



ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

No. 953.

An Act to provide for Irrigation and to create Boards for Reclaimed Swamp and other Lands, and to enable Loans to be made to Lessees of Reclaimed and Irrigation Areas.

[Assented to, November 11th, 1908.]

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

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as "The Irrigation and Reclaimed Lands Act, 1908," and shall be read and incorporated with "The Crown Lands Act, 1903" (hereinafter referred to as "the principal Act"), and all Acts amending the same. Short title.

2. This Act is divided into Parts and Divisions, as follows:— Division of Act.

PART I.—Preliminary:

PART II.—Reclamation of Swamp Lands and Proclamation of Irrigation Areas:

PART III.—Management before Constitution of Board:

DIVISION I.—Improvements:

DIVISION II.—Acquisition, Tenure, and Transfer of Land:

DIVISION III.—Financial:

PART IV.—Constitution of Board and Management thereafter, and Advances:

DIVISION I.—Constitution of Board and Advances thereto:

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DIVISION II.—Members of Board, Incorporation, &c. :

DIVISION III.—Officers of Board :

DIVISION IV.—Meetings and Business of Board :

DIVISION V.—General Powers and Duties of Board :

PART V.—Loans to Lessees :

PART VI.—Regulations :

PART VII.—Miscellaneous :

PART VIII.—Legal Procedure, &c.

Interpretation.

3. In this Act, and in regulations and by-laws made and leases granted under this Act, and proceedings taken under this Act or such regulations or by-laws, except where the context or subject matter requires a different construction—

- “ Board ” means a Board constituted under this Act :
- “ By-law ” means a by-law made by a Board under this Act :
- “ Commissioner ” means the Commissioner of Crown Lands of the said State, or the Minister of the Crown for the time being discharging the duties of such Commissioner :
- “ Embankment ” means any bank or dyke constructed by the Commissioner to protect land from inundation by water from any river or the sea, or any inlet or arm of the sea :
- “ Factory ” includes buildings, machinery, and appliances for the purpose of wine-making, fruit-preserving, or dairying, or any other purpose approved by the Commissioner :
- “ Gazette ” means *The South Australian Government Gazette* :
- “ Government officer ” means the member of a Board appointed by the Governor :
- “ Irrigation area ” means an irrigation area proclaimed under this Act :
- “ Justice ” means any Justice of the Peace for the said State :
- “ Land Board ” means the Land Board under Part IV. of “ The Crown Lands Act, 1903 ” :
- “ Lessee ” includes, as well as the original lessee of the land held under a lease issued pursuant to this Act, the transferee of such lease, and the executors or administrators of such lessee or transferee :
- “ Prescribed ” means prescribed by this Act or any Act incorporated herewith, or by regulation or by-law :
- “ Proclamation ” means Proclamation by the Governor in the *Gazette* :
- “ Ratable property ” means any land situate within an irrigation area other than unleased Crown lands : “ Ratepayer ”

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- “Ratepayer” means the occupier or lessee of ratable property :
- “Reclaimed lands” means lands reclaimed from being swamp lands :
- “Regulation” means a regulation made under this Act :
- “Surveyor-General” means the Surveyor-General for the said State, or the person for the time being discharging the duties of the office of the Surveyor-General :
- “The Treasurer” means the Treasurer of the said State, or the Minister of the Crown for the time being discharging the duties of such Treasurer :
- “This Act” includes regulations and by-laws made under this Act.

4. (1) Part I. of “The Crown Lands Act Amendment Act, 1905,” and the whole of “The Reclaimed Swamp Lands Trusts Act, 1906,” are hereby repealed. Repeal Part I. of 899 of 1905, 910 of 1906

(2) Such repeal shall not affect any authority constituted, power conferred, duty imposed, right granted or accrued, interest created, liability, forfeiture, or penalty incurred, offence committed, or any other thing done or omitted to be done under the said enactments, or any legal or other proceedings commenced or hereafter to be commenced with respect to any of such matters or things.

(3) All such matters and things are, so far as consistent with this Act, hereby preserved and continued and declared to be of the same force and effect as if the said enactments were still in force, or as if they were made or done under this Act, as the case may require ; and any Board of Trustees constituted under “The Reclaimed Swamp Lands Trusts Act, 1906,” shall continue as a Board constituted under this Act.

5. All powers conferred by this Act upon the Commissioner shall be exercised when, where, and in such manner as he thinks fit, unless otherwise expressly provided. Discretionary exercise of Commissioner's powers.

PART II.

PART II.

RECLAMATION OF SWAMP LANDS AND PROCLAMATION OF IRRIGATION AREAS.

6. The Commissioner may reclaim and improve any swamp lands, whether such lands are or are not at the time included or intended to be included in any irrigation area, and may construct all such embankments and other works, and do all such other things as he deems necessary for such reclamation and improvement. Reclamation and improvement of swamp lands. New.

7. (1) The public moneys to be expended by the Commissioner in reclaiming and improving swamp lands and lands in irrigation areas proclaimed as in this Act provided, in constructing, improving, and Provision of moneys for reclamation and improvement of lands. New.

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and maintaining embankments, and in carrying out the objects of this Act with regard to lands in such irrigation areas, shall not exceed the amount provided by Parliament for that purpose.

(2) Such moneys, and all moneys advanced to boards as provided by section 31 hereof, which have been voted by Parliament, shall be paid out of loan moneys, and shall be repaid to loan fund with interest at the rate of Four Pounds per centum per annum.

Future advances to Boards to be approved by Parliament.

8. No money shall be advanced to a board or spent by the Commissioner under this Act, otherwise than as provided by section 6 hereof, in any irrigation area other than the Beri Beri, Waikerie, and Ramco schemes unless a resolution approving of such irrigation area has been carried by both Houses of Parliament.

Proclamation of irrigation areas.

New.

9. The Governor may by Proclamation set apart any Crown lands as an irrigation area. Any such irrigation area may consist wholly of reclaimed or wholly of other lands, or partly of reclaimed and partly of other lands, but shall not include any embankment within the meaning of section 3 hereof.

Power to alter boundaries of irrigation areas.

New.

10. The Governor may from time to time by Proclamation—

(1) Withdraw any land included in any irrigation area from such area; and may, as to the whole or any part of the land so withdrawn—

(a) Proclaim it to be an irrigation area; or

(b) Include it as part of a new irrigation area; or

(c) Include it in an irrigation area then already proclaimed.

(2) Set apart any Crown lands and include the same in any irrigation area then already proclaimed.

Survey and subdivision into blocks.

New.

11. (1) The Commissioner shall cause the land included in any irrigation area, and the lands, if any, adjoining which are to be leased in connection therewith to be surveyed and, subject to subsection (3) of this section, to be subdivided into blocks.

Size and classes of land in blocks.

(2) Such blocks shall be of such size as he shall determine on the recommendation of the Land Board, and, subject as in this subsection provided, shall contain such class or classes of land as he thinks advisable. Any block may contain not more than fifty acres of reclaimed land, and may also contain not more than fifty acres of land considered by the Commissioner to be irrigable land, and may also contain any area of other land.

