

IRRIGATION ACT, 1930-1936.

BEING

IRRIGATION ACT, 1930, No. 1989 OF 1930 [ASSENTED TO
20TH NOVEMBER, 1930.]

AS AMENDED BY

IRRIGATION ACT AMENDMENT ACT, 1933, No. 2116 OF 1933
[ASSENTED TO 12TH OCTOBER, 1933.]

AND

STATUTE LAW REVISION ACT, 1936, No. 2293 OF 1936
[ASSENTED TO 8TH OCTOBER, 1936.]

An Act to repeal the Irrigation Acts, 1922 to 1928, and
to enact other provisions for the control, manage-
ment, and supervision of irrigation areas, and for
other purposes.

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.

Short title.
Of. U.K.
24 & 25 Vict.
c. 133.

1. This Act may be cited as the "Irrigation Act, 1930-1936."

Commence-
ment of Act.

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

Incorporation
with Crown
Lands Act,
1929.

3. This Act is incorporated with the Crown Lands Act,
1929, and that Act and this Act shall be read as one Act.

Division of
Act.

4. The provisions of this Act are arranged as follows:—

PART I.—Preliminary:

PART II.—Abolition of Irrigation and Drainage Com-
mission and transitional provisions:

PART III.—Reclamation of swamp lands and proclama-
tion of irrigation areas:

PART IV.—Acquisition, tenure, and transfer of land
within irrigation areas—

DIVISION I.—Blocks:

s. 2. This Act was proclaimed to commence on 5th February, 1931; *Gazette*, 5th February,
1931, p. 189.

THE SECOND SCHEDULE.

Sections 14
and 19.

Amended by
2022, 1931,
s. 14.

Form of Affidavit to support Application to enforce Order outside the Jurisdiction. [Name of State where Affidavit sworn.]

[Full Christian name and surname of person in whose favour the order was made]

Complainant.

against

[Full Christian name and surname of person against whom the order was made]

Defendant.

I, of in the State of ,
do hereby make oath and swear as follows:—

1. I am the collector for inter-State destitute persons [or as the official title may be] appointed for the said State under [short or other title of Act].

2. On the day of an order was made by [state by whom or by what court] whereby the above-named defendant was ordered to [state effect of the order and how payments were ordered to be made], and such order was confirmed by [state by what court of the State] on the day of , 19 .

3. The period for appealing against the said order or against the confirmation of the said order has expired, and the said order is still in force.

4. The following amount has been paid under the said order, namely [state the amount (if any) paid, and when paid, and, in case payable by instalments or periodically, up to what time payments have been made] (or No amount has been paid under the said order).

5. There is now remaining due and unsatisfied under the said order the sum of being for weeks [or as the case may be] at per week [or as the case may be].

6. To the best of my knowledge and belief the said defendant is now residing at in the State of , and has been residing there since about [state the time so far as known or believed].

Sworn at in the }
State of , }
the day of , }
before me , }

Regulations.

The following regulations were in force under this Act on 26th April, 1937:—

Gazette—27th April, 1911, p. 720.

INTESTATE ESTATES
see Administration and Probate.

DIVISION II.—Town allotments:

DIVISION III.—General provisions:

PART V.—Management of an irrigation area—

DIVISION I.—General powers, duties, and functions
of the Minister:

DIVISION II.—Water supply:

PART VI.—Lessees of Reclaimed Lands Loan Fund:

PART VII.—Powers, duties, and functions of the Minister
of Irrigation under other Acts—

DIVISION I.—Under the Crown Lands Act, 1929:

DIVISION II.—Under the Discharged Soldiers Settle-
ment Act, 1917:

PART VIII.—Regulations:

PART IX.—Miscellaneous:

PART X.—Legal procedure.

5. (1) The Acts mentioned in the First Schedule are Acts repealed.
hereby repealed.

(2) Such repeal shall not affect any lease, licence, loan, advance, mortgage, or agreement granted or made under any of the repealed Acts, and all such matters and things are, subject to the other provisions of this Act, and to the extent that they were respectively in force or subsisting immediately before the commencement of this Act, hereby preserved and continued and declared to be of the same force and effect as if this Act had been in force when they were granted or made respectively.

(3) Whenever in any deed, lease, transfer, mortgage, or other document or instrument of any kind any reference is made to any of the repealed Acts, or to any provision of any of the repealed Acts, such reference shall be read and construed as a reference to this Act, or to the corresponding provision of this Act.

6. In this Act, and in leases granted under or continued by this Act, and in proceedings taken under this Act, except where the context or subject matter requires a different construction—

Interpreta-
tion.
1546, 1922,
s. 5.

“Advance” means any advance made under this Act or any of the repealed Acts:

“By-law” means by-law made under any of the repealed Acts:

“Channel” includes any irrigation or drainage pipe:

- “Commission” means the Commission established by the Irrigation Act, 1922, under the name of the Irrigation Commission and subsequently re-named the Irrigation and Drainage Commission by the South-Eastern Drainage Act, 1926:
- “Director of Lands” means the Director of Lands for the time being holding office under the Crown Lands Act, 1929:
- “Embankment” means any bank or dyke constructed by the Commissioner of Crown Lands or the Minister of Agriculture and Irrigation, or the Commission under any of the repealed Acts, to protect land from inundation by water from any river or the sea, or any inlet or arm of the sea:
- “Fixed rate” means the annual rate of interest fixed by the Treasurer under section 97A of the Irrigation and Reclaimed Lands Act, 1914, or under section 137 of the Irrigation Act, 1922, or under section 118 of this Act, which was or is in force at the time when the moneys in question were expended or advanced respectively:
- “Irrigation area” means an irrigation area continued by or proclaimed under this Act or any of the repealed Acts:
- “Land Board” means the Land Board as constituted under the Crown Lands Act, 1929:
- “Lessee” includes, as well as the original lessee of the land held under a lease issued pursuant to this Act or any of the repealed Acts, the transferee of such lease, and the executors or administrators of such lessee or transferee:
- “Minister” or “Minister of Irrigation” means the Minister of Irrigation for the time being, or any other Minister of the Crown to whom for the time being, the administration of this Act is committed by the Governor:
- “Ratable land” means any land situated within an irrigation area other than unleased Crown lands:
- “Reclaimed lands” means lands reclaimed from being swamp lands:
- “Repealed Acts” means the Acts repealed by this Act and the Acts repealed by the Irrigation and Reclaimed Lands Act, 1914, and by the Irrigation Act, 1922:

“River Murray” includes any affluent, effluent, ana-branch, or extension of the River Murray, and any river, creek, stream, watercourse, spring, lake, lagoon, swamp, or marsh connected with the River Murray:

“Surveyor-General” means the Surveyor-General for the State, or the person for the time being discharging the duties of the office of such Surveyor-General.

PART II.

PART II.

ABOLITION OF COMMISSION AND TRANSITIONAL PROVISIONS.

7. The Commission is hereby abolished: Provided that for all purposes of the South-Eastern Drainage Act, 1926, the Commission shall be deemed to continue to exist as if this Act had not been passed, until Parliament otherwise provides.

Abolition of
Irrigation
Commission.

8. (1) This Act shall be administered by the Minister of Irrigation.

Administra-
tion of
Act and
incorporation
of Minister.

(2) For the purposes of this Act the Minister shall be a body corporate, having perpetual succession and a common seal, and in his corporate name may sue and be sued and hold and dispose of land.

(3) The powers by this Act granted to the Minister to make contracts may be exercised as follows:—

- i. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the Minister may make in writing in his corporate name under his common seal:
- ii. Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties thereto, may be made by the Minister or any person acting under his authority (express or implied), in writing signed by the Minister or such person:
- iii. Any contract which, if made between private persons, would be by law valid although made by parol only

s. 7. The South-Eastern Drainage Act, 1926, has been repealed and superseded by the South-Eastern Drainage Act, 1931.

and not reduced into writing, may be made by parol by the Minister or by any person acting under his authority (express or implied).

(4) A contract made according to this section shall be effectual in law, and binding on the Minister and his successors and all other parties thereto.

(5) A contract made by or on behalf of the Minister may be varied or discharged in the same manner in which it is authorised by this section to be made.

Transfer to
Commission of
property,
rights, etc.

9. (1) All property, both real and personal, including all works for the irrigation of land or the reclamation of swamp land, which at the commencement of this Act is vested in the Commission for the purposes of the repealed Acts is hereby transferred to and vested in the Minister.

(2) All the powers, immunities, rights, interests, titles, privileges, obligations, liabilities, and duties of the Commission, the Minister of Irrigation, the Director of Irrigation, or any Irrigation Board arising or accruing under any of the repealed Acts, or under any document or instrument of any kind whatsoever in force or subsisting at such commencement, whether arising or accruing before or after such commencement, are hereby transferred to the Minister.

(3) In any deed, lease, agreement, licence, permit, transfer, mortgage, or other document or instrument of any kind whatsoever in force and subsisting at the commencement of this Act, which concerns or affects any of the property, matters, or things transferred to the Minister by the last preceding section and in any Act passed before the commencement of this Act, all references to the Commission, the Director of Irrigation, or any Irrigation Board shall, so far as they concern or affect any property, matter, or thing so transferred, be read and construed as references to the Minister.

Works in
course of
construction
to be com-
pleted by
Minister.

10. The construction of any works which, at the commencement of this Act, are in course of construction by or for the Commission under any of the repealed Acts shall be continued and carried on by or for the Minister, and all moneys appropriated by Parliament for the construction of any such works and unexpended at the commencement of this Act shall be expended by the Minister, subject to the provisions of this Act.

Saving of
contracts.

11. Without in any way limiting the operation of the last preceding section, all contracts, deeds, agreements, and other instruments entered into or made under any of the repealed

Acts and subsisting at the commencement of this Act with regard to any such works, and to which the Commission is a party, may be enforced by or against the Minister as fully and effectually as if the Minister instead of the Commission had been a party thereto.

12. (1) As soon as may be after the thirtieth day of June in each year the Director of Lands shall prepare a report containing the following matters, namely:—

Annual
report.

- i. A report of the proceedings under this Act during the last previous financial year setting forth the contracts entered into, works carried on or completed, and the transactions generally under this Act during the year:
- ii. A balance-sheet and financial statement with respect to each irrigation area:
- iii. A statement of the moneys received and disbursed by the Minister under this Act during the year, setting forth the matters in respect of which they have been received and the purposes for which they have been disbursed, and showing in regard to each of such matters and purposes the balance of receipts and disbursements brought forward from the previous year, and the balance at the end of the financial year dealt with in such statement:
- iv. A balance-sheet and a report upon the operation of Part VI. of this Act.

(2) Such annual report shall be laid before both Houses of Parliament in the month of October in each year if Parliament is then sitting, and, if Parliament is not then sitting, then within fourteen days after the commencement of the next session thereof.

PART III.

PART III.

RECLAMATION OF SWAMP LANDS AND PROCLAMATION OF IRRIGATION AREAS.

13. The Minister 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 improve-
ment of
swamp
lands.
1546, 1922,
s. 35.

PART III.

Provision of moneys for reclamation and improvement of lands.

1546, 1922, s. 36.

14. (1) The public moneys to be expended by the Minister in reclaiming and improving swamp lands and lands in irrigation areas, in constructing and improving embankments, and in carrying out the objects of this Act with regard to lands in irrigation areas, shall not exceed the amount provided by Parliament for that purpose.

(2) Such sums as are for the time being required for maintaining embankments shall be paid out of general revenue, and the Treasurer may, without any authority other than this Act, pay out of general revenue any money required for the said purpose.

Restriction on expenditure of money in irrigation areas.

1546, 1922, s. 37.

15. No money shall be spent by the Minister under this Act in any irrigation area other than an irrigation area proclaimed before the commencement of this Act, unless a resolution approving of such irrigation area has been carried by both Houses of Parliament.

Proclamation of irrigation areas.
Ibid., s. 38.

16. (1) The Governor may by proclamation set apart any Crown lands as an irrigation area.

(2) Any such irrigation area may consist wholly of reclaimed lands or wholly of other lands, or partly of reclaimed and partly of other lands, and may include any embankment.

(3) All irrigation areas proclaimed before the commencement of this Act are hereby preserved and continued, and shall be irrigation areas for the purposes of this Act.

Power to alter boundaries of irrigation areas.
1546, 1922, s. 39.

17. The Governor may by proclamation—

(a) withdraw any land included in an irrigation area from that area; and may, as to the whole or any part of the land so withdrawn—

- i. proclaim it to be an irrigation area; or
- ii. include it as part of a new irrigation area; or
- iii. include it in an irrigation area then already proclaimed; and

(b) set apart any Crown lands (including embankments) and include the same in any irrigation area then already proclaimed.

Governor to assign names to irrigation areas.
Ibid., s. 40.

18. Every proclamation of an irrigation area shall assign a name to that irrigation area.

ss. 16, 17, and 18. Up to the 26th April, 1937, the following proclamations as to Irrigation Areas had been made:—Baseby—*Gazette* 16th August, 1923, p. 350; 17th May, 1928, p. 1035. Berri—*Gazette* 3rd November, 1910, p. 919; 24th November, 1910,

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

Survey and
subdivision
into blocks.
1546, 1922,
s. 41.

(2) Such blocks shall be of such size and shall contain such class or classes of land as the Minister on the recommendation of the Land Board determines.

(3) The Minister shall set apart such parts of the land included in any irrigation area as he thinks 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 thinks proper for any of the said purposes.

