

LOANS FOR FENCING AND WATER PIPING ACT, 1930-1936.

BEING

LOANS FOR FENCING AND WATER PIPING ACT, 1930, No. 1988 OF 1930
[ASSENTED TO 20TH NOVEMBER, 1930.]

AS AMENDED BY

VERMIN ACT AMENDMENT ACT, 1935, No. 2254 OF 1935
[ASSENTED TO 21ST DECEMBER, 1935.]

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

AND

VERMIN ACT AMENDMENT ACT, 1936, No. 2317 OF 1936
[ASSENTED TO 26TH NOVEMBER, 1936.]

**An Act to consolidate certain Acts empowering the State
Bank of South Australia to make loans for fencing
and water piping.**

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

Short title.

1. This Act may be cited as the "Loans for Fencing and Water Piping Act, 1930-1936."

Acts con-
solidated
and repealed.

2. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed to the extent therein mentioned.

Interpretation.

1403, 1919,
s. 3.
1703, 1925,
s. 69.

3. In this Act—

"bank" means the State Bank of South Australia established by the State Bank Act, 1925:

"district council" or "council" means a district council continued by or established under the Local Government Act, 1934:

"fencing material" means fencing material other than wire netting:

s. 3. The expression "District Councils Act, 1929," altered to "Local Government Act, 1934," pursuant to the Acts Republication Act, 1934.

“fixed rate” means the annual rate of interest fixed under section 31 of the Loans for Fencing Act, 1919, or under section 31 of this Act, which is in force at the time when the loan or advance in question is made:

“occupier” includes the owner or tenant of any freehold land, and any person holding land from the Crown under a pastoral lease or agreement to purchase, or as scrub lessee, forest lessee, or miscellaneous lessee, or holding land from the Crown on lease with a right of purchase or on perpetual lease, or holding a perpetual lease of lands granted or dedicated by way of endowment for education:

“petitioner” means any occupier signing a petition under section 6.

4. (1) A council may borrow money from the bank for the purpose of purchasing fencing material or water piping and supplying the same to occupiers of land within the district of the council.

Power of bank to make loans for fencing materials or water piping.
1403, 1919,
s. 4,
1703, 1925,
s. 69.
1922, 1929,
s. 3.

(2) The bank may, on the application of a council, grant a loan to the council for any such purpose.

(3) All such loans shall be made out of any moneys voted by Parliament for the purposes of this section.

5. No council shall apply for a loan until after the receipt by the council of a petition under section 6.

Application to be preceded by a petition.
1403, 1919,
s. 5.

6. (1) Every petition for the supply of fencing material to a council by the occupiers of land within its district to obtain a loan under section 4 shall—

Requisites of petitions.
Ibid., s. 6,
1630, 1924,
s. 2,
1703, 1925,
s. 69.
1922, 1929,
s. 4.

(a) be signed by each of the occupiers making the petition;

(b) describe shortly the land occupied by each petitioner, and state the acreage thereof;

(b1) state whether the land of each petitioner is charged with any registered mortgage and state the amount of any such mortgage and the name and address of the mortgagee;

Inserted by 2317, 1936,
s. 13 (a).

(c) give an estimate of the probable cost of the whole of the fencing material required by the petitioners,

and ask that the council will apply to the bank for a loan of the amount of the estimate;

- (d) give an estimate of the fencing material required by each petitioner and the probable cost thereof, and an estimate of the extent of fencing to be erected by each occupier;
- (e) state that each petitioner signing the petition undertakes to pay to the council in each year one-twentieth part of the value of all fencing material obtained by the council by means of the loan proposed to be obtained and furnished, or offered to be furnished, to him by the council, together with interest at the fixed rate on the balance for the time being remaining unpaid, and also undertakes to pay annually to the council, for the purpose of defraying the expenses of administration in connection with the loan, an additional sum calculated at the rate of ten shillings per centum per annum upon the amount, including interest, for the time being due by him in respect of the value of the said fencing material, or if any such sum so calculated amounts to less than two shillings, then the sum of two shillings; and
- (f) contain an undertaking by each petitioner to erect on his land all fencing material furnished to him to the satisfaction of, and within the time required by, the council.

