a pastoral lease referred to in that subsection is required to contain, together with a covenant binding the lessee to maintain in good order and condition during the term of the lease all improvements made in accordance with the conditions and covenants of the lease.

(1b) Every pastoral lease granted under subsection (4) of section 46a of this Act shall in addition to the covenants otherwise provided for contain a covenant binding the lessee to expend such amount, if any, of money as is necessary to ensure that—

(a) by the end of the fifth year of the term thereof the value of the improvements on the land will be not less than twenty-five pounds per square mile ;

(b) by the end of the thirteenth year of the term thereof the value of the improvements on the land will be not less than forty pounds per square mile ; and

(c) by the end of the twenty-first year of the term thereof the value of the improvements on the land will be not less than sixty pounds per square mile,

and to maintain those improvements in good order and condition during the term of the lease ;

(c) by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

(2) Every notice in the *Gazette* by which lands are, after the commencement of the Pastoral Act Amendment Act, 1960, declared open for leasing shall contain a statement that every lessee shall be obliged to maintain in good order and condition during the term of the lease all improvements made in accordance with the conditions and covenants of the lease and shall set out the

amounts which the lessee will be required to expend on improvements by the end of the fifth, thirteenth and twenty-first years of the term of the lease respectively, but

- (a) the amount so required to be spent by the end of the fifth year shall not exceed twenty-five pounds per square mile ;
- (b) the amount so required to be spent by the end of the thirteenth year shall not exceed forty pounds per square mile ; and
- (c) the amount so required to be spent by the end of the twenty-first year shall not exceed sixty pounds per square mile.

Enactment of  
s. 61b of  
principal Act—

**15.** The following section is enacted and inserted in the principal Act after section 61a thereof :—

Special  
covenants may  
be included  
with respect to  
lands outside  
dog fence.  
Fourth  
Schedule.

**61b. (1)** Any pastoral lease granted after the commencement of the Pastoral Act Amendment Act, 1960, in respect of 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 may, if the Minister thinks fit, contain, in addition to the other covenants provided for in this Act, such covenants as would bind the lessee to effect such improvements on the leased lands within such time as may be specified in those covenants.

(2) This section shall not be construed as authorizing the inclusion in any lease referred to in subsection (1) of this section of any covenant or covenants under which the lessee is obliged to effect on the leased lands improvements the total value of which—

- (a) by the end of the fifth year of the term of the lease will exceed twenty-five pounds per square mile ; or
- (b) by the end of the thirteenth year of that term will exceed forty pounds per square mile ; or
- (c) by the end of the twenty-first year of that term will exceed sixty pounds per square mile.

**16.** The following section is enacted and inserted in the principal Act after section 88 thereof:—

Enactment of  
s. 88a of  
principal Act—

88a. Where by agreement with the lessee of any pastoral lands the Minister acquires the lessee's interest in such part of the lands comprised in the lease as are required for any of the purposes specified in subsection (1) of section 88 of this Act, the Minister may, subject to such terms and conditions as he thinks fair and equitable, grant the lessee an extension of the term of the lease for a period not exceeding seven years with respect to all or any of the land remaining in the lessee's run.

Power of  
Minister to  
grant extension  
of term of  
lease in certain  
cases.

**17.** Section 93 of the principal Act is amended by substituting for the words "so surrendered" in the first line thereof the passage "surrendered except in pursuance of subsection (4) of section 46a of this Act,".

Amendment of  
principal Act,  
s. 93.

**18.** Subsection (1) of section 111 of the principal Act is amended by striking out the passage "constructed after the twelfth day of December, nineteen hundred and twenty-nine," in the second and third lines thereof.

Amendment of  
principal Act,  
s. 111.

**19.** Subsection (1) of section 112 of the principal Act is amended by striking out the passage "constructed after the twelfth day of December, nineteen hundred and twenty-nine, and" in the third, fourth and fifth lines thereof.