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

20. 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 and town allotments by separate numbers, and the parts so reserved, shall be kept at the office of the Surveyor-General.

Plan.
1546, 1922,
s. 42.

ss. 16, 17, and 18.
(contd.) p. 1063; 11th August, 1921, p. 269; 12th July, 1923, p. 49; 5th June, 1924, p. 1271; 24th September, 1925, p. 739; 8th January, 1931, p. 26. Chaffey—*Gazette* 26th January, 1922, p. 158; 27th April, 1922, p. 1119; 17th January, 1935, p. 292. Cobdogla—*Gazette* 13th October, 1910, p. 744; 9th November, 1916, p. 910; 12th July, 1923, p. 49; 5th June, 1924, p. 1271; 24th September, 1925, p. 739; 8th January, 1931, p. 26. Cadell—*Gazette* 25th February, 1915, p. 485; 17th August, 1916, p. 289. Cowirra—*Gazette* 17th May, 1923, p. 1074; 17th May, 1928, p. 1035. Jervois—*Gazette* 17th February, 1916, p. 299; 9th July, 1925, p. 51; 13th November, 1930, p. 986. Kingston—*Gazette* 4th February, 1915, p. 276. Long Flat—*Gazette* 29th April, 1909, p. 785; 12th June, 1913, p. 1268; 17th May, 1928, p. 1035. Moorook—*Gazette* 25th February, 1915, p. 484; 15th December, 1921, p. 1386; 7th September, 1922, p. 545. Monteith—*Gazette* 25th March, 1909, p. 572; 17th May, 1928, p. 1035. Murray Bridge—*Gazette* 11th July, 1907, p. 43; 12th November, 1908, p. 933; 12th April, 1923, p. 819. Mypolonga—*Gazette* 21st May, 1914, p. 1106. Neeta—*Gazette* 17th May, 1923, p. 1074; 17th May, 1928, p. 1035. Pekina—*Gazette* 30th October, 1919, p. 1083; 9th September, 1926, p. 614. Pompootea—*Gazette* 4th February, 1915, p. 276; 4th June, 1925, p. 1085; 17th May, 1928, p. 1035. Swanport—*Gazette* 2nd September, 1915, p. 800; 22nd December, 1927, p. 1609. Wall—*Gazette* 28th September, 1916, p. 568; 17th May, 1928, p. 1035. Waikerie—*Gazette* 27th January, 1910, p. 104; 19th September, 1912, p. 677; 13th June, 1918, p. 1117; 24th August, 1922, p. 413; 25th September, 1930, p. 621.

PART IV.

PART IV.

ACQUISITION, TENURE, AND TRANSFER OF LAND
WITHIN IRRIGATION AREAS.

DIVISION I.

DIVISION I.—BLOCKS.

Mode of
fixing
rent.
1546, 1922,
s. 43.

21. The Land Board, with the approval of the Minister, shall fix the annual rent to be paid for each block in an irrigation area.

Terms of
lease.
Ibid., s. 44.

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

Payment of
rent.
Ibid., s. 45.

23. (1) The rent for each block for the first three years of the lease shall be payable as follows:—

- (a) for the first year, one-quarter of the annual rent fixed under section 21:
- (b) for the second year, one-half of such rent:
- (c) for the third year, three-quarters of such rent.

(2) The provisions of subsection (1) hereof shall apply only in respect of any block which, at the time it is offered on perpetual lease, has not been planted or otherwise brought under cultivation. If the Land Board is of opinion, at the time any block is offered on perpetual lease—

- (a) that the whole or any portion of such block is in a complete state of cultivation and in full bearing;
or
- (b) that, although not in a complete state of cultivation or in full bearing, the block or any portion thereof is in such a state or stage of cultivation that the provisions of subsection (1) of this section should not apply,

then the Minister, in offering the said block on perpetual lease, may direct that the provisions of subsection (1) hereof shall not apply in respect of such block, and shall fix what proportion of the annual rent fixed under section 21 (being the whole or any part thereof) shall be payable for the first, second, and third years of the lease respectively, having regard to the area of the block under cultivation at the time it is offered on perpetual lease, and the state or stage of such cultivation.

(3) For the fourth and each succeeding year of the lease of any block, the full amount of the annual rent fixed under section 21 shall be payable.

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

PART IV.
DIVISION I.

24. (1) The Minister may—

(a) on the recommendation of the Land Board, reduce the rent payable for any block in an irrigation area:

(b) direct that the rent payable for any such block shall be payable quarterly in advance.

Power to
reduce rent.
1546, 1922,
s. 46a.

(2) This section shall be deemed to have come into operation on the first day of July, nineteen hundred and twenty-five.

25. (1) There shall be no limit to the area of land or the number of blocks which may be held under this Act by any person: Provided that of the land in any irrigation area so held by any person, whether held in his own name or in the name of any other person, not more than fifty acres in the aggregate shall be irrigable land: Provided also that the Minister may permit any person to hold more than fifty acres of irrigable land in the Jervois Irrigation Area, if, in the opinion of the Land Board, such permission is necessary in order that that person may be in a position to work his block with a reasonable likelihood of success, but in no case shall any person hold more than one hundred acres.

Area of
holdings.
1546, 1922,
s. 46.
1705, 1925,
s. 4.

(2) In this section "irrigable land" means land which in the opinion of the Land Board is suitable for irrigation and for which a supply of water is available.

26. (1) Notwithstanding the provisions of the last preceding section, any persons who, in the opinion of the Land Board, are *bona fide* carrying on business in partnership as agriculturists, dairymen, or gardeners on land within an irrigation area, may together hold more than fifty acres, but not more than one hundred and fifty acres, of irrigable or reclaimed land in such irrigation area: Provided that the area of such land shall in no case exceed the equivalent of fifty acres to each member of such partnership.

Area of hold-
ings by
partners.
1546, 1922,
s. 47.

(2) In any such case as mentioned in subsection (1) of this section, if the number of partners is not more than three, only one of such partners may be required to reside personally on the land held by the partners, and if the number is more than three, only two of such partners may be required so to reside.

27. Any land offered for application on perpetual lease under this Division and which remains unallotted for one year after being open to application may be let at such reduced rental as is fixed by the Land Board and approved by the Minister, or on miscellaneous lease, as provided by section 182 of the Crown Lands Act, 1929.

Dealing
with un-
allotted land.
Ibid., s. 48.

PART IV.

DIVISION II.

Offering of
town allot-
ments by
auction.

1546, 1922,
s. 49.
1650, 1924,
s. 3.

DIVISION II.—TOWN ALLOTMENTS.

28. (1) Subject to subsection (2) of this section, perpetual leases of town allotments shall be offered for sale by auction at an upset price fixed by the Land Board with the approval of the Minister, and shall be sold to the highest bidder at or above such upset price.

(2) In any case where, before any allotment is offered on perpetual lease, that allotment has been occupied by any person under licence from the Crown or the Commission or the Minister, and permanent improvements, consisting of premises used or to be used for the purpose of residence, business, or manufacture, or for any religious purpose, have been carried out by him, or he satisfies the Minister that it is his intention to carry out such permanent improvements immediately upon the grant of a perpetual lease to him of the allotment, and such person desires a perpetual lease of the said allotment, the allotment shall be offered on perpetual lease to such person at a rent to be fixed by the Land Board with the approval of the Minister: Provided that in fixing the rent of such an allotment the rent of allotments in the immediate vicinity of such allotment which have been offered at auction shall be considered.

(3) Perpetual leases of town allotments offered for sale under subsection (1) and not sold may be sold by the Minister by private contract at any price not less than the upset price at which the same were last offered.

Land to be
gazetted
before
auction.

1546, 1922,
s. 50.

29. The Minister shall, before a perpetual lease of any town allotment is offered for sale by auction, publish for not less than four consecutive weeks in the *Gazette* a statement setting forth, in accordance with the recommendations of the Land Board, the time and place of auction, the allotments, the upset price, and, if necessary, the purposes for which any of such allotments must be used or may not be used, and the maximum number of allotments that may be held by any one person, or by any one person for any particular purpose or purposes.

Provisions
with respect
to rent.

Ibid., s. 51.

30. (1) The annual rent of a perpetual lease of a town allotment shall be the amount of the annual rent offered by the highest bidder at the sale by auction, or, in the case of land occupied as mentioned in subsection (2) of section 28, the annual rent fixed by the Land Board, with the approval of the Minister, or, in the case of leases sold under subsection (3) of section 28, the contract price.

(2) The said annual rent shall be payable in full and in advance from the commencement of the lease.

31. (1) The lessee of any town allotment or allotments shall, within a period of eighteen months from the date of the lease, or within such longer period as is allowed by the Minister in writing, carry out, in respect of each allotment, permanent improvements on any part of the land comprised in the lease not less in value than an amount which is ten times the annual rent payable in respect of such allotment: Provided that—

Improve-
ments by
lessees.
1546, 1922,
s. 52.

- i. if any of such allotments has been set apart by the Minister for residential purposes, the value of the improvements carried out in respect of such allotment shall be not less than one hundred and fifty pounds, or if any of such allotments has been set apart by the Minister for any other purpose or purposes, the value of the improvements carried out in respect of such allotment shall be not less than two hundred pounds;
- ii. if the land comprised in the lease comprises not less than three adjoining town allotments, all of which have been set apart by the Minister for any purpose or purposes other than residential purposes, such improvements shall be carried out on not less than two of the said allotments; and
- iii. any permanent improvements on the land paid for by the lessee shall, for the purposes of this section, be deemed to have been carried out by the lessee.

(2) If, at any time, the Minister is of opinion that the business proposed to be carried on on any allotment set apart for business or manufacturing purposes does not require the carrying out of permanent improvements equal in value to the amount fixed under subsection (1) hereof, the Minister may fix the value of the improvements to be carried out by the lessee in respect of such allotment at a lesser amount. The Minister may fix such amount subject to such terms and conditions as he thinks fit. If the lessee carries out on any part of the said allotment permanent improvements equal in value to the amount so fixed by the Minister, and complies with the said terms and conditions (if any), the provisions of subsection (1) hereof shall be deemed to be complied with in respect of such allotment.

(3) If any portion of the land comprised in a lease is transferred, the provisions of this section shall be complied with by

PART IV.
DIVISION II.

the lessee of every portion of such land, notwithstanding that prior to such transfer this section may have been complied with in respect of the land taken as a whole.

(4) The lessee of any town allotment shall not at any time erect any building, shed, or other permanent improvement on any portion of the land comprised in his lease without first obtaining the approval, in writing, of the Minister.

Allotments
may be
set apart for
special
purposes.
1546, 1922,
s. 53.

32. The Minister may, by the statement mentioned in section 29 of this Act, set apart any town allotments—

- (a) for residential, business, or manufacturing purposes, or for the purpose of any business or manufacture of any particular class or kind, or for any other purpose or purposes; or
- (b) on which any particular business or manufacture, or any business or manufacture of any particular class or kind, shall not be carried on.

Number of
holdings may
be limited.
1546, 1922,
s. 54.

33. (1) The Minister may, by the statement mentioned in section 29 hereof, specify the maximum number of town allotments in any township which may be held, whether on freehold or leasehold tenure, by any person, or by any person for any particular purpose or purposes, whether in his own name or in the name of any other person, or partly in one way and partly in the other, or either by himself or conjointly with any other person: Provided that—

- i. whether such number is so specified by the Minister or not, such number shall not exceed, in the case of allotments leased for residential purposes, three, or in the case of allotments leased for any other purpose, four; and
- ii. with the consent in writing of the Minister previously obtained, allotments in excess of such maximum number may be held by or on behalf of any one person.

(2) If it is shown to the satisfaction of the Minister that perpetual leases of more than the maximum number have been purchased by or on behalf of any person, the Minister may, by notice in the *Government Gazette*, cancel the sale of all or any of the perpetual leases purchased by or on behalf of that person, whereupon the sale of those leases shall become absolutely void, and the leases shall be forfeited to the Crown.

PART IV.
DIVISION II.

34. (1) Any lessee of any town allotment set apart for business or manufacturing purposes may, with the consent in writing of the Minister, also use that town allotment or any portion thereof for residential purposes in connection with the said business or manufacturing purposes.

Business allotments used for residential purposes.
1546, 1922,
s. 55.

(2) Such consent may be given for such period and subject to such terms and conditions as the Minister thinks fit.

35. The Governor may at any time, on the application in writing of the lessee of any township allotment, and on payment of such sum as is fixed by the Land Board, grant to that lessee the fee simple of the whole or any portion of the lands comprised in the said lease if—

Conversion of leases of township allotments to freehold.
Ibid., s. 55a.
1854, 1922,
s. 2.

(a) the Minister is satisfied that permanent improvements consisting of premises used or to be used for residential, business, or manufacturing purposes have been carried out upon the said land or such lessee satisfies the Minister that it is his intention to carry out such permanent improvements immediately upon the grant of the fee simple thereof; and

(b) the Land Board recommends the grant thereof.

36. (1) The Minister or any person authorised by him may grant a licence to any person to enter upon and occupy any one or more town allotments, to be specified in the licence, for any purpose approved by the Minister.

Licences to occupy allotments.
1546, 1922,
s. 56.

(2) Every licence shall continue in force for a period not exceeding one year from the date of the granting thereof, and shall be subject to the payment of such fee, and to such restrictions and conditions, as are determined by the Minister.