Reserves.

(3) The Commissioner shall set apart such parts of the land included in any irrigation area as he deems proper as Government reserves, reserves for roads, water channels, wharves, docks, commonage, and park lands, sites for towns, pumping stations, machinery and factories, and for any other purposes approved by him; and may from time to time set apart such other parts of the said land as he deems proper for any of the said purposes. (4) The

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(4) The Commissioner may cause sites for towns to be subdivided into allotments.

Subdivision of town sites.

12. A plan, signed by the Surveyor-General, of the land in any irrigation area as so surveyed, subdivided, and reserved as aforesaid, showing the subdivisions thereof, and distinguishing the several blocks by separate numbers, and the parts so reserved, shall be kept at the office of the Surveyor-General.

Plan.

New.

PART III.

PART III.

MANAGEMENT BEFORE CONSTITUTION OF BOARD.

DIVISION I.—IMPROVEMENTS.

DIVISION I.

13. Until the constitution of a Board for an irrigation area, such area shall be managed and controlled by the Commissioner, subject always to the control of Parliament respecting the moneys to be expended on such area.

Management by Commissioner.

New.

14. The Commissioner, upon an irrigation area being proclaimed, may purchase and erect pumping machinery thereon, construct irrigation works and channels, and acquire and provide appliances and facilities for supplying water to such area, or to such part or parts thereof as he thinks expedient, and for irrigating the irrigable lands therein.

Commissioner may purchase plant.

New.

15. The Commissioner may construct roads, streets, bridges, wharves, docks, and jetties upon any irrigation area, and erect factories on any land reserved therefor.

Construction of roads.

New.

DIVISION II.—ACQUISITION, TENURE, AND TRANSFER OF LAND.

DIVISION II.

16. The Land Board shall, subject to the approval of the Commissioner, fix the annual rent to be paid for each block in an irrigation area.

Board to fix rent.
Act 899, 1905, s. 4.

17. Each block shall be offered on perpetual lease at a rental as hereinafter mentioned.

Terms of lease.

Ibid, s. 5.

18. Persons under eighteen years of age, and Asiatics, are disqualified from being lessees.

Disqualifications as leaseholder.

Cf. Act 830, 1903, s. 211.

19. For the purposes of this Act all the provisions of the principal Act which relate to fixing of rents, to invitations for, consideration, acceptance, or rejection of applications for leases, to allotment of lands, and to the interpretation, preparation, execution, registration, transfer, transmission, and forfeiture thereof, in so far as such provisions are not repugnant to this Act, shall apply *mutatis mutandis* to leases for blocks under this Act.

Incorporation of certain provisions of Crown Lands Act, 830 of 1903.

Cf. 899, 1905, s. 6.

20. The

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How rent determined.

Ibid, s. 7.

20. The rent for each block shall not be less than Four Pounds per centum per annum on the unimproved value of the land comprised therein and the cost of reclaiming such land and of providing pumping and irrigation channels in such block.

Payment of rent.

Ibid, s. 8.

21. (1) The said rent shall be payable as follows:—

(a) For the first year one-quarter of the fixed annual rent:

(b) For the second year one-half of such rent:

(c) For the third year three-quarters of such rent:

(d) For the fourth and each succeeding year thereafter the full amount of rent as fixed under sections 16 and 20 hereof.

Rent to be paid in advance.

Ibid, s. 9.

(2) All rents shall be due and payable in advance.

Area of holdings.

Ibid, s. 10, altered.

22. No person shall, in his own name or in the name of any other person, or either by himself or conjointly with any other person, be the holder of more than one block.

Form of lease.

23. Every lease shall be granted by and in the name of the Commissioner, and shall be in the form in the Schedule to this Act, subject to any modifications or additions which the Commissioner thinks necessary for giving effect to this Act.

Dealing with unallotted lands.

Ibid, s. 11.

24. Any land in an irrigation area remaining unallotted for one year after being open to application at the rent fixed as aforesaid may be let at such reduced rental as is fixed by the Land Board and approved by the Commissioner, or on miscellaneous lease, as provided in section 159 of the principal Act.

Repurchased lands may be leased.

Ibid, s. 12, altered.

25. Any land purchased under Part X. of the principal Act which is included in an irrigation area may, notwithstanding the provisions of such Part, and whether wholly or partially reclaimed or not, be leased under the provisions of this Act with other adjoining land.

Supply of water.

New.

26. Upon the construction, wholly or in part, of the works upon an irrigation area, and until the constitution of the Board therefor, the Commissioner may supply water to lessees of such area at such rates and upon such terms as he determines.

Cultivation of blocks.

New.

27. Lessees of blocks in an irrigation area may, before the constitution of the Board therefor, plant and cultivate their respective blocks and make improvements thereon; but it shall be lawful for the Commissioner to control such planting, cultivation, and improvements in any case where it is deemed necessary by him or any inspector or other officer he appoints for the purpose.

DIVISION III.

DIVISION III.—FINANCIAL.

Accounts to be kept.

N w.

28. The Commissioner shall cause to be kept in respect of the Board of each irrigation area a separate account, to be called the “[Name of Board] Irrigation Account,” to which shall be debited—

(a) All

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- (a) All moneys expended by the Commissioner in carrying out the objects and purposes of this Act on the land in such area, both before and after the proclamation of such area, including all moneys advanced as provided by section 32 hereof to the Board constituted for such area which have been voted by Parliament ;
- (b) Interest on all the said moneys at the rate of Four Pounds per centum per annum ;
- (c) Interest at the same rate on all moneys expended by the Commissioner in improving and maintaining any embankments constructed for the protection of land included in such area ;

And to which shall be credited—

- (a) Rents received from lessees of land within such area :
- (b) All moneys received by the Commissioner on account of water supplied from the irrigation works on such area :
- (c) All moneys paid by the Board, as hereafter in this Act provided :
- (d) All moneys received from the lessees of town allotments within such area.

29. An abstract of the accounts provided for in the next preceding section, showing the sums respectively debited and credited therein under convenient headings, shall be annually laid before Parliament.

Annual statements
for Parliament.

PART IV.**PART IV.****CONSTITUTION OF BOARD AND MANAGEMENT
THEREAFTER, AND ADVANCES.****DIVISION I.—CONSTITUTION OF BOARD AND ADVANCES THERETO.****DIVISION I.**

30. When leases have been granted, pursuant to this Act, of not less than two-thirds of the blocks in any irrigation area, the Governor may, by Proclamation in the *Gazette*, constitute a Board, which shall thereafter have the control and management of such irrigation area.

Constitution of the
Board.

New.

31. (1) The Commissioner may, upon and after the constitution of the Board, from time to time advance to such Board such moneys as are at his disposal for the purposes of such Board, or as are provided by Parliament therefor, or for carrying out the objects and purposes of this Act.

Advances by
Commissioner.

New.