Amendment of  
principal Act,  
s. 112.

**20.** The following section is enacted and inserted in the principal Act after section 134 thereof:—

Enactment of  
s. 134a of  
principal Act—

134a. It shall be deemed to be a condition of the lease of every run which does not lie outside the dog fence as depicted in the plan in the fourth schedule to this Act, any part of which run is or becomes bounded by a part of the dog fence as defined in the Dog Fence Act, 1946-1959, that such part of the dog fence shall be maintained by the lessee in dog-proof condition throughout the currency of the lease.

Maintenance of  
dog fence.

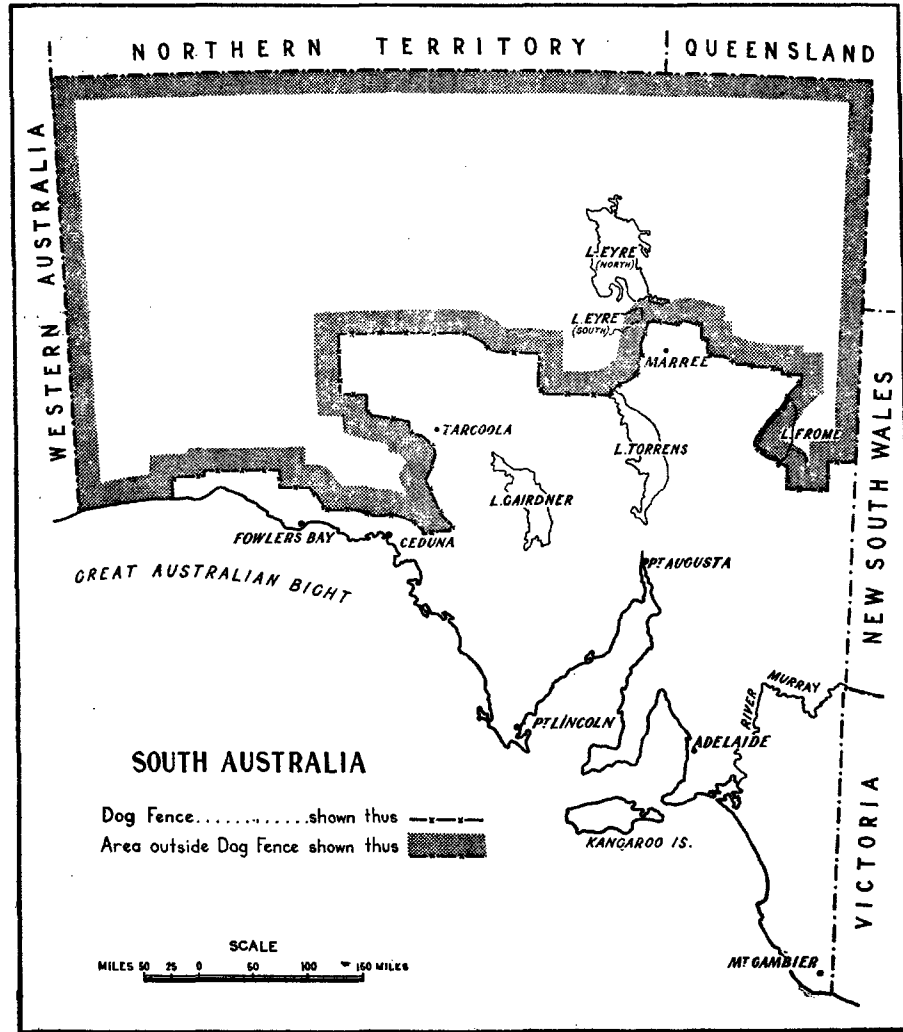
**21.** The principal Act is amended by adding after the Third Schedule at the end thereof the following schedule:—

Enactment of  
fourth schedule  
of principal  
Act.



8. 61b.

THE FOURTH SCHEDULE.



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

J. M. NAPIER, Lieutenant-Governor.