(3) If any holder of a licence uses any town allotment specified in the licence for any purpose not authorised by the Minister, or fails to observe any restriction or condition imposed by the Minister in respect of the licence, the Minister may forfeit the licence.

37. (1) The lessee of any town allotment let on perpetual lease subject to re-valuation pursuant to section 3 of the Irrigation and Reclaimed Lands Act Further Amendment Act, 1919, may at any time apply in writing to the Minister requesting that the rent payable in respect of the said town allotment shall be fixed by the Minister.

Revision of rents of certain township allotments.
1650, 1924,
s. 16.
1886, 1927,
s. 8.

PART IV.
DIVISION II.

(2) The Minister shall thereupon fix the rent payable in respect of the said town allotment, and the rent fixed shall be the rent payable in respect of the said allotment until any other rent is fixed in respect thereof pursuant to any provision of the perpetual lease granted in respect thereof.

DIVISION III.

DIVISION III.—GENERAL PROVISIONS.

Form of lease.
1546, 1922,
s. 57.

38. (1) Every lease of land within an irrigation area shall be granted by the Minister upon the recommendation of the Land Board, and shall be granted in the name of the Minister.

(2) Every lease of any block within an irrigation area shall be in the form of lease in the second schedule and shall contain the terms, reservations, covenants, and conditions therein set out, or terms, reservations, covenants, and conditions to the like effect.

(3) Every lease of land within an irrigation area not being a block or blocks shall be in the form of lease in the third schedule, and shall contain the terms, reservations, covenants, and conditions therein set out, or terms, reservations, covenants, and conditions to the like effect.

(4) The form of any lease may be altered so far as is necessary to suit the circumstances of any particular case.

Incorporation
of certain
provisions of
Crown Lands
Act, 1929.
1496, 1921,
s. 5.

39. For the purposes of this Act all the provisions of the Crown Lands Act, 1929, which relate to the fixing and reduction of rents, to invitations for and the consideration, acceptance, or rejection of applications for leases, to the allotment of lands, and to the interpretation, preparation, execution, registration, transfer, transmission, and forfeiture of leases, in so far as such provisions are not repugnant to this Act, shall, subject to Division I. of Part VII., apply, *mutatis mutandis*, to leases of blocks, of town allotments, of factory sites, and of other lands under this Act.

Grant of sites
for public,
charitable,
and other
purposes.
1650, 1924,
s. 13.

40. (1) The Governor may at any time, on the application in writing of the lessee of any land within an irrigation area, grant any of the land comprised in his lease—

(a) to any corporation, or to trustees, to be used as a site for a school, church, chapel, institute, or hospital, or for any other public or charitable purpose whatsoever:

(b) to the lessee, or his nominee, to be used as a site for a blacksmith's shop, carpenter's shop, mill, store, or post office, or for any other purpose approved by the Governor:

Provided that—

- i. the land granted for any one of such purposes does not exceed one acre:
- ii. such security as the Governor thinks proper is given to the Governor to secure that the land will be used for one of such purposes.

(2) The lessee shall, at or before making his application, pay to the Treasurer as purchase-money for the land such sum as is agreed upon between him and the Minister, or, failing agreement, as is fixed by valuation.

(3) After the grant the lease shall be read as if the land comprised in the grant had been expressly excepted from the operation of the lease.

41. (1) The provisions of section 5 of the Crown Lands Act, 1929, shall apply to land within an irrigation area.

Application of section 5 of the Crown Lands Act, 1929, to irrigation areas. 1650, 1924, s. 14.

(2) The Governor may grant the fee simple of any lands within any irrigation area dedicated pursuant to paragraph (d) of section 5 of the Crown Lands Act, 1929, or the corresponding provision of any previous Act relating to Crown lands, to any person subject to such conditions and to the payment to the Minister of such purchase-money, if any, as the Minister fixes on the recommendation of the Land Board; and for the purposes of this section the Minister may require the person to whom the grant is made to grant to the Minister a mortgage over the land granted in order to secure the payment of the said purchase price.

42. (1) Notwithstanding the provisions of sections 25 and 26 any land within an irrigation area may be offered on perpetual lease on such terms and conditions and in such area or areas as may be fixed by the Land Board and approved by the Minister.

General power to lease land. 1546, 1922, s. 57a, 1650, 1924, s. 4.

(2) The Land Board shall fix the annual rent to be paid for such land.

43. (1) The Minister or any person authorised by him may grant a licence to any person to enter upon and occupy any unleased Crown land in an irrigation area, not being a town allotment, for the objects and purposes hereunder expressed:—

Grant of licences of land other than town allotments. 1546, 1922, s. 57b, 1650, 1924, s. 4.

- i. for the cutting, obtaining, and taking away any live or dead timber, gravel, stone, clay, earth, guano, manure, or shell:

PART IV.
DIVISION III.

ii. for any other purpose, similar or not, approved by the Minister.

(2) Every licence shall contain a description of the land in respect of which it is issued, and shall continue in force for a period not exceeding one year from the date of the granting thereof, and shall be subject to the payment of such fee, and to such restrictions and conditions as are determined by the Minister.

(3) If any holder of a licence uses any land specified in the licence for any purpose not authorised as aforesaid, or fails to observe any restriction or condition imposed by the Minister in respect of the licence, the Minister may forfeit the licence.

Power to
grant mis-
cellaneous
leases.
1650, 1924,
s. 15.

44. Notwithstanding anything contained in this Act to the contrary, the Minister may grant leases of any land within an irrigation area for any term not exceeding twenty-one years from the date thereof, at such rent and upon such terms and conditions and for such purposes as are recommended by the Land Board.

Payment of
rents to
Minister.
1546, 1922,
s. 59.

45. (1) All rents and other payments payable to the Minister—

(a) under all leases and licences of land within an irrigation area granted before the commencement of this Act by the Minister or the Commission; and

(b) under all leases, permits, and licences granted or made by the Minister under or pursuant to this Act,

shall be payable to the Minister.

(2) Payment of rent or any other payment made to the Minister or any person authorised in that behalf by the Minister shall be a sufficient discharge of such rent or money paid.

(3) If any rent or other payment payable to the Minister of Irrigation is in arrear, the Minister, without prejudice to the right of the Minister to recover in any other way, may sue for the same, together with interest at the rate of five per centum per annum, and the costs attendant thereon, by action in his own name in any court of competent jurisdiction as a debt due to him.

(4) The Minister may extend the time for payment of any amount payable to the Minister under this section: Provided

that on all such extensions interest may, at the discretion of the Minister, be charged on such amounts at the rate of five per centum per annum.

(5) All such leases, permits, and licences granted or made by the Commission or the Minister shall be construed to give effect to this section.

46. Any land purchased or otherwise acquired under Part X. of the Crown Lands Act, 1903, or under the Closer Settlement Acts, 1910 to 1912, or under Part X. of the Crown Lands Act, 1915, or under Part X. of the Crown Lands Act, 1929, or under the Discharged Soldiers Settlement Act, 1917, which is included in any irrigation area, shall, notwithstanding the provisions of such Acts, and whether wholly or partially reclaimed or not, be leased under the provisions of this Act, and may be so leased with other lands adjoining such irrigation area.

Repurchased
lands to be
leased under
Act.
1546, 1922,
s. 60.

47. (1) The lessee of any Crown lands included in any irrigation area proclaimed after the first day of December, nineteen hundred and nine, may tender a surrender of his lease for the purpose of obtaining a perpetual lease under this Act, and the Governor may, if he deems proper, accept such surrender in the name and on behalf of His Majesty the King.

Crown lessee
may
surrender
for lease
under this
Act.
1546, 1922,
s. 61.

(2) The surrender shall be in the form, and be made and executed in the manner 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, 1929, 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.

48. (1) Notwithstanding anything contained in this Act, upon the acceptance of a surrender, as provided by the last preceding section, the lessee shall be entitled to the grant of a perpetual lease under this Act of the land comprised in the surrendered lease at an annual rent to be fixed under this Act by the board with the approval of the Minister.

Grant of
lease and
fixing of
rent.
Ibid., s. 62.

(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.

s. 46. The Discharged Soldiers Settlement Act, 1917, has been repealed and superseded by the Discharged Soldiers Settlement Act, 1934.

PART IV.
DIVISION III.

Privileges of
beneficial
owners of
blocks or
allotments.
1546, 1922,
s. 68.

49. If any person by or under any will, or as one of the next-of-kin, of any deceased person, or by reason of any estate or interest in expectancy falling into possession, or by survivorship, or by the foreclosure of any mortgage, becomes, or becomes entitled to be, the lessee of any block or town allotment and thereby contravenes the provisions of section 25 or of section 33, such person shall not be deemed to hold such land contrary to the provisions of either of the said sections until after the expiration of three years from the death of the testator, or intestate, or the falling of such estate or interest into possession, or the death of the person upon whose death any estate or interest accrues by survivorship to such first-named person or the foreclosure of such mortgage, as the case may be.

Disqualifica-
tions as
leaseholder.
Ibid., s. 64.

50. Persons under eighteen years of age, and persons of any Asiatic race who are not subjects of His Majesty the King, are disqualified from being lessees.

Agreement
preventing
fair com-
petition at
auction to be
void.
Ibid., s. 65.

51. Every agreement, whether in writing or otherwise, whereby any person promises or agrees, either directly or indirectly, to give or allow any sum of money, reward, benefit, or thing to any other person, in consideration of such other person not bidding at any auction under this Act, or of his not competing at any such auction, or in consideration of his bidding to a limited amount only, or of his withdrawing from competition at any such auction, or in consideration of his doing any other act or thing which in any way might tend to prevent free and open competition at any such auction, shall be wholly illegal and void.

Agreement to
pay com-
mission of
more than two
and a half
per centum
void.
1546, 1922,
s. 66.

52. Any agreement by any person to pay more than two and a half per centum on the purchase-money to any other person for bidding or acting for such first-mentioned person at any auction under this Act shall be absolutely illegal and void.

Registration
of alterations
of leases and
mortgages.
1705, 1925,
s. 7.

53. Where, pursuant to this Act, the rent payable under any lease is altered, or the terms of any lease or mortgage are varied, the provisions of Part XIII. of the Real Property Act, 1886, shall apply with respect to such alteration or variation.

PART V.

PART V.

MANAGEMENT OF AN IRRIGATION AREA.

DIVISION I.—GENERAL POWERS, DUTIES, AND FUNCTIONS OF
THE MINISTER.

DIVISION I.

54. All roads, streets, commonage lands, and other reserves within every irrigation area and all irrigation and public works and factories, with the plant appertaining thereto, and all improvements made or constructed by the Minister or the Commission under the authority of this Act or the repealed Acts shall, subject to the provisions of this Act, vest in and be under the control of the Minister.

Vesting of works and lands in the Minister.

Cf. 1546, 1922, s. 68.

55. The last preceding section 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 constituted or continued by or under the Local Government Act, 1934, or within a municipality constituted or contained by or under that Act.

Provision as to roads within districts and municipalities.

Amended by S.L.R. Act, 1934.

56. The Minister, upon an irrigation area being proclaimed, may from time to time purchase pumping machinery and erect the same thereon, construct irrigation works and channels, tanks, and catchment and storage dams and reservoirs, and acquire, provide, and maintain appliances and facilities for supplying and distributing water to the lessees, owners, or occupiers of blocks, town allotments, factory sites, and other lands within, adjacent, or near to the irrigation area, for irrigation, domestic, factory, and other purposes.

Erection of appliances for storage and distribution of water.

Ibid., s. 69.

57. The Minister may construct roads, streets, bridges, wharves, docks, and jetties upon any irrigation area.

Construction of roads.

Ibid., s. 70.

58. (1) The Minister may, by notice in writing, served upon the lessee of any block within an irrigation area, require that lessee, within a period to be specified in the notice, to line with concrete, or to render impervious to water by some other means to be specified in the notice, all channels, ditches, and other means of conveying water for irrigation purposes, situated on the block.

Power of Minister to require channels to be concreted.

Ibid., s. 71.

(2) If any lessee fails to comply with any of the requirements of any such notice, within the period specified in the notice, any person authorised for the purpose by the Minister may—

(a) enter upon the said block;

(b) do all such things as are necessary to carry out the requirements of the said notice; and

(c) remain on the block for so long as is necessary to enable the work to be completed.

(3) The cost incurred by the Minister in doing the said work shall be a debt due by the lessee to the Minister, and may be recovered by the Minister in any court of competent jurisdiction, or summarily.

Power of
Minister to
require lessees
to prevent
seepage or
drainage.
1546, 1922,
s. 72.

59. (1) The Minister may, by notice in writing served upon the lessee of any block within an irrigation area, require that lessee, within a period to be specified in the notice, to drain his block effectively so as to prevent seepage or drainage from that block on to, in to, or under any adjoining block or any other land.

(2) If any lessee fails to comply with any of the requirements of any such notice within the period specified in the notice, any person authorised for the purpose by the Minister may—

(a) enter upon the said block;

(b) do all such things as are necessary to carry out the requirements of the said notice; and

(c) remain on the block for so long as is necessary to enable the work to be completed.

(3) The cost incurred by the Minister in doing the said work shall be a debt due by the lessee to the Minister, and may be recovered by the Minister in any court of competent jurisdiction, or summarily.

Power of
Minister to
construct
drains and
drainage
works.
Ibid., s. 73.

60. The Minister, upon an irrigation area being proclaimed, may from time to time construct drains or drainage works for the prevention or removal of seepage conditions in such area and generally for the drainage and improvement thereof.