(2) Such Board shall be liable to the Commissioner for the repayment of all moneys so advanced, and of all moneys expended by the Commissioner in carrying out the objects and purposes of this Act in the irrigation area after the Land Board has fixed the rents of blocks

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blocks therein, as provided in section 16 hereof, with interest on all the last-mentioned moneys at the rate of Four Pounds per centum per annum up to the day of the constitution of such Board. The moneys so advanced and expended and the said interest on the moneys so advanced are hereafter in this Division of this Act referred to as "the said advances":

(3) A certificate in writing, signed by the Commissioner, or by the Commissioner of Audit, stating the amount of the said advances, shall be accepted by the Board as conclusive evidence of such amount.

Annual repayments.

Cf. Act 905, 1905,
s. 131 (2).

Cf. *ibid*, s. 135.

32. The said advances shall be repaid to the Commissioner by the Board by twenty equal yearly instalments, together with interest on the amount of the said advances for the time being unpaid at the rate of Four Pounds per centum per annum, the first instalment of principal of any advance to be repaid at the expiration of five years from the date of such advance: Provided always that the Board may at any time pay off the whole or any part of the amount of the said advances then unpaid with the interest accrued due to the date of payment.

Annual instalments
charged on rates.

New.

33. The said advances, together with the said interest thereon, or so much of the said advances and interest as for the time being remains unpaid, shall be a first charge upon all rates from time to time declared or leviable by, and on all property for the time being vested in or belonging to the Board, and on all land in the irrigation area.

Procedure in case of
default for three
months.

New.

34. If default is made by the Board in making payment of any such yearly instalment or interest, or any part thereof, the Commissioner may give notice to the Board or to any member or officer thereof of his intention to exercise the powers conferred upon him or his nominee by this Act if such default is allowed to continue; and if the amount then due in respect of the said advances or interest is not paid within three calendar months from the giving, posting, or delivering to the Board or any member or officer thereof of such notice, all powers of the Board in relation to receiving and recovering outstanding rates, making of assessments, and declaring, levying, and recovering of rates, shall, upon the Commissioner giving notice in the *Gazette* that such powers have become vested in him, or his nominee, as the case may be, vest in the Commissioner, or in such person as he nominates, and may at the option of the Commissioner continue so vested until the whole amount of the said advances and interest are repaid; and in such case no consent of a ratepayer to a special rate shall be required.

Application of money
collected by Com-
missioner.

New.

35. The moneys received by the Commissioner or his nominee shall be applied in paying all moneys due or owing in respect of the said advances and interest thereon, and the costs incurred in carrying out the powers vested in the Commissioner by this Act, and any surplus shall be paid to the Board.

36. (1) Should

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36. (1) Should the Board make default in payment of any of the said yearly instalments or interest on the said advances, or any portion or portions thereof, for one year, it shall be lawful for the Governor, by a Proclamation in the *Gazette*, to determine the existence of the Board, and thereupon the Commissioner may resume possession and absolute control and management of the irrigation area, together with all machinery, plant, chattels, and appliances thereon or appurtenant thereto and belonging to the Board, and the same as well as any land vested in the Board, and any other property of the Board, shall thereupon vest absolutely in the Commissioner.

Procedure in case of default for one year.

New.

(2) The Governor may at any time thereafter, by Proclamation in the *Gazette*, constitute a Board, which shall have the control and management of such irrigation area, and the same results shall follow therefrom as from the constitution of the original Board.

DIVISION II.—MEMBERS OF BOARD, INCORPORATION, ETC.

DIVISION II.

37. The Board shall consist of five members, and shall be a body corporate under the name of "The Irrigation Board," and shall have perpetual succession and a common seal, and by such name shall be capable of suing and being sued, and of purchasing, holding, and leasing land, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

Constitution of Board.

Act 910, 1906, s. 9, altered.

38. (1) The Governor shall appoint the members of the Board to hold office for the first twelve months after the constitution of the Board.

Appointment of Board.

Ibid, s. 11, altered.

(2) The members to hold office after the expiration of such twelve months shall be appointed and elected as follows:—

(a) The Governor shall appoint one member, who shall be a Government officer and be Chairman of the Board, and shall hold office during the pleasure of the Governor, and not be subject to retirement by effluxion of time:

(b) All other members of the Board shall be ratepayers within the area, and shall be elected by the ratepayers from time to time, as hereinafter provided:

(c) The elected members shall retain office until the election of their successors, as hereinafter provided.

(3) The Governor may appoint one of the members to be chairman of the Board for the first twelve months after the constitution of the Board.

39. The Governor may appoint two auditors to the Board, who shall retain office until the election of their successors, as hereinafter provided.

Auditors.

Ibid, s. 11.

40. Every

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Who may be members
of Board.

Ibid, s. 12, altered.

40. Every ratepayer in the irrigation area, having attained the age of eighteen years, shall be qualified to be a member of the Board, but shall be disqualified if he—

- (a) Is an uncertificated insolvent, or executes a statutory deed of assignment for the benefit of his creditors, or compounds with his creditors for less than Twenty Shillings in the Pound:
- (b) Holds the office of treasurer, auditor, or a place of profit in the gift of the Board:
- (c) Is pecuniarily interested in a contract with the Board:
- (d) Is in arrear for six months or more in payment of any rent or rates in respect of the land leased by him.

How vacancy
occasioned.

Ibid, s. 13, altered.

41. The following acts and events shall cause a vacancy in the office of a member of the Board:—

- (a) Death or lunacy:
- (b) Conviction of felony:
- (c) Absence from the State, without leave of the Board, during the holding of three consecutive ordinary meetings, or failure to attend the meetings of the Board for three consecutive ordinary meetings without sufficient cause, followed, in either case, by a resolution passed by the Board within three weeks after the last of such three meetings declaring the office vacant, which resolution the Board may pass, but are not bound to pass:
- (d) Any disqualification, as indicated by the next preceding section:
- (e) Resignation, by notice posted or delivered to the chairman, or if there is no chairman, to the Commissioner:
- (f) Retirement by rotation, as provided by this Act:
- (g) The judgment or order of any duly authorised Court or Justices declaring the office vacant.

The above-mentioned acts and events (except those in subdivision (c) and those in subdivision (d) so far as they include the holding of the office of auditor) shall cause a vacancy in the office of an auditor.

Time of elections.

Ibid, s. 14.

42. (1) At the expiration of the first twelve months from the constitution of the Board, and at the expiration of each twelve months thereafter, and subject to the provisions of subsection (a) of section 38 hereof, an election of members and auditors shall be held.

(2) At the expiration of such first twelve months, and at the expiration of each twelve months thereafter, one-half of the members of the Board (other than the Government officer) shall retire.

(3) The members to retire at the expiration of such first twelve months shall be decided by lot. The members to retire at the expiration

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expiration of every subsequent twelve months shall be those who have been longest in office without re-election, and, when the number so ascertained does not equal one-half, lots shall be drawn between those who have been an equal time in office without re-election to decide which of them shall retire, and the retirement shall take place accordingly.