(2) Every petition for the supply of water piping to a council by the occupiers of land within its district to obtain a loan under section 4 shall—

- (a) be signed by each of the occupiers making the petition;
- (b) describe shortly the land occupied by each petitioner, and state the acreage thereof;
- (b1) state whether the land of each petitioner is charged with any registered mortgage and state the amount of any such mortgage and the name and address of the mortgagee;
- (c) give an estimate of the probable cost of the whole of the water piping required by the petitioners, and ask that the council will apply to the bank for a loan of the amount of the estimate;

(d) give an estimate and particulars of the water piping required by each petitioner and the probable cost thereof, and an estimate of the extent of water piping to be laid down by each occupier;

(e) state that each petitioner signing the petition undertakes to pay to the council in every year, one fifteenth part of the value of all water piping obtained by the council by means of the loan proposed to be obtained and furnished, or offered to be furnished to him by the council, together with interest at the fixed rate on the balance for the time being remaining unpaid, and also undertakes to pay annually to the council, for the purposes of defraying the expenses of administration in connection with the loan, an additional sum calculated at the rate of ten shillings per centum per annum upon the amount, including interest, for the time being due by him in respect of the value of the said water piping, or if any such sum so calculated amounts to less than two shillings, then the sum of two shillings; and

(f) contain an undertaking by each petitioner to lay down in or upon his land or in or upon any road all water piping furnished to him to the satisfaction of, and within the time required by, the council.

Amended by
2254, 1935,
s. 20.

(3) A petition may be signed by one occupier only, in which case the requirements of this Act shall be complied with as nearly as possible by that occupier, and the signature of the petitioner, instead of being verified as provided in section 7, shall be verified by a justice.

7. (1) Every signature to a petition shall be verified by the solemn declaration of some person signing the petition, and every such declaration shall be in the form in the second schedule, or in a form to the like effect.

Verification of
signatures to
petition.
1403, 1919,
s. 7.

(2) Any person making any false statement in any such declaration shall be deemed to be guilty of wilful and corrupt perjury.

8. No petition shall be received by a council unless accompanied by a declaration as required by section 7.

Declaration to
accompany
petition.
Ibid., s. 8.

9. Every petition shall be left with the clerk of the council, and shall thereupon be deemed to be duly presented.

Presentation
of petition
to council.
Ibid., s. 9.

Duty of council to transmit petition to the bank.

1403, 1919,
s. 10,
1703, 1925,
s. 69.

10. (1) The council shall consider any petition so presented, and shall, if the council determines to apply for a loan in accordance therewith, transmit the petition to the bank, together with any information the council desires to convey, or which the bank may require, in reference thereto.

Inserted by
2254, 1935,
s. 21, and
amended by
2317, 1936,
s. 14.

(1A) Before considering any such petition with respect to any land the council shall give notice in writing to the mortgagee under any registered mortgage of the land, and shall consider any representations made by such mortgagee within one month after the giving of the notice to the mortgagee. If the consent in writing of any such mortgagee to the granting of the loan is forwarded to the council, the council need not give notice to that mortgagee as provided by this subsection.

(2) The council shall transmit with the petition an application for a loan on the terms prayed in the petition, or on such other terms as the council thinks fit.

(3) The application shall contain an undertaking to repay the loan in accordance with the provisions of this Act.

(4) The application may be in the form in the third schedule.

Power of bank to grant loan.
1403, 1919,
s. 11,
1703, 1925,
s. 69.

11. The bank may, subject to such terms and conditions as the bank thinks fit, make an order granting the whole or any part of the loan applied for.

Power of bank to grant loans on behalf of council, if council unreasonably fails to apply for loan.
1403, 1919,
s. 12,
1703, 1925,
s. 69,
1922, 1929,
s. 5.

12. (1) If a council having received a petition under section 6, does not apply under section 10 for a loan, the council shall transmit the petition to the bank, together with any information the council desires to convey, or which the bank may require, in reference thereto, and also with a statement of the reasons why the loan is not applied for.

(2) If upon considering the petition, information, and statement, the bank is not satisfied that sufficient reasons exist for not applying for the loan, the bank may give notice to the council that the bank proposes to make advances to the petitioners on account of the council unless, within a time specified by the notice, the council applies for the loan.

(3) If the council does not within the time so specified apply for the loan the bank may, subject to such terms and conditions as the bank thinks fit, make an order granting the advances to the petitioners, or any of them, of the whole or any part of the amount of the estimate given in the petition, and advances shall be made accordingly. The order

shall specify the amount of the several advances made to the petitioners respectively, and shall require each petitioner to use the fencing material or water piping purchased or obtained by the petitioner by means of the advance in fencing on or, as the case may be, laying down water piping in or upon the land in respect of which the advance is made, and shall shortly describe the said land. Notice of the order shall be given by the bank to the petitioners.

(4) The said advances shall be deemed to be made by the bank on account of the council, and all the provisions of this Act shall apply, *mutatis mutandis*, as if—

- (a) the order granting the advances were an order under section 11 granting a loan applied for by the council, and a notice given by the council to a petitioner under section 14;
- (b) the total amount of the advances were a loan granted to the council under section 11, and were the value of fencing material or water piping obtained by the council by means of the loan;
- (c) the amounts of the several advances were respectively the values of fencing material or water piping furnished by the council under section 14 to the persons to whom the advances are made by the bank; and
- (d) the fencing material or water piping purchased or obtained by an occupier by means of the advances was fencing material or water piping furnished to him under section 14.