Notice of
cost of
drains and
lands
benefited
thereby.
Ibid., s. 74.

61. (1) Upon the completion of the construction under the last preceding section of any drains or drainage works in any irrigation area, the Minister shall publish a notice in the *Gazette* stating the date of completion and the cost of construction of such drains or works, and what land will be benefited by such drains or works.

(2) The notice shall be conclusive as to the date of completion and the cost of construction of the drains or works, and as to what lands will be benefited by the drains or works.

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DIVISION I.

62. (1) The Minister may, after the publication in the *Gazette* of the certificate mentioned in the last preceding section, declare on all or any of the lands which will be benefited by the drains or works a general drainage rate to defray the cost thereof.

Declaration of
drainage rate.
1546, 1922,
s. 75.

(2) The drainage rate may be declared according to the assessment of such lands for water rates for the time being in force under this Act, or according to such other assessment or on such other basis as the Minister from time to time determines.

(3) The rate shall be an annual rate, and shall be of such amount as will be sufficient, in the opinion of the Minister, to pay out of the proceeds thereof—

(a) the cost of cleansing, repairing, and maintaining the drains or works;

(b) the expenses connected with the care, control, and management of the drains or works;

(c) interest at the fixed rate on the cost of construction of the drains or works, or on the balance of such cost for the time being remaining unpaid; and

(d) such amount as is sufficient to repay to the Minister the capital cost of the construction of the drains or works in forty equal yearly instalments.

63. (1) Any owner or lessee of any land benefited by any drain constructed under section 60, which land is separated from such drain by the land of any other owner or lessee, may, subject to the approval of the Minister and under the supervision of the Director of Lands, connect his private drains or channels with such drain, and for that purpose may construct such private drains or channels across the land of such other owner or lessee.

Connection of
private
drains with
Government
drain.
1546, 1922,
s. 76.

(2) Any owner or lessee who constructs any private drain or channel across the land of any other owner or lessee under the authority of this section shall be liable to pay to such owner or lessee as compensation for the damage suffered by him in consequence of such construction such sum as the Minister thinks reasonable.

64. (1) Upon the completion of the construction under section 60 of any drains or works in any irrigation area, all owners and lessees of land benefited by the construction of

Settlers to
drain their
blocks.
Ibid., s. 77.

PART V.
DIVISION I.

such drains or works shall take such measures, by the connection of their private drains or channels with the said completed drains or otherwise, as the Minister considers necessary to drain their land effectively.

(2) If any owner or lessee fails to comply with the provisions of this section and such default continues for one month after service upon him of a notice in writing by the Minister requiring him to so comply, the Minister may take such measures as aforesaid on behalf of the said owner or lessee, and the cost thereof shall be a debt due to the Minister by that owner or lessee.

Power of
Minister to
drain surface
and storm
water.
1546, 1922,
s. 78.

65. (1) If any land within an irrigation area is not, as to the drainage of surface and storm water, drained by some efficient drain communicating with some watercourse, or some drain used under the authority of this Act, the Minister 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.

(2) All costs and expenses incurred in constructing such drain shall be apportioned by the Minister among the owners and lessees of land deriving any benefit therefrom, so far as possible in proportion to such benefit, and the amount so apportioned to each owner or lessee shall be repaid by such owner or lessee after notice in that behalf by the Minister.

(3) If the amount so apportioned to any owner or lessee is not paid, the same may be sued for and recovered as a debt due to the Minister in any court of competent jurisdiction, or summarily.

Power of
Minister to
reduce water
in low-lying
land.
Ibid., s. 79.

66. (1) The Minister may, by pumping or otherwise, reduce the water on any low-lying land within any irrigation area to such level as he thinks proper, and shall apportion the costs and expenses of so doing among the owners and lessees of all reclaimed land within the area in such proportions as the Minister thinks fair and reasonable.

(2) If the amount so apportioned to any owner or lessee is not paid, the same may be sued for and recovered as a debt due to the Minister in any Court of competent jurisdiction, or summarily.

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DIVISION I.

67. (1) Every lessee shall keep in good repair and cleared and in clean condition all drains, channels, watercourses, and other irrigation and drainage works on the land comprised in his lease.

Duty of lessee
to repair
drains.
1546, 1922,
s. 80.
1854, 1928,
s. 8.

(2) If any lessee fails to comply with the provisions of this section, the Minister may give him notice in writing requiring him within the time specified in the notice to comply with the said provisions, and if the lessee fails to so comply within the time specified the Minister or any person authorised by him may enter upon such land and do all things necessary in the opinion of the Minister or any person authorised by him to comply with this section, and the cost thereof, if not paid, may be sued for and recovered as a debt due to the Minister in any court of competent jurisdiction, or summarily.

68. The Minister, in addition to all other powers, shall have and may exercise the following powers and authorities within irrigation areas:—

General
powers of
Minister.
1546, 1922,
s. 81.

- i. to do all necessary acts, matters, and things for the making, construction, improving, altering, cleansing, repairing, widening, deepening, diverting, or extending of any channel, drain, or watercourse, or any bank or defence against waters:
- ii. to erect all necessary buildings, 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 Harbors Board 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:
- vi. to enter himself, or by his 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 land, or to any person, or by any drain, channel, or watercourse, or for any of the purposes of this Act:

- vii. to enter himself, or by his officers or agents, upon any lands or premises whereon or wherein it is proposed to 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 the sea or any inlet or arm of the sea, or any river, stream, lake, channel, watercourse, or other water; and to open or raise any floodgate or sluice within or without the area for any purpose whatever:
- ix. to use adjacent lands for making temporary roads or approaches to any work:
- 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 owners and lessees of lands therein:
- xi. to levy rates on all ratable property in the irrigation area:
- xii. to levy a special rate for making necessary tanks, channels, or watercourses, or repairs thereto, or any other incidental work:
- xiii. to regulate and control all drainage waters in the main channels and drains:
- xiv. to regulate the height at which water may or shall be maintained in any channel or drain.

Power of
Minister to
construct
drains
across roads.
Cf. 1546,
1922, s. 82.

69. (1) The Minister may, in connection with the supply of water within any irrigation area—

- (a) cut and construct channels, drains, and watercourses on or across roads or streets, notwithstanding that such roads or streets are vested in or under the control of a district council or municipal corporation;

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DIVISION I.

(b) from time to time improve, alter, cleanse, repair, widen, deepen, divert, or extend any such channel, drain, or watercourse;

(c) erect fences on or across such roads or streets for the protection of any such channel, drain, or watercourse; and

(d) do all such acts, matters, and things as are necessary or convenient for carrying out the works authorised by this section.

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

70. The Minister may acquire by agreement or compulsory process any lands for the purposes of this Act or for any works or undertakings authorised by this Act.

Power to take land by agreement or compulsory process.

1546, 1922,
s. 82a,
1650, 1924,
s. 6.

71. The Minister may control the planting and cultivation of any block in an irrigation area and the making of improvements thereon in any case where it is deemed necessary by him or any inspector or other officer appointed by him for the purpose.

Cultivation of blocks.

1546, 1922,
s. 83.

72. The Minister may, in any case where he has reason to believe that any irrigation block is being seriously neglected, and is thereby deteriorating in value, assume the general control and management of such block and cultivate and water the same, and take such other measures with respect thereto as are necessary to prevent such deterioration, and the expense incurred by the Minister in so doing shall be a charge on the land, and shall be payable by the owner, lessee, or occupier thereof for the time being, and may be recovered by the Minister by action in any court of competent jurisdiction, or summarily.

Power of Minister to assume control of irrigation block in certain cases.

1546, 1922,
s. 84.

DIVISION II.—WATER SUPPLY.

DIVISION II.

73. Upon the construction, wholly or in part, of the works upon an irrigation area, the Minister may supply water—

Power of Minister to supply water.
Ibid., s. 85.

(a) to lessees of blocks within the irrigation area, at such rates, in such quantities, for such periods, and upon and subject to such terms and conditions, as the Minister from time to time determines;

- (b) to the owners, lessees, and occupiers of town allotments, factory sites, and other lands within the irrigation area (not being blocks), at such rates, in such quantities, for such periods, and upon and subject to such terms and conditions, as the Minister from time to time determines; and
- (c) to owners, lessees, and occupiers of lands adjacent to the irrigation area, at such rates, in such quantities, for such periods, and upon and subject to such terms and conditions as are agreed upon.

Annual irrigation rates on blocks.
1546, 1922,
s. 86.
1650, 1924,
s. 7.

74. (1) The Minister may, as soon as a water supply is available for the whole or any portion of an irrigation area, declare an annual rate for the supply of water on—

- (a) blocks within the irrigation area, or the portion thereof for which a supply of water is available, and which are ratable lands; and
- (b) town allotments, factory sites, and other lands (not being blocks) within the irrigation area, which are ratable lands.

(2) The rate on blocks shall be of such an amount per acre of such blocks, or of such an amount per block as is determined by the Minister.

(3) The rate on town allotments, factory sites, and other lands (not being blocks) within the irrigation area shall be of such an amount in the pound of the unimproved value of the land, as defined by the Taxation Act, 1927, as may be determined by the Minister pursuant to subsection (4) hereof.

(4) Such rates shall be of such respective amounts as the Minister determines: Provided that the annual rate in respect of any one piece of land shall not be less than one pound.

(5) The rates payable for each block for the first three years during which it is rated shall be as follows:—

- (a) for the first year, one-quarter of the rate fixed under subsection (3) hereof:
- (b) for the second year, one-half of such rate:
- (c) for the third year, three-quarters of such rate.

(6) The provisions of subsection (5) hereof shall apply only in respect of any block which, at the time it is first rated, has not been planted or otherwise brought under cultivation and shall not apply in respect of any block to which the Minister for any reason thinks that the provisions of subsection (5) hereof should not apply. If the Minister is of opinion, at the time any block is first rated—

- (a) that the whole or any portion of the block is in a complete state of cultivation and in full bearing;
or
- (b) that, although not in a complete state of cultivation or in full bearing, the block or any portion thereof is in such a state or stage of cultivation that the provisions of subsection (5) hereof should not apply; or
- (c) that there is any other reason why the provisions of subsection (5) hereof should not apply,

then the Minister may direct that the provisions of subsection (5) hereof shall not apply in respect of such block, and shall fix what proportion of the rate fixed under subsection (4) hereof (being the whole or any part thereof) shall be payable during the first, second, and third years after the block is first rated, having regard to the area of the block under cultivation at the time it is first rated, and the state or stage of such cultivation and any other circumstances respecting the block.

(7) For the fourth and every succeeding year after the block is first rated, the full amount of the rate fixed under subsection (4) hereof shall be payable.

(8) For the purpose of computing the rates payable in respect of any block, 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.

75. (1) Notice of every rate declared by the Minister shall be published in the *Gazette*, and shall state the name of the irrigation area in respect of the lands in which the rate is declared, the amount in the pound, or the amount per acre or per block (as the case may be), of the rate, the period for which the rate is declared, the time and place where the rate is payable, and the quantity of water to be supplied in respect of the rate.

Provision for
recovery of
rates.

1546, 1922,
s. 86a.
1650, 1924,
s. 7.

PART V.
DIVISION II.

(2) All rates shall be due and payable by and recoverable from the owners, lessees, and occupiers for the time being of the lands upon which the same are respectively declared, and shall, until payment, be a continual charge upon those lands, and no statute of limitations shall affect any action or other proceedings which may be brought for the recovery or enforcement of such rates. The Minister shall have the like powers of distress and sale in cases where rates are unpaid as are conferred upon the Commissioner of Waterworks by the Waterworks Act, 1932.

(3) If any rate is not paid within one month after it falls due, interest at the fixed rate per centum per annum from the time when it falls due until payment thereof shall be added to the amount of the rate, and shall be payable by the person liable to pay the rate.

Remission of
interest on
overdue
water rates.
Amended by
2116, 1933,
s. 2.

The Minister may, in any case of hardship, remit the whole or any part of any interest payable pursuant to this subsection, whether payable before or after the passing of the Irrigation Act Amendment Act, 1933.

Rate Assess-
ment Book.
1546, 1922,
s. 87.

76. (1) The Minister shall cause a book to be kept by the officer in charge of an irrigation area, to be called the Rate Assessment Book, which shall contain the following particulars as to such area:—

- i. the names of the several owners, lessees, and occupiers of the ratable lands assessed, so far as known;
- ii. short descriptions of, or references to, the ratable lands;
- iii. the unimproved value of town allotments, factory sites, and other lands not being blocks, adopting the assessment for land tax purposes for the time being in force, with such adjustments as may be necessary where the ratable land does not include the whole of the land included in the land tax assessment; and
- iv. the area of blocks within such area.

(2) No person shall be entitled to appeal against the valuation of his land appearing in the assessment book, but if the valuation is reduced for any reason by the Commissioner of Taxes the assessment book shall be amended accordingly.

s. 75. (2) The expression "Waterworks Act, 1932," has been substituted for "Waterworks Act, 1882," pursuant to the Acts Republication Act, 1934.

PART V.
DIVISION II.

Water supply
in return for
rates.
1546, 1922,
s. 88.

77. (1) Any person who is liable to pay any rates in respect of any ratable land, and who has paid such rates, shall be entitled in respect of such rates to a supply from the Minister during the period for which such rates were payable of such a quantity of water for such land as the Minister determines at the time of declaring such rates.