(4) At the expiration of such first twelve months, and at the expiration of each twelve months thereafter, one auditor shall retire from office. The auditor to retire shall be the one who has held office the longest without re-election, and if both have so held office for the same length of time the auditor to retire shall be decided by lots to be drawn by the chairman.

(5) All drawing of lots to decide retirements shall be made fourteen days at least before the day of election.

43. Within three months before any election of members of the Board or of an auditor--

(a) The Commissioner shall send to the Government officer a list of all lessees of land in the irrigation area who are six months or more in arrear in payment of any rent, and stating the amounts of such arrears, a copy of which list the Government officer shall cause to be posted in a conspicuous place at every polling-place in the area:

(b) The Board shall cause a list of all lessees who are in arrear in payment of any rates declared six months or more before the date of such election, and stating the amounts of such rates, to be posted in a conspicuous place at every polling-place in the area.

44. (1) The first members of the Board shall, by regulation, prescribe the manner in which elections of members (other than the Government officer) and auditors shall be held.

(2) Every ratepayer of the full age of eighteen years whose name at the time of an election of members or of an auditor appears on the roll of lessees, as provided by section 61 of this Act, may, subject to subsection (4) hereof, vote at such election.

(3) In case of joint tenancy or tenancy in common in respect of any ratable property, only the first of the joint tenants or tenants in common of such property who tenders his vote shall be entitled to vote.

(4) No lessee whose name appears in either of the lists provided for by the next preceding section shall be qualified to vote or shall vote at such election unless he produces to the presiding officer a proper receipt for the amount of rent or rates appearing on such list, as the case may be.

(5) Any lessee may object to any person disqualified as mentioned in the next preceding subsection being allowed to vote.

(6) The election shall not be invalid by reason of—

(a) The non-posting of either or both of the said lists:

(b) The

Lists of lessees in arrear, with rents and rates, to be posted at polling-places.

New.

Elections.

Act 910, 1906, s. 15, altered.

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(b) The accuracy of either or both of such lists:

(c) The fact that any lessee whose name appears on either or both of such lists is improperly allowed to vote.

Effect of abolition
and suspension.

Ibid, s. 16.

45. (1) When the powers and functions of a Board are for any reason suspended, or the Board is abolished, the Governor may, by Proclamation, authorise the Commissioner to exercise all the powers, authorities, functions, and duties of the Board abolished, or whose functions are suspended, until such suspension ceases or a new Board is constituted, as the case may be.

Property to vest in
Commissioner.

Ibid, s. 17.

(2) Thereupon all property, real and personal, and all obligations, authorities, immunities, rights, powers, privileges, functions, and duties vested in or imposed upon the Board, by any means whatsoever, shall be transferred to and vested in the Commissioner while the powers and functions of the Board are suspended, or until a new Board is constituted, as the case may be.

Failure of elections.

Ibid, s. 18.

46. Upon failure by the first members of the Board to prescribe regulations, as required by section 44 hereof, or when an election wholly or in part fails to be made as provided by this Act, or such election, being made, afterwards becomes wholly or in part void, the Governor may appoint the members and auditors of the Board required to be elected.

Notice of election to
be given to each
person elected, and to
be inserted in *Gazette*.

Ibid, s. 19.

47. The Board shall, within forty-eight hours after the election of any member or auditor, cause to be delivered or posted to such person a notice informing him of such election, and within fourteen days of such election shall insert a notice thereof in the *Gazette*.

Where Board fails to
hold election, Justice
or Special Magistrate
to hold the election.

Ibid, s. 20.

48. If the Board fails to proceed to an election for the space of twenty-one days from the day on which such election is required by this Act to be held a Justice or Special Magistrate may, upon the request in writing of three lessees of the irrigation area, do every act required to be done for holding such election.

Governor may appoint
member at any time.

Ibid, s. 34.

49. The Governor may appoint any new member to the Board in place of any member theretofore appointed by him.

Board to arrange
elections.

Ibid, s. 35.

50. The members of the Board shall do all necessary acts, matters, and things prior to the date when their term of office will expire to obtain nominations for members and auditors, and if the nominations exceed the number of members or auditors required, shall cause, on the date when they retire from office, an election to be held to determine which of the persons nominated shall be the members and auditors for the next ensuing year.

Determination of
office of elected
member.

Ibid, s. 36.

51. In the event of any vacancy occurring in the office of any elected member or auditor, a new member or auditor may be appointed to fill such vacancy by a majority of the members present at any meeting.

52. When

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52. When from any reason the business of a Board is not carried on, or the business and works connected with the irrigation area is neglected, the Governor may declare the offices of all the members vacant, and thereupon, by Proclamation, appoint new members of such Board, but such new members shall hold office only during such time as the members whose offices are so declared vacant would have held office.

Governor may declare offices vacant.

Ibid, s. 37.

DIVISION III.—OFFICERS OF AN IRRIGATION BOARD.

DIVISION III.

53. Any Board may appoint all such officers to carry out the purposes of this Act as they think proper and necessary, and may pay such salaries and allowances as they deem reasonable.

Board may appoint officers.

Ibid, s. 21.

54. No member of the Board shall hold any office to which the Board has the power of appointment.

Member not to be officer under Board.

Ibid, s. 22.

55. No member of the Board or officer shall be concerned or interested in any contract made by the Board.

Member or officer not to be interested in contract.

Ibid, s. 23.

56. Every person employed by the Board shall render to the Board, within such time and manner as they direct, true and faithful accounts, in writing, of all moneys received or expended by him on account of the Board, and of all moneys due by any person to the Board, and on what account the same are due.

Officer to render accounts.

Ibid, s. 24.

DIVISION IV.—MEETINGS AND BUSINESS OF AN IRRIGATION BOARD.

DIVISION IV.

57. The chairman shall have a casting as well as a deliberative vote.

Vote of chairman.

Ibid, s. 26.

58. In the absence of the chairman from any meeting or part of a meeting from any cause one of the members shall be elected by those present to be acting chairman during the absence of the chairman.

Acting chairman may be appointed.

Ibid, s. 27.

59. (1) Ordinary meetings of the Board may be held after three days' written notice thereof given to the members by the secretary, or if there is for the time no secretary, then by the person performing the duties of secretary.

Ordinary meetings.

Ibid, s. 28.

(2) Any special or extraordinary meeting may be called by the chairman, or any two members, giving the like notice in writing thereof to the other members.

Extraordinary meetings.

Ibid, s. 29.

60. Any three members of the Board shall form a quorum for the transaction of business.

Quorum.

Ibid, s. 30.

61. (1) The Board shall cause a roll to be kept of all lessees holding lands within the irrigation area, setting forth the areas and positions of such lands. Subject to the provisions of section 44 hereof, such roll shall be the electors' roll for the purpose of all elections of members of the Board and of auditors.

Roll of lessees.

Ibid, s. 31.

(2) Such

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Alteration of roll.

Ibid, s. 32.

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(2) Such roll may be altered or added to at any meeting of the Board, and a revised roll shall be compiled once at least in every year.

DIVISION V.

Works and lands to be vested in the Board.

New.