13. A council receiving a loan shall keep a separate account-book in respect thereof, and full particulars shall be recorded therein of—

Duty to keep
particulars
of loan.

1403, 1919,
s. 13.
1922, 1929,
s. 6.

- (a) the loan and the mode of repayment thereof;
- (b) all the moneys collected and received in respect of the loan;
- (c) the mode of application of the said moneys;
- (d) all occupiers to whom fencing material or water piping has been furnished or offered to be furnished;
- (e) the amounts payable by each such occupier; and

- (f) the land in respect of which the fencing material or water piping has been furnished.

Loans to be
used for
purchase of
materials for
wire fencing,
etc.
1403, 1919,
s. 14,
1703, 1925,
s. 69,
1922, 1929,
s. 7.

14. (1) The council shall—

- (a) expend the whole amount, or the whole of every instalment, of any loan, or such part thereof as is necessary, in purchasing and obtaining fencing material or, as the case may be, water piping;
- (b) furnish or offer to furnish the fencing material or water piping to the petitioners proportionately to the requirements of the petitioners respectively; and
- (c) repay to the bank any loan moneys not so expended.

(2) When furnishing or offering to furnish any such fencing material or water piping to any petitioner, the council shall give notice in writing to the petitioner, specifying the value thereof, and requiring him, within a time to be specified in the notice, to erect the said fencing material on or, as the case may be, lay down the said water piping in or upon the land in respect of which it is furnished or offered to be furnished, shortly describing the land.

Additional
powers of
council where
netting or
piping is
refused.
1403, 1919,
s. 15,
1703, 1925,
s. 69,
1922, 1929,
s. 8.

15. The following provisions shall apply if a petitioner refuses to accept fencing material or water piping furnished or offered to be furnished to him by the council:—

- i. The council may, without prejudice to any rights or remedies available to the council under this Act against the petitioner so refusing, offer the fencing material or water piping or any part thereof to any other occupier of land within the district of the council:
- ii. If the said other occupier accepts the offer, the said fencing material or water piping or any part thereof may, with the consent in writing of the bank, be furnished to that other occupier. In such case the occupier to whom any such fencing material or water piping is so furnished shall be deemed to be a petitioner, and all the provisions of this Act shall apply to him and to the land in respect of which the fencing material or water piping is so furnished as if he were a petitioner:
- iii. If the council subsequently furnishes any such fencing material or water piping or any part thereof to any other occupier or occupiers as hereinbefore provided, all the liability of the petitioner

in respect of the fencing material or water piping or part shall cease and determine, but the petitioner so refusing shall nevertheless be guilty of an offence against this Act, and shall be liable to a penalty not exceeding twenty pounds.

16. When an occupier does not, within the time specified in any notice given pursuant to section 14, duly use the fencing material or water piping furnished or, in the case of a petitioner, offered to be furnished, in fencing on or, as the case may be, laying down water piping in or upon the land in respect of which the same was furnished or offered to be furnished, to the satisfaction of the council, then the council shall undertake and carry out the said fencing or laying down water piping at the expense of the said occupier, and may recover the expense of so doing at any time in a summary way or by action in any court of competent jurisdiction from the occupier for the time being of the land in respect of which the fencing material or water piping was furnished or offered to be furnished, or of any part of the said land.

Power of council to erect fence or lay down piping on default.
1403, 1919,
s. 16,
1922, 1929,
s. 9.

17. (1) The value, as specified in the notice given pursuant to section 14, of all fencing material furnished, to an occupier, or, if the occupier is a petitioner, offered to be furnished by the council to that occupier, shall be repaid to the council in twenty yearly instalments with interest at the fixed rate on the balance thereof for the time being remaining unpaid, together with the additional sum mentioned in section 6. Every such yearly instalment shall be due and payable by the occupier for the time being of the land in respect of which the fencing material was furnished or offered to be furnished, on the first day of February in every year, the first of the said instalments to be due and payable on the first day of February next after the date of the order granting the loan to the council.

Repayment of advance by petitioners.
1403, 1919,
s. 17,
1922, 1929,
s. 10.

(2) The value as specified in the notice given pursuant to section 14, of all water piping furnished to an occupier, or, if the occupier is a petitioner, offered to be furnished by the council to that occupier, shall be repaid to the council in fifteen yearly instalments with interest at the fixed rate on the balance thereof for the time being unpaid, together with the additional sum mentioned in section 6. Every such yearly instalment shall be due and payable by the occupier for the time being of the land in respect of which the water piping was furnished or offered to be furnished, on the first day of February in every year, the first of the said instalments to

be due and payable on the first day of February next after the making of the order granting the loan to the council.

Amended by
2317, 1936,
s. 15.