(2) Such quantity may be determined by the Minister so as to vary according to the amount of the rate payable, the area of the ratable land, whether the ratable land is a block, town allotment, factory site, or other land, or according to any other matter, with or without the fixing of any maximum quantity or quantities.

(3) For all water supplied to such land in excess of the quantity so determined by the Minister, the owner, lessee, or occupier thereof for the time being, shall be liable to the Minister as for water supplied to him by measure under the next succeeding section.

78. (1) The Minister may supply water by measure to any person for such period, upon such conditions, and at such charges, as the Minister from time to time determines.

Supply of
water by
measure.
Ibid., s. 89.

(2) When the Minister supplies water to any person outside an irrigation area, the person so supplied shall pay therefor such charges as are agreed upon, and such charges may be sued for and recovered by the Minister as a debt due to him in any Court of competent jurisdiction, or summarily.

79. (1) If at any time the supply of water at the disposal of the Minister is insufficient, in the opinion of the Minister, to afford the quantities to which all persons having claims thereto would, if the supply were sufficient, be respectively entitled, the Minister may deliver to such persons such quantities of water as are then at his disposal in reduced proportions, according to the quantities which such persons would have respectively been entitled to receive if there had been sufficient water available; and the charges to such persons for water supplied by measure may be reduced accordingly.

Power of
Minister to
reduce supply
of water.
Ibid., s. 90.

(2) In the arrangement of the reduced proportions, the Minister may, if he thinks fit, assign greater proportional quantities to the owners, lessees, or occupiers of lands planted with fruit trees, vines, or other like plants than to the owners, lessees, or occupiers of lands planted or sown with plants cultivated for a single year's crop only.

PART V.
DIVISION II.

Power of
Minister to
regulate
supply of
water in
event of
drought, etc.
1546, 1922,
s. 91.

80. If the supply of water available for any irrigation area falls short at any time of the quantity necessary to supply all the claims upon the Minister for water, in sufficient quantity to be of practical service, the Minister may whenever and as often as he is satisfied of the actual or approaching insufficiency of such supply, from time to time to make, alter, and repeal orders which shall regulate the order of priority in which the various irrigation areas, bodies, and persons so entitled to water shall be entitled to be supplied.

PART VI.

PART VI.

LESSEES OF RECLAIMED LANDS LOAN FUND.

Continuation
of Lessees of
Reclaimed
Lands Loan
Fund.
Ibid., s. 92.

81. (1) The Lessees of Reclaimed Lands Loan Fund continued by the Irrigation Act, 1922, is hereby continued, but from the commencement of this Act shall be under the control of the Minister in place of the Commission.

(2) In addition to the moneys of which such fund consists at the commencement of this Act, such fund shall consist of such moneys as are provided by Parliament for the purposes mentioned in this Part of this Act.

(3) Such fund may be used for the purposes of this Part of this Act.

(4) The Minister 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 were made under any of the repealed Acts.

Past
advances
repayable to
Minister.
Ibid., s. 93.

82. (1) All moneys advanced or expended under Part V. of the Irrigation and Reclaimed Lands Act, 1908, or under sections 13 and 14 of the Irrigation and Reclaimed Lands Act Further Amendment Act, 1912, or under Part V. of the Irrigation and Reclaimed Lands Act, 1914, or under Part VI. of the Irrigation Act, 1922, and all interest thereon, which at the commencement of this Act are due, owing, or payable, or after the commencement of this Act would, but for this Act, become due, owing, or payable, to the Commission, shall become and be due, owing, and payable to the Minister in substitution for the said Commission.

(2) All moneys so advanced to any person, or so expended on the land held by any person, shall, for the purposes of this Act, be deemed to be an advance made to such person by the Minister.

83. (1) All agreements made or deemed to have been made with the Commission, and all mortgages and other securities granted or deemed to have been granted to the Commission before the commencement of this Act to secure the repayment of money advanced or expended by the said Minister under Part V. of the Irrigation and Reclaimed Lands Act, 1908, or under sections 13 and 14 of the Irrigation and Reclaimed Lands Act Further Amendment Act, 1912, or under Part V. of the Irrigation and Reclaimed Lands Act, 1914, or under Part VI. of the Irrigation Act, 1922, which are in force or subsisting at the commencement of this Act, shall, after the commencement of this Act, be deemed to have been made with or granted to the Minister in substitution for the Commission.

Rights of Minister under mortgages. 1546, 1922, s. 94.

(2) Every such agreement, mortgage, and security shall be construed so as to give effect to this section.

(3) The Minister shall take and exercise in substitution all the powers, duties, rights, and immunities of the said Commission, under every such agreement, mortgage, and security.

84. After the commencement of this Act no advance under the Advances to Settlers on Crown Lands Act, 1914, shall be made in respect of any holding situated in an irrigation area.

Advances to Settlers on Crown Lands Act, 1914, not to operate within irrigation areas.

Ibid., s. 95.

85. (1) All moneys advanced under the Advances to Settlers on Crown Lands Act, 1914, to settlers with respect to any land within an irrigation area, and all interest thereon, which at the commencement of this Act are due, owing, or payable, or after the commencement of this Act would but for this Act become due, owing, or payable, to the Commission, shall become and be due, owing, and payable to the Minister in substitution for the Commission.

Amounts due to Advances to Settlers Board to be paid to Minister.

Ibid., s. 96.

(2) All moneys so advanced to any settler shall, for the purposes of this Act, be deemed to be advances made to such settler by the Minister.

86. (1) All mortgages of land within an irrigation area and all other securities in respect of any such land which were originally granted to the Advances to Settlers Board as security for advances under the Advances to Settlers on Crown Lands Act, 1914, and which, pursuant to section 97 of the Irrigation Act, 1922, were deemed to be granted to the

Right of Minister under mortgages in respect of advances to settlers.

Ibid., s. 97.

ss. 84, 85, 86. The Advances to Settlers on Crown Lands Act, 1914, has been repealed and superseded by the Advances to Settlers Act, 1930.

Commission in lieu of the said Board, shall, after the commencement of this Act, be deemed to be granted to the Minister in substitution for the Commission.

(2) Every mortgage or other security made as security for such an advance shall be construed so as to give effect to this section.

(3) The Minister shall take and exercise in substitution all the powers, duties, rights, and immunities of the Advances to Settlers Board or the Commission under every such mortgage or other security.

Principal
moneys repaid
to form part
of fund.

1546, 1922,
s. 98.

87. (1) All moneys received by the Minister in repayment of any advances to lessees made under Part V. of the Irrigation and Reclaimed Lands Act, 1908, and all moneys received by the Minister as deposits or premiums in respect of, or in repayment (wholly or in part) of, moneys advanced or expended by the Minister pursuant to sections 13 and 14 of the Irrigation and Reclaimed Lands Act Further Amendment Act, 1912, or to sections 85 and 86 of the Irrigation and Reclaimed Lands Act, 1914, or by the Commission pursuant to sections 99 to 102 of the Irrigation Act, 1922, and all moneys received by the Minister pursuant to section 85 of this Act, and all moneys received by the Commission as deposits or premiums in respect of, or in repayment (wholly or in part) of, moneys advanced or expended by the Minister pursuant to this Part of this Act, shall be paid to the credit of the said fund, and shall form part thereof.

(2) Moneys received as interest shall be paid to the Treasurer in aid of the general revenue of the State.

Power of
Minister to
effect im-
provements
before
leasing.

Ibid., s. 99.

88. (1) The Minister may, upon an irrigation area being proclaimed, improve such area or any portion or portions thereof by fencing, clearing, grading, and channelling, and by effecting such other improvements as he thinks fit.

(2) No lease shall be granted of any portion so improved unless the proposed lessee has paid, by way of premium for such lease, a sum equal to not less than fifteen per centum of such proportion of the amount expended by the Minister in improving such area as, in the opinion of the Minister, is attributable to the land to be comprised in such lease, and has executed a mortgage to the Minister in the prescribed form to secure the payment of the balance of the said proportion of the amount so expended.

(3) The proportion of the amount expended by the Minister under this section which is attributable to the land comprised in the lease shall be deemed to be an advance made by the Minister to the lessee with respect to such land, and the balance shall be deemed to be made on the granting of the lease.

(4) The Minister may remit the whole or any part of any moneys which have been expended by the Commission pursuant to this section or section 99 of the Irrigation Act, 1922, or section 14 of the Irrigation and Reclaimed Lands Act Further Amendment Act, 1912, or section 86 of the Irrigation and Reclaimed Lands Act, 1914, and are due by any lessee.

89. (1) The Minister, upon the application, in the prescribed form, of any lessee of land in an irrigation area, may expend a sum not exceeding thirty pounds per acre of the irrigable land in such lessee's block in making the following improvements, or any of them, namely:—Fencing, clearing, and grading such lessee's block, and constructing channels, drains, and tanks thereon, and connecting such channels or drains with the nearest main channel or drain.

Power of
Minister to
expend
moneys in
certain im-
provements.
1546, 1922,
s. 100.
1705, 1925,
s. 5.

(2) The Minister shall not commence work on any block until the lessee has paid a deposit equal to not less than fifteen per centum of the Minister's estimate of the cost of carrying out such improvements, and has entered into an agreement with the Minister, in the prescribed form, agreeing to repay in manner prescribed all moneys expended by the Minister in making and carrying out such improvements, and to secure the repayment thereof by executing a mortgage to the Minister over such block.

(3) The moneys expended by the Minister under this section on any block shall be deemed to be an advance made by the Minister to the lessee with respect to such block, and the advance shall be deemed to be made on the date specified in or determined pursuant to the agreement, and by such instalments (if any) as are agreed upon therein.

(4) The Minister may remit the whole or any part of any moneys which have been expended by the Commission pursuant to this section, or section 100 of the Irrigation Act, 1922, or under section 13 of the Irrigation and Reclaimed Lands Act Further Amendment Act, 1912, or section 85 of the Irrigation and Reclaimed Lands Act, 1914, and are due by any lessee.

PART VI.

Power of
Minister to
make
advances to
lessees.
1546, 1922,
s. 101.

90. (1) Subject to the provisions of this Act, the Minister may, in his discretion, make advances to any lessee of land in any irrigation area on the prescribed security for any or all of the following purposes:—

- i. the clearing, grubbing, fencing, grading, irrigating, and general improvement of the land:
- ii. the construction of channels, drains, or tanks on the land, and the connection of such channels or drains with the nearest main channel or drain:
- iii. the erection of buildings on the land:
- iv. the purchase of implements, stock, seeds, plants, trees, and such other things as may be deemed necessary for the successful occupation and cultivation of the land:
- v. the discharge of any mortgage existing on the land:
- vi. any other purpose.

(2) Advances may be made for the purposes mentioned in subdivisions i., ii., or iii. of subsection (1) hereof of any amount not exceeding six hundred and fifty pounds up to the fair estimated aggregate value of the lease and any improvements already made on the land and those in course of being made thereon.

(3) Advances may be made under subdivision iv. of subsection (1) hereof of any amount not exceeding two hundred pounds.

(4) Advances may be made under subdivisions v. and vi. of subsection (1) hereof of any amount not exceeding three-fourths of the fair estimated aggregate value of the lease and any improvements already made on the land.

(5) When any land is held by two or more persons, each of such persons shall, for the purpose of estimating the limit of the amount of the advances which may be made to him, be deemed to be one lessee; and for the said purpose the improvements on the land, or in course of being made thereon, shall be deemed to belong to such persons in the proportions of their respective interests in the lease under which they hold.

Limits of
amount to be
advanced or
expended.
1546, 1922,
s. 102.

91. The total amount of moneys advanced or expended under this Act, the repealed Acts, and the Advances to Settlers on Crown Lands Act, 1914, with respect to any one piece of land within an irrigation area, shall not exceed an

s. 91. The Advances to Settlers on Crown Lands Act, 1914, has been repealed and superseded by the Advances to Settlers Act, 1930.

aggregate sum of six hundred pounds or an aggregate sum of thirty pounds per acre of the irrigable portion of the land, whichever sum is the greater.

92. Every application for an advance shall—

Applications
for advance.
1546, 1922,
s. 103.

(a) be made to the Minister, and in the prescribed form, and shall contain such particulars as are prescribed:

(b) be supported by such (if any) evidence as is prescribed, or as the Minister requires.

93. (1) Any advance may be made by instalments, subject to anything prescribed in that behalf, as the improvements are being effected.

Advances by
instalments.
Ibid., s. 104.

(2) If at any time, in the opinion of the Minister, any advance or instalment thereof, has not been applied for the purpose for which it was advanced, or has not been carefully and economically expended, the Minister may refuse to pay any further instalment of the proposed advance, and may at once call in the whole amount already advanced, whereupon the lessee shall forthwith repay the same, and in default the Minister shall have the same remedies for the recovery of the same as are provided by this Act for the recovery of sums payable by the lessee.

94. (1) No advance shall be made to any lessee except upon the security of a mortgage or mortgages in the prescribed form to the Minister of his lease, and his estate and interest in the land, as well as of the improvements already thereon, and the improvements with respect to which such advance is made, with or without such additional security as to the Minister seems fit. The lessee may, notwithstanding any enactment or law or anything in his lease to the contrary, lawfully execute such mortgage or other security.

Advances to
be secured
by mortgage.
1546, 1922,
s. 105.

(2) The provisions of the Bills of Sale Act, 1886, shall not apply to any mortgage or other security executed under the provisions of this Act, or affect the validity of any such mortgage or security in respect of any chattels comprised therein.