DIVISION V.—GENERAL POWERS AND DUTIES OF A BOARD.

62. Upon a Board being constituted for any irrigation area, all roads, streets, commonage lands, and other reserves within the area, and all irrigation and public works and factories, with the plant appertaining thereto, and all improvements made or constructed by the Commissioner under the authority of this Act, shall, subject to the provisions of this Act, vest in and be under the control of the Board, with the exception of embankments and Government reserves and any works, buildings, or improvements on such reserves.

General powers of Board.

Act 910, 1906,
s. 39, altered.

To make drains, &c.

To erect buildings, &c.

To break up soil, &c.

To excavate trenches.

To connect drains.

To remove earth,
stone, and clay.

To dig or bore.

63. The Board, in addition to all other powers, shall have and may exercise the following powers and authorities within the irrigation area :—

- I. To do all necessary acts, matters, and things for the making, construction, improving, altering, cleansing, repairing, widening, deepening, diverting, or extending any channel, drain, or watercourse, or any bank or defence against waters except an embankment :
- II. To erect all necessary buildings, factories, bridges, irrigation works, and machinery, roads, ways, wharves, docks, and jetties, and to maintain, alter, or discontinue the same : Subject as regards wharves, docks, and jetties to the approval of any Marine Board or Harbor Trust or other similar body having authority over the same under any Act for the time being in force :
- III. To break up, and, if necessary, remove the soil of any road, way, bank, dam, or footpath :
- IV. To excavate and sink trenches for the purpose of laying down, making, and constructing channels and drains :
- V. To cause channels and drains to communicate with any stream or watercourse within or without the limits of the irrigation area : Provided that no opening through or under any embankment may be made without the consent in writing of the Commissioner :
- VI. To enter by themselves or by their officers or agents upon any lands within the irrigation area for the purpose of inspecting or removing any earth, stone, or clay therefrom, and of making, constructing, and diverting drains, channels, and watercourses, and of regulating the supply of water to any block, or to any person, or by any drain, channel, or watercourse, or for any of the purposes of this Act :
- VII. To enter themselves, or by their officers or agents, upon any lands or premises whereon or wherein it is proposed to execute

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execute any works, and on land adjacent thereto, and, if necessary, to dig or bore therein :

- VIII. To examine any weir, sluice, or floodgate within or without the area erected in or upon or adjacent to any river, stream, sea, inlet, or arm of the sea, lake, channel, water-course, or other water ; and, subject to the proviso to subdivision v. of this section, to open or raise any floodgate or sluice within or without the area for any purpose whatever : To examine and open sluices and floodgates.
- IX. To use adjacent lands for making temporary roads or approaches to any work : To use adjacent land.
- X. To do all acts, matters, and things, and execute and carry out works of any kind having for their object the betterment of the irrigation area, or to secure the health, comfort, or convenience of the lessees occupying lands therein : To execute all works for the betterment of the area.
- XI. To levy rates on all ratable property in the irrigation area : To levy rates.
- XII. To raise special loans for irrigation works, and levy a special rate for making necessary tanks, channels, or watercourses, or repairs thereto, or any other incidental work : To raise a loan by special rate.
- XIII. With the consent of the Commissioner, to borrow moneys in anticipation of its current revenue from any bank, by way of overdraft, provided that such overdraft shall not exceed in amount the income of the preceding year : To borrow money from a bank.
- XIV. To borrow money from the Commissioner for the general purposes of the Board out of funds at his disposal for advances : To borrow money from the Commissioner.
- XV. To enter into contracts for effecting the purposes of this Act : To enter into contracts.
- XVI. To regulate and control all drainage waters in the main channels and drains : To regulate waters.
- XVII. To equip, manage, and conduct factories, and buy and sell the produce of the irrigation area : To equip factories.
- XVIII. To regulate the height at which water may or shall be maintained in any channel or drain. To regulate height of water.

64. (1) The Board shall have and exercise within the irrigation area all the duties, jurisdiction, powers, and authorities imposed upon and vested in a District Council under "The District Councils Act, 1887," and any other Act for the time being in force in the said State, and also all such duties, jurisdiction, powers, and authorities, not inconsistent with this Act, as are declared by Proclamation by the Governor. Board to have all the powers of a District Council.

Ibid, s. 40, altered.

(2) Ratepayers within the meaning of this Act shall have all the powers and privileges conferred upon ratepayers under "The District Councils

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Councils Act, 1887," and any other Act for the time being in force in the said State.

Incorporation of certain provisions of Act No. 419 of 1887 New.

65. (1) For the purposes of this Act, all the provisions of "The District Councils Act, 1887," and any Acts amending or substituted therefor, which relate to—

- (a) The jurisdiction, duties, powers, and authorities of District Councils:
- (b) The duties, powers, and privileges of councillors, and all elective officers:
- (c) The appointment, dismissal, duties, powers, and privileges of officers and servants appointed or employed by a Council:
- (d) Assessments, and appeals therefrom:
- (e) Rates and ratepayers:
- (f) Meetings and elections:
- (g) Income and expenditure:
- (h) Evidence, procedure, and forms:

but in so far only as such provisions are not inconsistent with or repugnant to this Act, are incorporated *mutatis mutandis* in this Act.

Interpretation of certain words in incorporated provisions. New.

(2) In particular the following words occurring in such incorporated provisions shall, for the purposes of this Act, have the meanings hereby assigned to them, namely—

"District" means Irrigation Area:

"District Council" means Board:

"Councillor" or "member of the Council" means member of the Board:

"Owner" means lessee.

Jurisdiction and powers of District Councils excluded. New.

66. No District Council shall have or exercise any power, jurisdiction, authority, or control within the irrigation area after the constitution of the Board.

Adjustment of property, rights, and obligations. New.

67. (1) If the land included in the irrigation area or any part of such land was prior to the constitution of the Board situate within a District Council or Municipality (hereinafter in this section called "local government area"), the property, rights, and liabilities of such local government area and of the council of such local government area (hereinafter called "local authority") which are vested in, appertain to, or are imposed upon such local government area or local authority by virtue or by reason or in respect of the said land or part shall, upon the constitution of the Board, devolve upon and become vested in, appertain to, and imposed upon the irrigation area and the Board.

(2) If

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(2) If the said local authority and the Board cannot agree as to what property, rights, and obligations become vested in, appertain to, and imposed upon the Board, in accordance with subsection (1) of this section, the matter shall be decided by arbitration by two arbitrators, one to be appointed by the local authority and the other by the Board, and an umpire, to be chosen by the two arbitrators before they enter upon the reference.

68. The roll to be kept under section 61 of this Act shall be deemed to be the ratepayers' roll for any purpose of rating, or any matter connected therewith; and, if there is no revised roll, the then existing roll shall for all purposes be deemed the ratepayers' roll.

Roll to be ratepayers roll.

Act 910, 1906, s. 41.

