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EDWARDI VII REGIS.

A.D. 1909.

No. 979.

An Act to amend "The Irrigation and Reclaimed Lands Act, 1908."

[*Assented to, December 1st, 1909.*]

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

1. This Act may be cited alone as "The Irrigation and Reclaimed Lands Act Amendment Act, 1909," and this Act and the said Act may be cited together as "The Irrigation and Reclaimed Lands Acts, 1908 and 1909." Short title.

2. This Act is incorporated with, and shall be read as one Act with, "The Irrigation and Reclaimed Lands Act, 1908," and all Acts incorporated with that Act. Incorporation with other Acts.

3. (1) Section 8 of "The Irrigation and Reclaimed Lands Act, 1908," is hereby amended by the addition of the following paragraph:— Amendment of section 8 of "Irrigation and Reclaimed Lands Act, 1908."

Provided that notwithstanding anything contained in this section, the Commissioner may, without any such resolution, from time to time, make advances under section 31 to any board of money not exceeding in the aggregate such amount as could, with interest, be repaid in accordance with section 32 by an annual rate not exceeding One Pound on every acre of such land within the irrigation area as is either reclaimed land or land considered by the Commissioner to be irrigable land. Proviso.

(2) "The

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(2) "The Irrigation and Reclaimed Lands Act, 1908," shall be read as if the said paragraph had been included in the said section 8 when the said Act was passed, and anything done since the passing of the said Act shall be as valid as if the said paragraph had been so included.

Crown lessee may surrender for lease under "The Irrigation and Reclaimed Lands Act, 1908."

4. (1) The lessee of any Crown lands included in any irrigation area proclaimed after the passing of this Act, may tender a surrender of his lease for the purpose of obtaining a perpetual lease under "The Irrigation and Reclaimed Lands Act, 1908," and the Governor may, if he deems proper, accept such surrender in the name and on behalf of His Majesty the King.

(2) The surrender shall be in such form, and be made and executed in such manner, as are prescribed by regulation, provided that until such form and manner are so prescribed the surrender shall be in the form, and be made and executed in the manner prescribed for surrenders under "The Crown Lands Act, 1903," with such variations as the case may require.

(3) The surrender shall be of no effect unless and until accepted in writing by the Governor.

Grant of lease and fixing of rent.

5. (1) Notwithstanding anything contained in "The Irrigation and Reclaimed Lands Act, 1908," upon the acceptance of a surrender, as provided by section 4, the lessee shall be entitled to the grant of a perpetual lease under the said Act of the land comprised in the surrendered lease, at an annual rent to be fixed under the said Act by the Land Board, subject to the approval of the Commissioner.

(2) In fixing such rent, any improvements made in or upon the land by the surrendering lessee shall be disregarded, and the rent shall be fixed on the basis of the value of such land without such improvements.

Roads and streets to remain vested in local government authority.

6. After the passing of this Act, section 62 of "The Irrigation and Reclaimed Lands Act, 1908," shall not apply to any main or district road or street within an irrigation area, so far as such road or street is situated within a District Council District or Municipality; and upon the passing of this Act, any such road or street within an irrigation area already constituted, shall, so far as situated within a District Council District or Municipality, vest in and be under the control of the Council or Corporation of such District or Municipality.

Amendment of s. 64. General jurisdiction of local government authority not vested in Board.

7. Section 64 of "The Irrigation and Reclaimed Lands Act, 1908," is hereby amended by striking out the words "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."

Amendment of s. 65. How far provisions of District Council Acts apply.

8. Section 65 of "The Irrigation and Reclaimed Lands Act, 1908," is hereby amended by striking out subdivisions (a), (b), and (c) of

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(c) of subsection (1) thereof; and the other provisions of the said section shall apply only so far as they are applicable to the purposes of the said Act.

9. Section 66 of "The Irrigation and Reclaimed Lands Act, 1908," is hereby repealed.

Repeal of s. 66.
Jurisdiction of local authority restored.

10. (1) Section 67 of "The Irrigation and Reclaimed Lands Act, 1908," is hereby repealed.

Repeal of section 67.
Property of local authority restored and rights adjusted.

(2) If any of the land included in the irrigation area under the jurisdiction of a Board constituted before the passing of this Act was, before the constitution of such Board, situated within a District Council District or Municipality, such land shall, upon the passing of this Act, become again included in and form part of such District or Municipality; and thereupon all property, rights, and liabilities of such irrigation area and of such Board, which are vested in, appertain to, or are imposed upon such area or Board by virtue or by reason or in respect of such land, shall devolve upon and become vested in, appertain to, and be imposed upon such District or Municipality and the Council or Corporation thereof, except so far as such property, rights, and liabilities are held or exist for the purposes of "The Irrigation and Reclaimed Lands Act, 1908."

(3) If the Council or Corporation and the Board cannot agree as to what property, rights, and liabilities become vested in, or appertain to, and are imposed upon the Council or Corporation by virtue of subsection (2) of this section, or to what extent they become vested in, appertain to, and are imposed upon the Council or Corporation as aforesaid, the matter shall be decided by arbitration by two arbitrators, one to be appointed by the Council or Corporation and the other by the Board, and an umpire, to be chosen by such two arbitrators before they enter upon the reference, and the award shall be final.

11. (1) The Board of any irrigation area may, for the purposes of "The Irrigation and Reclaimed Lands Act, 1908"—

Board may construct drains across roads, but shall reinstate the roads.

- I. Cut and construct channels, drains, and watercourses on or across roads or streets within such area, though such roads or streets are vested in or under the control of a District Council or Corporation;
- II. From time to time improve, alter, cleanse, repair, widen, deepen, divert, or extend any such channel, drain, or watercourse;
- III. Erect fences on or across such roads or streets for the protection of such channels, drains, and watercourses; and
- IV. Do all such acts, matters, and things as are necessary for carrying out the works authorised by this section.

(2) After such works are carried out the Board shall erect and keep in repair such bridges and culverts, and do such other things for reinstating such roads or streets, as are rendered necessary by the carrying out of such works.

(3) If

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(3) If the Council or Corporation and the Board cannot agree as to whether any particular works are for the purposes of "The Irrigation and Reclaimed Lands Act, 1908," or as to what are the obligations of the Board under subsection (2) of this section, the matter shall be decided in the manner provided by subsection (3) of section 10 of this Act.

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

DAY H. BOSANQUET, Governor.