No. 389 of
1886.

95. No moneys shall be expended or advanced on or with respect to any property which is encumbered by any previous mortgage or charge, other than a mortgage or charge under this Act or any of the repealed Acts or the Advances to

Advances
only to be
made on first
mortgage.
1546, 1922,
s. 106.

s. 95. The Advances to Settlers on Crown Lands Act, 1914, and the Discharged Soldiers Settlement Act, 1917, have been respectively repealed and superseded by the Advances to Settlers Act, 1930, and the Discharged Soldiers Settlement Act, 1934.

Settlers on Crown Lands Act, 1914, or the Discharged Soldiers Settlement Act, 1917, or a charge in favour of the Crown; but a second mortgage may be taken as collateral security.

Repayment of
advance.
1546, 1922,
s. 107.

96. (1) For the period of five years next following the date on which an advance is made, the lessee shall pay to the Minister interest on the advance at the fixed rate.

(2) Such interest shall be payable half-yearly, the first payment to be made on the first day of the seventh calendar month commencing next after the advance is made.

(3) If any advance is made by instalments, interest shall be calculated on the actual amounts of the several instalments of such advance from the date when such instalments are respectively advanced.

(4) After the expiration of the said period of five years the lessee shall repay the advance to the Minister by seventy equal half-yearly instalments, together with simple interest on the balance of the advance for the time being unpaid, at the fixed rate.

(5) The first of such half-yearly instalments shall be paid on the first day of the sixth calendar month commencing next after the day upon which the last payment of interest is to be made under subsection (2) hereof.

(6) When any half-yearly payment required by this section is made within fourteen days next after the day upon which the same is required to be made, a rebate of interest at the fixed rate which was in force at the time when the advance was made shall be allowed to the lessee.

(7) Any advance may, at the option of the lessee, be repaid at any time sooner than is herein provided, or be repaid in larger instalments.

(8) The provisions of this section shall apply only to and in respect of advances made after the commencement of this Act.

Mode of
repayment of
chattel
advances.
1546, 1922,
s. 108.

97. When an advance has been made to a lessee for any of the purposes mentioned in subdivision iv. of subsection (1) of section 90 such lessee shall repay to the Minister such advance, together with simple interest on the balance thereof for the time being unpaid at the fixed rate, within such time and by such instalments and subject to such conditions as the Minister determines.

98. Any breach by the lessee in any of the terms, conditions, or covenants of any agreement, mortgage, or other security for the repayment of any advance shall be deemed a breach of the conditions of his lease, and shall render the lease liable to be cancelled or forfeited or, at the Minister's option, to be sold and transferred, in the same manner as Crown leases when rent is in arrear.

Breach of agreement or mortgage to render lease liable to forfeiture.
1546, 1922,
s. 109.

99. (1) In addition and without prejudice to any other remedy, if at any time any instalment, or any part thereof, is unpaid for thirty days next after the time appointed for the payment thereof, then, although no legal demand has been made for the payment thereof, the Minister may enter upon the land charged, or any part thereof, and recover the amount due by distress and sale of any goods and chattels on such land, or such amount may be recovered in any court of competent jurisdiction by action, in the name of the Minister, from the lessee or occupier of such land for the time being.

Remedies for recovery of instalments.
1546, 1922,
s. 110.

(2) If at any time any instalment, or any part thereof, is unpaid for three months next after the time appointed for the payment thereof, then, although no legal demand has been made for the payment thereof, the Minister may enter upon and take possession of the land with respect to which the advance has been made, and may sell the estate and interest therein of the lessee and his lease, either by private sale or public tender or auction, and subject to any conditions of sale he thinks expedient, and after such notice of the time, place, terms, and conditions of sale as he thinks expedient, and may transfer such land and the lease to the purchaser and give a good and valid title thereto.

(3) The Minister shall apply the proceeds derived from the said sale in payment, in the first instance, of all moneys due in respect of the said land, and in redemption of any amount charged thereon in favour of the Minister, or of so much thereof as remains unpaid, and of all expenses incurred by the Minister in relation to the sale or otherwise with respect to the said land, and shall pay the balance (if any) to the persons appearing to the Minister to be entitled to receive the same.

(4) In this section "instalment" means any amount due under this Part on account of the capital of or interest on any advance under this Act, or any of the repealed Acts or the Advances to Settlers on Crown Lands Act, 1914.

s. 99. The Advances to Settlers on Crown Lands Act, 1914, has been repealed and superseded by the Advances to Settlers Act, 1930.

PART VI.

Mortgagor to effect necessary repairs.
1546, 1922,
s. 111.

100. (1) The lessee of any land within an irrigation area over which a mortgage or other security has been given under the provisions of this Act, or any of the repealed Acts, or the Advances to Settlers on Crown Lands Act, 1914, shall, during the continuance of the same, to the satisfaction of the Minister keep in good and tenantable repair all buildings, fences, fixtures, and improvements upon the land comprised in such mortgage or other security.

(2) If, after the expiration of two months' notice in writing by the Minister, any lessee has not complied with the requirements of this section—

(a) the like consequences shall follow as are provided by the last two preceding sections in case of breach of the terms or conditions of the mortgage or other security, or default made in the payment of any interest or instalment payable under the provisions of this Act; or

(b) any person authorised for that purpose by the Minister may enter upon the land and effect all repairs which he deems necessary; and the expense thereby incurred, with interest at the same annual rate as that which is payable on the advance, shall be repaid on demand to the Minister by the lessee, and until repayment shall be a charge under the mortgage or other security upon the land.

Conditions annexed to land while subject to advances.
1546, 1922,
s. 112.

101. (1) As between the Minister and the lessee of any land within an irrigation area with respect to which an advance has been made, the following conditions shall be imposed so long as the land is subject to any charge in favour of the Minister, namely:—

I. Such land shall not be sublet or let by such lessee, nor shall his lease be transferred, without the consent of the Minister:

II. Every sublease or transfer contrary to the provisions of this section shall be void and of no effect:

III. If such lessee sublets or lets such land, or any part thereof, or transfers his lease, in contravention of the provisions of this section, the Minister may cause the lessees' estate and interest in the land, and his lease, to be sold:

s. 100. The Advances to Settlers on Crown Lands Act, 1914, has been repealed and superseded by the Advances to Settlers Act, 1930.

iv. When the title to the lease is divested from such lessee under any law relating to insolvency, the Minister may cause the lessee's estate and interest in the land, and his lease, to be sold.

(2) The provisions of section 99, as to sale and application of proceeds of sale, shall apply to every sale made under the provisions of this section.

102. In cases of hardship the Minister may extend the time for making any payment in respect of any advance: Provided that the deferred payments shall bear interest at a rate which is one pound per centum per annum in excess of the fixed rate.

Extension of
time for
payment.
1546, 1922,
s. 113.

103. If any payment in respect of any advance is in arrear three months after the due date for payment thereof, then such payment shall bear interest from the due date for payment thereof at a rate which is one pound per centum per annum in excess of the fixed rate.

Arrears to
bear
interest.
Ibid., s. 114.

104. (1) The amount of any interest due and unpaid under a mortgage or other security granted to or enforceable by the Minister as security for the repayment of any advance may, at the option of the Minister, be capitalized and added to the advance; and every such mortgage or other security shall be deemed to provide for such capitalization and addition.

Capitaliza-
tion of
overdue
interest, and
consolidation
of advances.
Ibid., s. 115.

(2) When any addition is made under subsection (1) of this section the amount of the advance as increased by such addition shall be repayable in such instalments and under such terms and conditions as the Minister approves, and such terms and conditions shall be deemed to be included in the mortgage or other security.

(3) The balance of the amounts of any advances unpaid under any mortgages or other securities granted to or enforceable by the Minister as securities for the repayment of such advances may, with the consent of the mortgagor or grantor of the securities, be consolidated into one advance, and the security to be taken for such consolidated advance shall be a mortgage containing such terms and conditions as the Minister approves, and the existing mortgages or other securities given as security for such first mentioned advances shall be discharged.

105. The Minister from time to time shall obtain reports from his officers as to the manner in which advances and instalments of advances have been expended and used by the

Reports as to
expenditure
of advances.
1546, 1922,
s. 116.

PART VI.

lessees, and as to the state and condition of the improvements for the purpose of which such advances and instalments have been paid, or the money has been expended by the Minister, and generally as to the state and condition of the land with respect to which such advances and instalments have been paid, or the money expended.

Lessee not to remove, destroy, or injure improvements. 1546, 1922, s. 117.

106. While any principal or interest moneys remain owing by any lessee in respect of any advance, 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 Minister thereto.

Register of advances. Ibid., s. 118.

107. (1) The Minister shall keep a register or list of all advances, with the names of the lessees to whom the advances have been made, and also an alphabetical index of the names of such persons.

(2) Such register or list and index shall be open to public inspection on payment of a fee of one shilling.

PART VII.

PART VII.

POWERS, DUTIES, AND FUNCTIONS OF THE MINISTER OF IRRIGATION UNDER OTHER ACTS.

DIVISION I.

DIVISION I.—UNDER THE CROWN LANDS ACT, 1929.

Crown Lands Act, 1929, to be administered by Minister of Irrigation within irrigation areas. Ibid., s. 119.

108. Notwithstanding anything contained in the Crown Lands Act, 1929, the said Act shall, so far as it concerns or affects any lands within an irrigation area, be administered by the Minister of Irrigation and not by the Commissioner of Crown Lands.

Consequential amendments in Acts and instruments. 1546, 1922, s. 121.

109. In any deed, lease, agreement, licence, permit, transfer, mortgage, or other document or instrument of any kind whatsoever in force or subsisting at the commencement of this Act, which concerns or affects any transaction, matter, or thing arising out of the administration of the Crown Lands Act, 1915, or of the Crown Lands Act, 1929, in relation to an

irrigation area, and in any Act passed before such commencement, every reference to the Commissioner of Crown Lands shall, so far as it concerns or affects any such transaction, matter, or thing, be read and construed as a reference to the Minister of Irrigation.

DIVISION II.—UNDER THE DISCHARGED SOLDIERS SETTLEMENT
Act, 1917.

DIVISION II.

110. (1) Notwithstanding anything contained in the Discharged Soldiers Settlement Act, 1917 (hereinafter in this Division sometimes referred to as “the said Act”), the said Act, so far as it concerns or affects—

Discharged
Soldiers
Settlement
Acts to be
administered
by Minister
of Irrigation.
1546, 1922,
s. 128.
1650, 1924,
s. 9.

- (a) any land within an irrigation area;
- (b) any land set apart by the Governor under the provisions of section 6 of the said Act, or acquired by the Minister under the provisions of section 7 of the said Act, or over which any person has been granted a lease, agreement, or permit under or pursuant to the said Act, or with respect to which any advance has been made under the said Act, such land being irrigated or irrigable by water from the River Murray not supplied by the Commissioner of Waterworks or by the Commissioner of Water Conservation;
- (c) any training farm, store, shed, factory, or building on any such land; or
- (d) any advance under the said Act with respect to any such land,

shall be administered by the Minister of Irrigation and not by the Minister of Repatriation: Provided that the powers, duties, authorities, and functions of the Minister of Repatriation under sections 3 to 22 (both inclusive) of the Discharged Soldiers Settlement Act Further Amendment Act, 1919, shall not be exercised or discharged by the Minister of Irrigation, but shall continue to be exercised and discharged by the Minister of Repatriation.

No. 1388 of
1919.

Division II., ss. 110-113. The Discharged Soldiers Settlement Act, 1917, and the amending Acts on the same subject have been repealed and superseded by the Discharged Soldiers Settlement Act, 1934. Ss. 6 and 7 of the Discharged Soldiers Settlement Act, 1917, are reproduced respectively in ss. 12 and 15 of the Discharged Soldiers Settlement Act, 1934. Ss. 3 to 22 inclusive of the Discharged Soldiers Settlement Further Amendment Act, 1919, having expired by effluxion of time, are not reproduced in the Discharged Soldiers Settlement Act, 1934.

(2) Any land mentioned in subsection (1) hereof, and any training farm, store, shed, factory, building, or other property (real or personal) of any kind whatsoever on any such land which, at the commencement of this Act, is vested in, or is the property of, the Minister of Repatriation, whether in his personal or corporate capacity, is hereby transferred to, and shall be vested in or shall be the property of, the Minister of Irrigation.

(3) All the powers, immunities, rights, interests, titles, privileges, functions, authorities, obligations, liabilities, and duties of the Minister of Repatriation and of the body corporate constituted by the Discharged Soldiers Settlement Act, 1917, under the name of the Minister of Repatriation, arising under the said Act or any other Act passed before the commencement of this Act, or under any document or instrument of any kind in force, or subsisting at such commencement, whether arising before or after such commencement of this Act, so far as they concern or affect—

- (a) any land within an irrigation area;
- (b) any land set apart by the Governor under the provisions of section 6 of the said Act or acquired by the Minister under the provisions of section 7 of the said Act, or over which any person has been granted a lease, agreement, or permit under or pursuant to the said Act, or with respect to which any advance has been made under the said Act, such land being irrigated or irrigable by water from the River Murray not supplied by the Commissioner of Waterworks or by the Commissioner of Water Conservation;
- (c) any training farm, store, shed, factory, or building on any such land; or
- (d) any advance under the said Act with respect to any such land,

are hereby transferred to the Minister of Irrigation.