69. The Board shall supply and distribute water for the irrigation of the irrigation area and the use of the inhabitants thereof, at such rates and charges as are approved by the Commissioner; and may supply and distribute water to other persons who own or occupy land adjacent to the irrigation area in such quantities and at such rates as are agreed upon by the Board and such persons; but the Board shall not be liable to any penalty or damage for not supplying or distributing water if the want of supply arises from drought, low river, scarcity of water, or from any unavoidable cause or accident.

Board to supply and distribute water.

New.

70. All such rates for water declared by the Board shall be declared upon the basis of area, irrespective of improvements upon the land, and so that the total rates in any one year shall be at least equal to a sum sufficient to cover the annual expenses of the Board, and also all moneys for the time being payable to the Commissioner in pursuance of the provisions of section 32 of this Act.

Rates to be declared on the basis of area.

New.

71. Except in respect of town lands, for the purpose of computing the rates, a fractional part of a rood, if equal to or exceeding twenty perches, shall be deemed to be a rood; but if less than twenty perches, shall not be taken into account.

Assessment of fractional parts of roods.

New

72. If any land within the irrigation area is not, as to the drainage of surface and storm water, drained by some efficient drain communicating with some watercourse or drain used under the authority of this Act, the Board may construct through any land lying between the first-mentioned lands and the nearest such watercourse or drain an efficient drain suited for draining therefrom and from the intermediate lands such surface and storm water as aforesaid, but so that such drain shall not pass through or under any house, building, or other like structure.

Board may drain surface and storm water.

Act 910, 1906, s. 42.

73. (1) All costs and expenses incurred in constructing such drain shall be apportioned by the Board among the ratepayers deriving any benefit therefrom, so far as possible in proportion to such benefit, and shall be repaid by such ratepayers after notice in that behalf by the Board; and the same, if not paid, may be sued for and recovered as a debt due to the Board.

Owners benefited thereby to pay cost.

Ibid, s. 43.

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(2) If any dispute arises between the Board and ratepayers or between ratepayers as to the correctness of such apportionment, the matter shall be decided by the Commissioner, whose decision shall be final.

Power to reduce water in low-lying land and apportion cost.

New.

74. The Board may, by pumping or otherwise, reduce the water in any low-lying land within the irrigation area to such level as they deem proper, and shall apportion the costs and expenses of so doing among the ratepayers of all reclaimed land within the area in such proportions as they deem fair and reasonable.

PART V.

PART V.

LOANS TO LESSEES.

Constitution of Lessees of Reclaimed Lands Loan Fund.

Act 910, 1906, s. 44.

75. (a) A fund is hereby constituted, to be called the "Lessees of Reclaimed Lands Loan Fund," and shall consist of such moneys as Parliament provides for the purposes of loans to lessees under this Act.

(b) Such moneys shall be set apart for such purpose, and shall be under the control of the Commissioner.

Principal moneys repaid to form part of fund, but interest to be paid into the revenue.

Ibid, s. 45.

76. All moneys received by the Commissioner in repayment of any such advances to lessees shall be placed to the credit of the said fund, and form part thereof. Moneys received as interest shall be paid to the Treasurer in aid of the general revenue of the State.

Commissioner to keep accounts.

Ibid, s. 46.

77. The Commissioner shall keep accounts showing all operations on the said fund, as well as all moneys paid to and received from each lessee to whom any advances are made under this Act.

Advances.

Ibid, s. 47.

78. Advances may be made by the Commissioner out of the said fund to assist lessees who have observed and performed the covenants and conditions of their leases to the satisfaction of the Commissioner—

- i. In erecting or completing permanent buildings, and making permanent improvements on their lands:
- ii. In the making of improvements which permanently increase the capital value of the land.

Nature of improvements.

Ibid, s. 48.

79. Such last-mentioned improvements may consist of grubbing the land or fencing the same, erecting or making thereon permanent water improvements, such as drains, dams, wells, tanks, watercourses, windmills, and the like.

Conditions of advances.

Ibid, s. 49.

80. (1) Advances under subsection i. of section 78 shall not exceed one-half of the cost to the lessee of the permanent buildings and other permanent improvements (if any) which are then subsisting, in good repair and condition, on his block.

(2) Advances under subsection ii. of section 78 shall not exceed one-half the value of the improvements. (3) The

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(3) The amount owing to the Commissioner by any lessee for moneys advanced under the said section, with interest, shall not at any time exceed in the whole One Hundred and Twenty-five Pounds.

81. Every application for an advance shall be made in writing to the Commissioner; and be

Applications.

Ibid, s. 50.

i. In a form prescribed by the Commissioner; and

ii. Supported by—

(a) The report of the Surveyor-General, or other authorised officer, and

(b) Vouchers, statutory declarations, and other evidence showing the cost of and condition of the permanent buildings and other permanent improvements (if any), and

(c) Such other evidence as the Commissioner requires.

In computing the cost the labor of the lessee may be taken into account.

82. (1) Every lessee, on obtaining such an advance, shall enter into an agreement with the Commissioner in such form as prescribed, and such agreement may contain such additional terms and conditions as the Commissioner thinks necessary.

Agreement to be executed by lessee.

Ibid, s. 51.

(2) The lessee shall deliver up his lease to the Commissioner, to be held by him, and for indorsement thereon of the particulars of the advance. Upon production of the lease, with such indorsement signed by the Surveyor-General, the Registrar-General shall enter such particulars on the Register Book under "The Real Property Act, 1886."

380 of 1886.

83. All moneys so advanced to any lessee shall be repaid to the Commissioner by twenty equal annual instalments, together with interest on the amount for the time being unpaid at the rate of Four Pounds per centum per annum, the first instalment of principal to be paid at the expiration of five years from the date of such advance: Provided that the lessee may pay the whole or any portion of the amount advanced at any time prior to the expiration of the time agreed or prescribed for payment.

Moneys, how repaid.

New.

84. Any breach by the lessee of any of the terms or conditions of such agreement shall be deemed a breach of the conditions of his lease, and shall render such lease liable to be cancelled and forfeited, or, at the Commissioner's option, to be sold and transferred, in the same manner as Crown leases when rent is in arrear.

Breach of agreement to render holding liable to forfeiture.

Act 910, 1906, s. 53.

85. In cases of hardship the Commissioner may extend the time for making any payment on account of any such advance: Provided that the deferred payments shall bear interest at the rate of Five Pounds per centum per annum.

Extension of time for repayment.

Ibid, s. 54.

86. While

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Lessee not to remove
destroy, or injure
improvements.

Ibid, s. 55.

86. While any principal or interest moneys remain owing by any lessee in respect of such advances the lessee shall not pull down or remove, or suffer to be pulled down or removed, or alter, or destroy, damage, or injure, or suffer to be altered, destroyed, damaged, or injured, any permanent building, erection, or fence, or any drain, dam, embankment, windmill, or other water improvement erected or made upon the land comprised in his lease, without the consent in writing of the Commissioner thereto.

Mortgages, &c., sub-
sequent to advance to
be void.

Ibid, s. 56.

87. When any lessee has obtained such an advance, no sub-lease, mortgage, or other encumbrance subsequently executed by him shall have any validity until such advance, and all interest in respect thereof, are fully repaid and satisfied.