Advances to
discharged
soldiers on
irrigation
lands repay-
able to
Minister of
Irrigation.
1546, 1922,
s. 129.

111. All moneys advanced or expended by the Minister of Repatriation under the Discharged Soldiers Settlement Act, 1917, by way of an advance under that Act to any discharged soldier with respect to—

- (a) any land within an irrigation area; or
- (b) any land over which any person has been granted a lease, agreement, or permit under or pursuant to

the said Act, or with respect to which any advance has been made under the said Act, such land being irrigated by water from the River Murray not supplied by the Commissioner of Waterworks or by the Commissioner of Water Conservation,

and all interest thereon, which moneys at the commencement of this Act are due, owing, or payable, or after the commencement of this Act, would but for this Act become due, owing, or payable, to the Minister of Repatriation shall become and be due, owing and payable to the Minister of Irrigation in substitution for the Minister of Repatriation.

112. In any deed, lease, agreement, licence, permit, transfer, mortgage, or other document or instrument of any kind whatsoever in force or subsisting at the commencement of this Act, which concerns or affects any of the matters or things transferred to the Minister of Irrigation by either of the last two preceding sections every reference to the Minister of Repatriation, whether in his personal or corporate capacity, shall, so far as it concerns or affects any matter or thing transferred by any of the said sections, be read and construed as a reference to the Minister of Irrigation.

Conse-
quential
amendments
to Acts
and instru-
ments.
1546, 1922,
s. 131.

113. The annual reports required by section 17 of the Discharged Soldiers Settlement Act, 1917, and by section 19 of the Discharged Soldiers Settlement Act Amendment Act, 1918, shall, so far as regards the administration by the Minister of Irrigation of the Discharged Soldiers Settlement Act, 1917, be prepared and presented by the Minister of Irrigation and not by the Minister of Repatriation.

Annual report
to be pre-
pared by
Commission as
to lands
administered
by them.
1546, 1922,
s. 132.

PART VIII.

PART VIII.

REGULATIONS.

114. In addition to any power by any other section of this Act conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section in which regulations are referred to, or in which the word "prescribed" is used),

Regulations.
Ibid., s. 134.

s. 113. S. 17 of the Discharged Soldiers Settlement Act, 1917, is reproduced in s. 43 of the Discharged Soldiers Settlement Act, 1934, and s. 19 of the Discharged Soldiers Settlement Act Amendment Act, 1918, is reproduced in s. 30 of the Discharged Soldiers Settlement Act, 1934.

the Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Act, or for better effecting the objects of this Act, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely—

- I. regulating the duties, powers, authorities, and privileges of all persons employed in the administration of this Act:
- II. regulating the meetings and proceedings of rate-payers:
- III. regulating the supply and distribution of water upon irrigation areas:
- IV. regulating the management of irrigation areas, and all improvements thereon, and the employment, duties, and privileges of owners, lessees, and occupiers of land:
- V. regulating 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:
- VI. regulating the fencing of supplies of water by owners, lessees, and occupiers of land:
- VII. regulating the making and dealing with applications, fixing of boundaries, areas, rents, and purchase-money and the making of surveys:
- VIII. regulating 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:
- IX. regulating the making of assessments, and the declaring and recovery of rates:
- X. regulating transfers, transmissions, and forfeitures:
- XI. regulating the erection or carrying out of any buildings, sheds, or other improvements on any block, town allotment, factory site, or other land within irrigation areas:
- XII. regulating 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:
- XIII. fees to be paid and charges to be made:
- XIV. prescribing the mode in which applications for advances are to be made:

- xv. regulating the consideration and granting of applications for advances:
- xvi. prescribing what inquiries and valuations shall be made in relation to applications for advances:
- xvii. adding to or altering the list of improvements for the making of which advances may be made:
- xviii. prescribing the mode in which the value of improvements shall be determined:
- xix. prescribing the forms of mortgages and securities to be taken by the Minister, and providing for the registration of such mortgages and securities:
- xx. prescribing the records, books, and accounts to be kept by the Minister :
- xxi. providing for the receipt and payment of moneys under this Act, and the safe custody of securities:
- xxii. prescribing the fees to be paid in respect of advances:
- xxiii. rescinding or varying any by-law:
- xxiv. prescribing all other matters and things not herein expressly provided for which may be necessary or convenient for fully and effectively carrying out and giving full force and effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof:
- xxv. prescribing penalties for breaches of any such regulations, and additional penalties for a repetition or continuance of any 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.

PART IX.

PART IX.

MISCELLANEOUS.

115. (1) Subject to subsection (2) of this section, every irrigation area shall be deemed to be a district council district under the Local Government Act, 1934, and the Minister shall be deemed to be the district council under the Local Government Act, 1934, of each such district council district, and with respect to such district shall have and may exercise all

Powers of
Minister as
district
council for
irrigation
areas outside
district
council
districts.
1546, 1922,
s. 135.

s. 115. The expression "Local Government Act, 1934," has been substituted for "District Councils Act, 1929," pursuant to Acts Republication Act, 1934.

the powers, immunities, rights, interests, titles, privileges, functions, authorities, obligations, liabilities, and duties which by the said Act are conferred or imposed upon the council of a district council district.

(2) If an irrigation area or any portion thereof is, or becomes, situated within the boundaries of any district council district, then the provisions of subsection (1) hereof shall not apply, or shall cease to apply, in respect of such irrigation area or portion.

Special rates
on town
land.
1546, 1922,
s. 136.

116. (1) Notwithstanding anything contained in the Local Government Act, 1934, the Minister may, for the carrying out of any purpose within any town, cause an assessment to be made of, and declare and levy a special rate on the ratable property in any town in any irrigation area, without obtaining the consent of the ratepayers, and notwithstanding that such assessment or rate has not been declared or levied in respect of the remainder or any other portion of such irrigation area.

(2) The Minister may declare and cause to be collected a special sanitary rate within any town in any irrigation area or within any portion of any irrigation area, notwithstanding that such sanitary rate is not declared or collected in respect of the remainder or any other portion of such irrigation area.

Governor may
place certain
lands under
the care,
control, and
management
of local
bodies.
1546, 1922,
s. 136a.
1650, 1924,
s. 12.

117. (1) The Governor may, by proclamation, place under the care, control, and management of any person any land set apart by the Commission under the provisions of subsection (3) of section 19 of this Act, subsection (3) of section 41 of the Irrigation Act, 1922, or by the Minister under the provisions of subsection (3) of section 12 of the Irrigation and Reclaimed Lands Act, 1914: Provided that no proclamation pursuant to this section shall in any wise vest any such land in any such person.

(2) The Governor may, by proclamation, revoke or vary any proclamation made pursuant to subsection (1) hereof.

Treasurer may
fix rate of
interest.
1546, 1922,
s. 137.

118. (1) The Treasurer may from time to time, by notice published in the *Gazette*, fix the annual rate of interest for the purposes of this Act, and may in the same manner annul any rate so fixed.

s. 116. The expression "Local Government Act, 1934," has been substituted for "District Councils Act, 1929," pursuant to Acts Republication Act, 1934.

(2) Any such notice may provide for a rebate of such interest on condition of prompt payment of principal or of interest or on any other condition, and any provision of any mortgage or other security giving effect to any such rebate shall be valid.

(3) Any rate so fixed shall come into force on the fourteenth day after the date of the *Government Gazette* in which the same is published, and shall continue in force until the fourteenth day after the date of the *Government Gazette* in which the notice annulling the same is published.

119. All water required by the Minister for the purposes of this Act may be taken from the River Murray, or any other river or watercourse, or from any creek, stream, lagoon, or other water within any irrigation area.

Water may be taken from River Murray or other water.
1546, 1922,
s. 138.

120. Notwithstanding anything contained in this Act or in any lease or agreement, the Minister shall not be liable to any penalty or damages or to pay any compensation for not supplying water to any person if the want of such supply arises from drought, low river, influx of salt water, or the pollution of water, or from any other unavoidable cause or accident.

No damages recoverable by lessees on shortage of supply of water.
Ibid., s. 139.

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

No liability for damage through insufficiency of water, or floods.
Ibid., s. 140.

(2) Nothing in this Act shall render the Minister or the Government of the State 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 Minister warning him of the probability of such injury, and the Minister neglected within a reasonable time thereafter to make any reasonable repair of such dam, bank, watercourse, channel, drain, or sluice.

122. When in this Act any provision is made for the transfer to, or the taking in substitution by, the Minister of Irrigation of any powers, immunities, rights, interests, titles,

Provision as to powers and functions transferred.
1546, 1922,
s. 141.

PART IX.

privileges, functions, authorities, obligations, liabilities, or duties, such provision shall be construed as also providing that the matters or things so transferred or taken in substitution shall be vested in, conferred on, exercisable or enjoyable by, imposed on, or discharged by the Minister, subject to the provisions of this Act.

Power of
Director of
Lands to sign
notices.

123. Any notice which the Minister is by this Act authorised or required to give may be signed by the Director of Lands on behalf of the Minister, and a notice purporting to be so signed shall be of the same effect as if the Minister had signed the same. Judicial notice of the signature of the Director of Lands shall be taken in all courts.

PART X.

PART X.

LEGAL PROCEDURE.

Gazette to be
evidence.
1546, 1922,
s. 143.

124. The production of a copy 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 or any of the repealed Acts, 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
not invalid
for prelimin-
ary defect.
Ibid., s. 144.

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

Service of
notices.
Ibid., s. 147.

126. (1) Service of any document on the Minister may be effected by giving the same personally to the Minister, or by leaving it at the office of the Minister with some adult person employed therein.

(2) Any notices required to be given, sent, or delivered by the Minister for the purposes of this Act may be given by post.

Penalty where
none specified.
1546, 1922,
s. 147.

127. Any offence against this Act for which no punishment is specified shall be punishable by a penalty not exceeding twenty pounds.

PART X.

128. Proceedings may be taken for any offence against this Act by any person, and all such proceedings shall be heard and determined, and all moneys, costs, and expenses shall be recovered, in a summary way.

Who may lay
informa-
tions, and
hearing of
same.
1546, 1922,
s. 148.

129. Except where otherwise provided, all penalties shall, when recovered, be paid to the Treasurer.

Penalties to
be paid
to the
Treasurer.
Ibid., s. 149.

130. (1) All actions for anything done, or purporting to be done, under the authority of this Act shall be commenced within six months after the cause of action arises, and not afterwards.

Protection to
persons acting
in execution
of this
Act.
Ibid., s. 150.

(2) 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.

(3) 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.

(4) 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.

SCHEDULES.

THE FIRST SCHEDULE.

No. and Year of Act.	Title of Act.
1546 of 1922	Irrigation Act, 1922.
1650 of 1924	Irrigation Act Amendment Act, 1924.
1705 of 1925	Irrigation Act Amendment Act, 1925.
1836 of 1927	Irrigation Act Amendment Act, 1927.
1854 of 1928	Irrigation Act Amendment Act, 1928.

Section 38
(2).

THE SECOND SCHEDULE.

SOUTH [Royal Arms] AUSTRALIA.

Crown Lease (Perpetual No.....) under the Irrigation Act, 1930.

I, the Honourable....., Minister of Irrigation of the State of South Australia, [or the Honourable..... [here set out title of office] of the State of South Australia, being the Minister of the Crown to whom the administration of the Irrigation Act, 1930, is committed by His Excellency the Governor of the said State in Executive Council] (hereinafter called "the Minister"), 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.....No....., in the.....Irrigation Area, in the Hundred of....., County of....., as the same is delineated in the plan of the said irrigation area deposited in the Lands and Survey Office, 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....., 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, 1929.

Reservations.

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

2. There is reserved to the Minister of Irrigation (hereinafter called "the Minister") the right at all times by himself or by his 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, drainage, and sanitary works, and to conserve water for the public use where required, and to exercise all powers conferred upon him 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 Minister in exercise of the powers conferred by the said Act or by any Act amending or extending the same, and will also pay all amounts due or which may hereafter become due on account of loans granted under the Vermin Act, 1914, or any Act amending or extending the same:

III. Pay for all water supplied to him by the Minister at the rates or charges declared or determined by the Minister:

IV. Enclose the land with cattle-proof fence or wall before the end of the first year of the lease, and during the remainder of the term hereby granted maintain and uphold such fence or wall in good and substantial repair:

V. During the first two years of the lease, plant or bring under cultivation, to the satisfaction of the Minister, 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. Personally reside on the land for nine months at least in every year:

VII. Keep in good repair all Crown improvements (if any) on the land and all improvements made by the Minister and all buildings, orchards, vineyards, gardens, fences, walls, and other improvements thereon, and keep all fruit and other trees and plants thereon free as far as possible from insects, pests, and diseases:

VIII. Commence forthwith to destroy, and during the lease keep the land and the adjoining half width of all Government roads adjacent thereto free from all vermin and noxious weeds to the satisfaction of the Minister, and fill up all burrows on the land and said half width of road:

IX. Insure and keep insured in the full insurable value thereof, all buildings, the property of the Crown upon the land, in the joint names of the Minister and the lessee, in some insurance office to be approved by the Minister, and forthwith lodge the policy of every such insurance in the office of the Minister, and forward to the Minister the receipts for the premiums payable in respect of such policy within seven days after the same shall become due. The Minister may insure on default by the lessee and recover all amounts paid for such insurance in like manner as the rent is recoverable:

x. Permit the Crown, the Minister, and the owner of any mining claim situated on the land or the holder of any mining lease of the whole or any portion of the land under any law for the time being relating to mining by itself, himself, or themselves, or its, his, or their officers or agents full and free liberty of access, ingress, egress, and regress into, upon, and from the land:

And the lessee must not—

- I. Transfer, sublet, encumber, or mortgage without the written consent of the Minister first had in each case, and no transfer except by executors or administrators to devisees will be permitted within five years from the date of this lease unless the Minister shall be satisfied that refusal would inflict great hardship on the lessee;
- II. Erect any brush fence or suffer or permit the same to be erected or to remain on the land.

Conditions.

4. The lease shall be liable to forfeiture in the following cases and no others:—

i. If default be made in payment of any rent in arrear for six months after the same falls due, the lessee having had at least three months' previous notice in writing requiring its payment; or if

ii. Default be made in the performance of any covenant either express or implied; or if

III. The land shall be transferred, sublet, or mortgaged without the written consent of the Minister first had in such cases; or if

iv. The lessee does not reside on the land nine months in each year; or if

v. The lessee shall refuse to permit the Minister by himself or by his officers or agents to enter upon the land hereby leased to construct, alter, divert, cleanse, repair, or inspect any water channel, drain, embankment, or other reclamation, irrigation, drainage, or sanitary works, or to conserve water for public use or otherwise to exercise any power conferred upon them by the said Act.

5. The land or any portion thereof may be resumed by the Crown for mining purposes or for roads, railways, tramways, or for sites for towns or for park lands or any other public work or purpose on giving three calendar months' notice to the lessee, full compensation being made to the lessee for loss, except where the land shall be resumed for the construction, alteration, or diversion of water channels, drains, embankments, or other reclamation, irrigation, drainage, or sanitary works, or for the conservation of water for the public use, in which cases no compensation whatever shall be made to the lessee.

6. Nothing in this lease shall render the Minister 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.

In witness whereof the hands and seals of the Minister and the lessee are hereunto set the.....day of....., 19....

Signed, sealed, and delivered by the
Minister of Irrigation [or as the case may
be] in the presence of..... } Minister of Irrigation [or as the case
may be].

Signed, sealed, and delivered by the }
above-named lessee in the presence of { }

THE THIRD SCHEDULE.

CROWN LEASE.—SOUTH AUSTRALIA.

(Perpetual No.....)

Under the Irrigation Act, 1930.

I, the Honourable....., Minister of Irrigation of the State of South Australia [*or the Hon.....here set out title of office*] of the State of South Australia, being the Minister of the Crown to whom the administration of the Irrigation Act, 1930, is committed by His

Section 38.
(3)

Excellency the Governor of the said State in Executive Council] (hereinafter called "the Minister"), in exercise of the powers conferred upon me by the abovementioned Act (hereinafter called "the said Act"), do hereby lease to his executors, administrators, and assigns (all of whom are hereinafter included in the term "lessee"), all that land containing.....or thereabouts, and being town allotment No..... in the township of....., in the Irrigation Area in the hundred of county of.....as the same is delineated in the plan of the said irrigation area deposited in the Lands and Survey Office in the City of Adelaide to be held in perpetuity [*where allotment is set apart for particular purpose* for the purpose of.....] at the annual rental of £....., the whole of such annual rental to be paid in advance on the.....day of.....in each year, and at a further rent of Five Pounds per centum per annum of any rent in arrear subject to the reservations, covenants, and conditions stated below.

Reservations.

1. There are reserved to His Majesty the King, his heirs and successors, and all persons lawfully claiming under or authorised by him or them all gold, silver, copper, tin, and other metals, all ores and other substances containing metals, all minerals, and all gems and precious stones, coal, and mineral oil, with incidental powers of search and mining. And the Minister and all persons lawfully claiming under or authorised by him, shall have full and free liberty of access, ingress, egress, and regress, with or without horses, cattle, carts, drays, carriages, engines, and all other necessary implements and things, into, upon, and from the said premises for all reasonable purposes, and to cut, dig, sink, try, search, work, remove, and dispose of all or any of the said excepted and reserved things, full compensation being made to the lessee for any loss or damage sustained by him.
2. There is reserved to the Minister of Irrigation (hereinafter called "the Minister") the right at all times, by himself or by his 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, drainage, and sanitary works, and to conserve water for the public use where required, and to exercise all powers conferred upon him by the said Act without any payment to the lessee by way of compensation.

Covenants.

3. The lessee hereby covenants with the Minister as follows:—

- i. The lessee shall pay the rent at the times and in manner aforesaid:

- ii. The lessee shall 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 Minister in exercise of the powers conferred by the said Act, and will also pay all amounts due or which may hereafter become due on account of loans granted under the Vermin Act, 1914:

- iii. The lessee shall pay for all water supplied to him by the Minister at the rates or charges declared or determined by the Minister:

- iv. (1) The lessee shall, within a period of eighteen months from the date hereof, or within such longer period as is allowed by the Minister or an authorised person in writing, carry out on the land permanent improvements of a value of not less than £..... [*where the land consists of not less than three allotments all of which have been set apart by the Minister for business or manufacturing purposes, add: Provided that such improvements shall be carried out on not less than two of the said allotments*]: Provided that any permanent improvements on the land paid for by the lessee shall, for the purposes of this covenant, be deemed to have been carried out by the lessee:

- (2) Such improvements shall be carried out according to such designs and specifications, and in such a position on the land, as is approved in writing by the Minister or by an authorised person. One copy of such designs and specifications and of a plan showing the position in which any improvement is proposed to be carried out on the land shall be lodged with the Minister or an authorised person, and the Minister or such authorised person's approval shall be obtained thereto before the lessee commences to carry out such improvements:

- (3) The lessee shall not at any time erect any building, shed, or other permanent improvement on the land without first obtaining the approval in writing of the Minister or of an authorised person thereto:

- v. The lessee shall, within twelve months from the date hereof, enclose the land with a good and substantial fence, to the designs and specifications previously approved in writing by the Minister or an authorised person, and the lessee shall, during the remainder of the said term, maintain and uphold such fence in good and substantial repair to the satisfaction of the Minister or an authorised person. The lessee shall not erect a brush fence on the land or suffer or permit the same to be erected or remain on the land:
- vi. The lessee shall, at his own cost, during the said term keep and maintain in good and tenantable repair and condition to the satisfaction of the Minister or an authorised person all permanent improvements on the land, by whomsoever made, and all buildings, orchards, vineyards, gardens, fences, walls, and other improvements thereon, and shall keep all fruit trees and other plants thereon free, as far as possible, from insects, pests, and diseases:
- vii. The lessee shall forthwith commence to destroy all rabbits on the land and on the half width of all Government roads adjacent thereto, and to fill up all burrows on the land and on the said half width of road to the satisfaction of the Minister or an authorised person, and will forthwith commence to destroy all such other vermin on the land and on the said half width of road as are, by or under the Vermin Act, 1914, or any other Act, declared to be vermin, and shall, during the said term, keep the land and the said half width of road free of all vermin to the satisfaction of the Minister or an authorised person, and shall destroy Bathurst burr and all other noxious weeds growing upon the land and upon the said half width of road:
- viii. The lessee shall insure and keep insured in the full insurable value thereof all buildings, the property of the Crown, upon the land in the joint names of the Minister and the lessee in some insurance office to be approved by the Minister, and forthwith lodge the policy of every such insurance in the office of the Minister and forward to the Minister the receipts for the premiums payable in respect of such policy within seven days after the same become due. The Minister may insure on default by the lessee and recover all amounts paid for such insurance in like manner as the rent hereby reserved is recoverable:
- ix. The lessee shall permit the Crown, the Minister, and the owner of any mining claim situated on the land, or the holder of any mining lease of the whole or any portion of the land, under any law for the time being relating to mining, by itself, himself, or themselves, or its, his, or their officers or agents full and free liberty of access, ingress, egress, and regress into, upon, and from the land:
- x. The lessee shall not transfer, assign, sublet, encumber, or mortgage his interest in the land or any part thereof, without first obtaining the consent in writing of the Minister in each case, and such consent may be given upon and subject to such terms and conditions as the Minister determines. The Minister will not consent to any such transaction—
- (a) within a period of six years from the date hereof except in the case of death, or where he is satisfied that to refuse his consent would inflict great hardship on the lessee; or
- (b) in the case of a transfer of portion only of the land, unless the lessee and proposed transferee both agree with the Minister to carry out, if not already carried out, on the portions of the land held or to be held by them respectively, permanent improvements in respect of each allotment comprised in the said portions equal in value to ten times the annual rent payable in respect of each such allotment or £....., whichever is the greater sum.
- xi. *[If any of the allotments must not be used for the purpose of any particular business or manufacture].* The lessee shall not use the said land or any part thereof for.....
4. The Minister hereby covenants with the lessee that the lessee paying the rent hereby reserved, and observing and performing the several covenants and stipulations on his part contained, shall, subject to the provisions of this lease, peaceably hold and enjoy the land during the said term without any interruption by the Minister or any person rightfully claiming under or in trust for him.

Conditions.

Provided always and it is expressly agreed as follows:—

5. This lease shall be liable to forfeiture by the Minister in the following cases:—

- I. If default is made in payment of any rent for six months after the same falls due the lessee having had at least three months' previous notice in writing requiring its payment; or
- II. If the land is used for any purpose other than that for which it is hereby leased [or, *if necessary*, for the purpose of.....]; or
- III. If the lessee without first obtaining the written consent of the Minister acquires, whether on freehold or leasehold tenure, more than..... allotments in the said township; or
- IV. If default is made in the performance of any covenant on the part of the lessee, either express or implied; or
- V. If the land, or any part thereof, is transferred, assigned, sublet, encumbered, or mortgaged without the written consent of the Minister being first obtained in each case; or
- VI. If the lessee refuses to permit the Minister by himself, or by his officers, or agents to enter upon the land hereby leased, to construct, alter, divert, cleanse, repair, or inspect any water channel, drain, embankment, or other reclamation, irrigation, drainage, or sanitary works, or to conserve water for public use, or otherwise to exercise any power conferred upon them by the said Act.

In the event of this lease becoming liable to forfeiture by the Minister as hereinbefore provided His Majesty or the Minister, after three months' written notice, may re-enter and take possession of the land; and it shall be lawful for the Minister, before or after re-entry, to cancel and determine this lease and the Minister may thereupon insert a notice in the *Government Gazette* declaring this lease to be forfeited and such notice appearing in the *Government Gazette* as having been published by the authority of the Minister shall, in all courts and elsewhere, and under all circumstances, be taken to be conclusive evidence that such lease has been legally cancelled and forfeited: Provided, however, that the Minister shall not (except in the case of rent being in arrear as aforesaid, or of the transfer, assignment, mortgage, encumbrance, or subletting of the land, or of any part thereof, without such consent as aforesaid) exercise the powers expressed in this clause in the case of default in the performance of a covenant before the expiration of the period of three months after notice has been given to the lessee of such default and requiring the performance of the covenant: Provided, nevertheless, that if notice has been given to the lessee of any default in the performance of a covenant no notice of any future default in the performance of the same covenant, or of the continuance of the same default, shall be necessary before the exercise of such powers.

6. Any notice to be served upon or given to the lessee under this lease shall be sufficiently served or given if the same be sent through the post office enclosed in an envelope addressed to the lessee at any address stated in any recent application, letter, or document received from him, or at his usual or last known place of abode in the said State, or to the care of any solicitor, attorney, or agent acting in the lessee's behalf in the particular matter in respect whereof such notice is given, and such notice shall be deemed to have been served or given, and time shall run from the day of the posting thereof as aforesaid.

7. The land, or any portion thereof, may at any time, and from time to time, be resumed by or on behalf of the Crown or the Minister, for mining purposes or for roads, railways, tramways, or for any public work or purpose on giving three calendar months' notice to the lessee, full compensation being made to the lessee for loss, except where the land is resumed for the construction, alteration, or diversion of water channels, drains, embankments, or other reclamation, irrigation, drainage, or sanitary works, or for the conservation of water for the public use, in which case no compensation whatever will be made to the lessee.

8. Nothing in this lease shall render the Minister, 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 floodwaters or the overflowing of any river.

9. In this lease "authorised person" means a person authorised in writing by the Minister for the purposes of the said Act or of leases under the said Act in general, or of this lease in particular.

10. Wherever in this lease reference is made to any Act of Parliament such reference shall be deemed to include a reference to all Acts amending such Act and to all Acts amending such amending Acts or any of them, and to any Act substituted for such Act or for any such amending Act or Acts.

11. Except in so far as inconsistent with the provisions of this lease, all the provisions of the Crown Lands Act, 1929, and of the Irrigation Act, 1930, shall apply to and in respect of the said land and this lease.

In witness whereof the hands and seals of the Minister and the lessee are hereunto set the.....day of....., one thousand nine hundred and

Signed, sealed, and delivered by the }
said Minister of Irrigation in the }
presence of } Minister of Irrigation.

Signed, sealed, and delivered by the }
above-mentioned lessee in the presence }
of }

Regulations.

The following regulations were in force under this Act on 26th April, 1937:—

GENERAL REGULATIONS—

Gazette—20th June, 1928, p. 1642.

3rd July, 1930, p. 2.

JUDGMENTS, RECIPROCAL ENFORCEMENT OF

see Administration of Justice.

JUDICIAL SEPARATION

see Matrimonial Causes.

JUDICIARY

see Constitution : Supreme Court.