PART VI.

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REGULATIONS.

Regulations.

Ibid, s. 57, altered.

88. The Governor may, as to any or all irrigation areas proclaimed under this Act, from time to time, make, alter, and rescind all such regulations as appear necessary or advisable, for regulating—

- (a) The duties, powers, authorities, and privileges of all persons employed in the administration of this Act:
- (b) The meetings and proceedings of Boards and of ratepayers:
- (c) The supply and distribution of water upon irrigation areas, and the charges therefor:
- (d) The management of irrigation areas, and all improvements thereon, and the employment, duties, and privileges of lessees and occupiers of the land until the constitution of Boards:
- (e) The making and dealing with applications, fixing of boundaries, areas, rents, and purchase-money, and the making of surveys:
- (f) The form and contents of notices, applications, leases, licences, and all other instruments and documents, and the mode of executing, serving, or delivering the same:
- (g) Elections:
- (h) The making of assessments, and the declaring and recovery of rates:
- (i) Transfers, transmissions, and forfeitures:
- (j) The imposing of penalties:
- (k) The time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which no time or procedure is provided, is to be done or performed:
- (l) The subjects upon which the Boards may make by-laws, and their confirmation by the Governor, and publication:

(m) Fees

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- (m) Fees to be paid and charges to be made :
- (n) The income and expenditure of Boards :
- (o) All other matters and things arising under and consistent with this Act not herein expressly provided for, and for otherwise fully and effectively carrying out and giving force and effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof :
- (p) Penalties for breaches of any such regulations, and additional penalties for a repetition or continuance of such breach : Provided that the penalty for any single breach shall not exceed in any case Twenty Pounds, nor for any continuance Two Pounds for each day of such continuance.

89. (1) All such regulations shall be published in the *Gazette*, and shall thereupon have the force of law.

Regulations to have force of law, and to be laid before Parliament.

(2) All such regulations shall be laid before both Houses of Parliament within fourteen days after the publication thereof, if Parliament is in Session at the expiration of such fourteen days, and if not, then within fourteen days after the next Session of Parliament begins ; and if, within thirty days after the laying before Parliament of any such regulation, either House of Parliament passes a resolution objecting thereto, the same shall (so far as so objected to) thenceforth cease to have the force of law, and notice of such resolution shall forthwith be published in the *Gazette*.

Ibid, s. 68.

(3) The *Gazette* containing any such regulation purporting to be made by the Governor by virtue of this Act shall be conclusive evidence of the valid making and of the contents thereof, and the *Gazette* containing a notice of a resolution being passed by either House of Parliament objecting to any such regulation shall be conclusive evidence of the passing of such resolution and of the contents thereof.

Gazette evidence of regulations.

90. Any Board may make, alter, and rescind such by-laws as are necessary or convenient for carrying out any of the provisions of this Act in its irrigation area, and for the following purposes :—

By-laws made by Boards.

Ibid, s. 69, altered.

- i. To regulate the manner of calling and holding meetings of the Board and committees thereof, and the quorum of such committees :
- ii. To regulate the forms and places of posting or manner of publication of public notices to be published by the Board :
- iii. To regulate elections and the appointment of officers or other persons to carry out the provisions of this Act in relation to elections :

iv. To

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- IV. To regulate the appointment, duties, and control of all or any officers or servants of the Board, and the times and modes of payment of their salaries, fees, and wages:
- V. To fix or regulate the securities to be taken from, or on behalf of, or to secure the fidelity of any officer or servant:
- VI. To regulate the making of assessments and the making or declaring of rates:
- VII. For the appropriation and expenditure of the revenue of the Board:
- VIII. For the punishment of persons falsely representing themselves to be officers of or appointed by the Board:
- IX. For the more effectual exercise of the powers and discharge of the duties and liabilities hereby conferred and imposed on the Board:
- X. To require owners and occupiers to fence supplies of water:
- XI. To regulate the irrigation water supply and the flow of irrigation and drainage waters into, in, or through any channel, flume, or pipe, and the disposal of such waters:
- XII. To fix fees and charges:
- XIII. To fix pecuniary penalties for offences against or breaches of such by-laws, or any of them, and to fix additional penalties for a repetition or continuance of any offence or breach: Provided that no penalty for any single offence or breach shall exceed Twenty Pounds, nor for any continuance Two Pounds for each day of such continuance:
- XIV. For any other purpose arising under and consistent with this Act not herein expressly provided for, and for otherwise fully and effectually carrying out and giving effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof.

By-laws to be passed
by three-fifths of
members in office.

Ibid, s. 60.

91. (1) At least three-fifths of the members then in office shall be present at the meeting of the Board to pass any by-law.

(2) No by-law shall be of any force until signed by the chairman and secretary, and confirmed by the Governor, and published in the *Gazette*.

(3) After the expiration of one month from such publication, a by-law shall have the force of law, and shall, until altered or repealed, have effect within the irrigation area as if such by-law were part of this Act: Provided that in case of any conflict between any by-law made by any Board and any regulation made by the Governor the regulation shall be held to prevail.

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MISCELLANEOUS.

92. All water required by the Commissioner for the purposes of this Act may be taken from the River Murray, or any other river, or from any creek, stream, lagoon, or other water within any irrigation area; and all water required by any Board for such purposes may be taken from the River Murray, or any other river, or from any creek, stream, lagoon, or other water within the irrigation area of such Board.

Water may be taken from River Murray or other water.
New.

93. Every Board shall cause all watercourses, channels, or drains within its irrigation area to be kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and maintained in proper order; and any Board making default in any of such matters shall be liable to the occupiers of land for any damage thereto in consequence of or through the disrepair of any such watercourse, channel, or drain.

Board to clean watercourses, &c.
Act 910, 1906, s. 61.

94. (1) Nothing in this Act shall render any Board, or the Commissioner, or the Government of the said State liable for damages consequent upon insufficiency of water, or for injury to any land or other property which happens through or by such insufficiency, or through or by flood waters or the overflowing of any river.

No liability in certain cases.
Ibid, s. 62.

(2) Nothing in this Act shall render any Board liable for injury happening through or by the breaking of any dam, bank, watercourse, channel, drain, or sluice, unless such injury arises through neglect to keep such dam, bank, watercourse, channel, drain, or sluice in repair, and unless the occupier of the land or property injured had given written notice to the Board warning them of the probability of such injury, and the Board has neglected within a reasonable time thereafter to make any reasonable repair of such dam, bank, watercourse, channel, drain, or sluice; and in such case the remedy shall be only against the Board and the funds thereof, and not against the individual members.

No liability except for neglect to repair.
Ibid.

95. (1) Whenever any irrigation area is subdivided into other irrigation areas, enlarged, or curtailed, as mentioned in section 10 hereof, or is abolished, the Governor may appoint some person to hold an inquiry and make an award apportioning the real and personal property, and the debts, liabilities, and engagements of the Board of such irrigation area as may be deemed advisable by such person.

Abolition or alteration of area.
Ibid, s. 63.

(2) Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested, and by whom any moneys shall be paid, or other acts or things done, including the payment of any costs of the inquiry, and may give such directions as may be necessary to give effect to the inquiry.

Award on.
Ibid, s. 64.

96. Every such award shall be final, and shall, from the date thereof, have the operation of and be enforceable as if it were a judgment of the Supreme Court.

To be final.
Ibid, s. 65.

97. Nothing

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Creditors' rights preserved.

Ibid, s. 66.

97. Nothing in the three immediately preceding sections shall in any way affect the rights or interests of any creditor of any Board, or shall relieve the ratepayers for the time being in any irrigation area from their liability to pay any special rate made under the provisions of this Act for a security for any advance.

PART VIII.

PART VIII.

LEGAL PROCEDURE, ETC.

Gazette to be evidence.

98. The production of the *Gazette* in which is published any Proclamation, regulation, by-law, notice, appointment, or other notification, made or given, or purporting to be made or given, pursuant to this Act, shall be conclusive evidence in all Courts and before all tribunals that such Proclamation, regulation, by-law, notice, appointment, or notification was duly made or given and is of full force and effect, and of the contents thereof, and of the matters stated, recited, or assumed therein.

Proclamation valid for all purposes.

Act 910, 1906, s. 69.

99. No Proclamation shall be invalid by reason of anything required as preliminary thereto not having been done, or not having been duly done.

Documents of Board, how verified.

Ibid, s. 70.

100. Every notice, document, or other writing requiring to be authenticated by any Board may be sufficiently authenticated without the common seal of the Board, if signed by the chairman, by two members of the Board, or by the secretary.

Service of notices.

Ibid, s. 71.

101. Service of any document may be effected by giving the same personally to the chairman or secretary, or leaving it at the office of the Board with any person employed therein.

Seal of Board to prove itself.

Ibid, s. 72.

102. The corporate name of every Board shall be part of the seal of such Board, and judicial notice shall be taken of such seal by every Court and tribunal, and such seal shall be kept at the office of the Board.

Offences.

Ibid, s. 73.

103. The failure of any person to do any act, matter, or thing, when required so to do by any Board under the powers vested in them by this Act, shall be an offence against the provisions of this Act.

Penalty where none specified.

New.

104. Any offence against this Act for which no punishment is specified shall be punishable by a penalty of not exceeding Twenty Pounds.

Who may lay informations, and hearing of same.

Act 910, 1906, s. 74.

105. (1) All proceedings may be had and taken, and all complaints and informations may be laid, for any offence against this Act, at the instance of any person; and all complaints and informations shall be heard and determined, and all moneys, costs, and expenses shall be recovered, in a summary way before a Special Magistrate

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Magistrate or any two Justices; and all such proceedings shall be in manner provided by the Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, or any Act for the time being in force as to procedure before Justices.

(2) The Special Magistrate or Justices may also, in case any penalty is imposed, order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months.

106. All penalties shall, except where otherwise provided, when recovered, be paid to the Treasurer. Penalties.
Ibid, s. 75.

107. There shall be an appeal from any decision of any Special Magistrate or Justices to the Local Court of Adelaide of Full Jurisdiction. Appeal to Local Court.
Ibid, s. 76.

108. Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and the said Act No. 298 of 1883-4, or any other Act for the time being regulating appeals to such Local Court; and such Local Court may make such order as to costs as it thinks fit. Procedure on appeal.
Ibid, s. 77.

109. Such Local Court may state a special case for the opinion of the Supreme Court. Special case.
Ibid, s. 78.

110. The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make any order as to the costs of the proceedings in that Court and in the Courts below. Procedure on special case.
Ibid, s. 79.

111. All actions for anything done under this Act shall be commenced within six months after the cause of action arises, and not afterwards. Notice in writing of such action, and the cause thereof, shall be given to the defendant one month at least before the commencement of the action. In every such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. No plaintiff shall recover in any such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after action brought, together with the costs incurred up to that time. Protection to persons acting in execution of this Act.
Ibid, s. 80.

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

GEORGE R. LE HUNTE, Governor.

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SCHEDULE.

SOUTH [Royal Arms] AUSTRALIA.

Crown Lease (Perpetual No.) under "The Irrigation and Reclaimed Lands Act 1908."

Section 23.

I the Honorable Commissioner of Crown Lands of the State of South Australia (hereinafter called "the Commissioner") in exercise of the powers conferred upon me by the above-mentioned Act (hereinafter called "the said Act") do hereby lease to [name of lessee] of [address and occupation] his executors administrators and assigns (all of whom are hereinafter included in the term "lessee") all that land containing _____ acres or thereabouts and being Block No. _____ in The _____ Irrigation Area in the County of _____ as the same is delineated in the plan of the said irrigation area deposited in the office of the Surveyor-General in the City of Adelaide to be held in perpetuity at the following rental namely:—For the first year the sum of _____ for the second year the sum of _____ for the third year the sum of _____ and for the fourth and every succeeding year the sum of _____ (subject to alteration on revaluation as provided by the said Act) such sums to be paid in advance on the _____ day of _____ in each year and the first of such sums to be paid on the _____ day of _____ one thousand nine hundred and _____ and at a further rent of five pounds per centum per annum on any rent in arrear subject to the reservations covenants and conditions shortly stated below and some of which are more fully set out in "The Crown Lands Act 1903."

Reservations.

1. There are reserved to the Crown all gold silver copper tin and other metals ores minerals and other substances containing metals and all gems and precious stones coal and mineral oil with incidental powers of search and mining.

2. There is reserved to the Commissioner and to the Board constituted or to be constituted for the said irrigation area (hereinafter called "the Board") the right at all times by himself or themselves or by his or their officers or agents to enter into and upon the land hereby leased and therein to construct alter divert cleanse repair and inspect water channels drains embankments and all other reclamation irrigation and sanitary works and to conserve water for the public use where required and to exercise all powers conferred upon him or them respectively by the said Act without any payment to the lessee by way of compensation.

Covenants.

3. The lessee must—

- i. Pay the rent at the times and in manner aforesaid.
- ii. Pay all rates and charges imposed upon or payable in respect of the land and in particular all rates and charges imposed or charged by the Commissioner or the Board in exercise of the powers conferred by the said Act or by any Act amending or extending the same:
- iii. Pay for all water supplied to him by the Commissioner or the Board at the rates or charges levied or prescribed by the Commissioner or the Board:
- iv. Enclose the land with cattle-proof fence before the end of the fifth year of the lease:
- v. During the first two years of the lease plant or bring under cultivation to the satisfaction of the Commissioner at least two-fifths of the reclaimed and of the irrigable land included in this lease and an additional one-fifth of such lands in each of the following three years until the whole of such lands are under such cultivation or planting:
- vi. Keep in good repair all Crown improvements (if any) on the land and all improvements made by the Commissioner or the Board and all buildings orchards vineyards gardens fences and other improvements thereon and keep all fruit and other trees and plants thereon free as far as possible from insects pests and diseases:

vii. Commence