(3) That part of every such yearly instalment which represents principal shall bear interest at a rate being one pound per centum per annum in excess of the fixed rate from the date whereon the same is payable until actual payment, and the said interest shall be added to and form part of the yearly instalment.

(4) The said yearly instalments as they become due and payable, with interest as aforesaid, together with the additional sum mentioned in section 6, may be recovered at any time by the council as a debt due to the council from the occupier for the time being of the land in respect of which the fencing material or water piping is furnished or offered to be furnished, in a summary way or by action in any court of competent jurisdiction.

Loans to be
first charge
on land.
1403, 1919,
s. 18.
1922, 1929,
s. 11.

18. (1) The yearly instalments payable in respect of the value of fencing material or water piping furnished or offered to be furnished to an occupier, as they become due and payable, with interest as aforesaid, together with the additional sum mentioned in section 6, and the expense (if any) mentioned in section 16 shall be, and until paid shall remain, a first charge on the land of the occupier.

(2) Any mortgagee or encumbrancee of any such land, upon default being made by the occupier in the payment of any of the said instalments, interest, additional sum, or expense, may pay the same to the council, and any such payment when so made shall be deemed to be added to and to form part of the principal sum secured by the mortgage or encumbrance of the mortgagee or encumbrancee, and shall be subject to the provisions, powers, and trusts thereof.

Undertaking
in petition to
be deemed a
specialty
contract.
1403, 1919,
s. 19.
1922, 1923,
s. 12.

Amended by
2254, 1935,
s. 22.

19. The undertaking referred to in paragraph (f) of subsection (1) or of subsection (2) of section 6 shall, as between each person who signed the petition under that section, or the occupier for the time being of the land in respect of which the fencing material or water piping is furnished or offered to be furnished, and the council, be deemed to be, and may be enforced as, a specialty contract.

Repayment of
loan.
1403, 1919,
s. 20.
1703, 1925,
s. 69.
1922, 1929,
s. 13.

20. (1) The council shall repay the amount of the loan granted to it under section 11 when granted in respect of fencing material in twenty equal annual instalments and when granted in respect of water piping in fifteen equal annual instalments, together with simple interest at the fixed rate on the balance for the time being unpaid.

(2) The said repayments shall be made out of the yearly instalments received from the occupiers as aforesaid, or out of the revenue of the council.

(3) The council shall take all proper steps to recover all moneys due from any occupier.

(4) All such moneys received by the council shall, within fourteen days, be paid to the bank.

21. (1) When a council fails—

(a) to pay to the bank, as directed by subsection (4) of section 20, any moneys received by the council; or

(b) to fully repay to the bank, before the first day of May in every year, either by means of moneys received from occupiers or out of the revenue of the council, one-twentieth part, or, as the case may require, one fifteenth part of any loan granted to it as aforesaid, together with the interest on the unpaid balance of the loan up to that date,

Procedure
on default
by council.
1408, 1919,
s. 21.
1708, 1925,
s. 69.
1922, 1929,
s. 14.

the bank shall make and sign a certificate to that effect.

(2) Any such certificate shall be *prima facie* evidence that the sums therein mentioned are due and unpaid, and the said sums or any part thereof remaining unpaid may be deducted and paid to the bank by the Commissioner of Crown Lands from any subsidy granted to the council, and that part of any sum remaining unpaid which represents principal shall until paid or deducted bear interest at a rate being one pound per centum per annum in excess of the fixed rate: Provided that the bank may remit the whole or any portion of any such interest which is in excess of interest at the fixed rate, whether payable before or after the passing of the Vermin Act Amendment Act, 1935.

Amended by
2317, 1936,
s. 16.

Proviso
inserted by
2254, 1935,
s. 23.

(3) Upon the making and signing of any certificate as mentioned in subsection (1) hereof the bank may apply on summons to a Judge for the appointment of a person or persons (not exceeding three) to be a receiver or receivers to collect all yearly payments due to the council in respect of fencing material or water piping supplied or offered to be supplied by the council or fencing erected or water piping laid down by the council and the Judge shall thereupon appoint the said person or persons as receiver or receivers as aforesaid.

(4) Every such receiver or receivers shall act under the directions of, and may be removed by, a Judge.

(5) Every such receiver may exercise all the powers of the council for the purpose of collecting such payments.

Inserted by
2317, 1936,
s. 17.

(6) If the whole or any portion of any interest is remitted by the bank as provided by subsection (2), the council shall (whether the interest is remitted by the bank before or after the passing of the Vermin Act Amendment Act, 1936) remit to the amount so remitted by the bank, the whole or a corresponding portion of any interest payable pursuant to subsection (3) of section 17 by the occupier by whom the loan is repayable to the council.

Receiver's
commission.
1403, 1919,
s. 22.

22. Every receiver appointed under section 21 shall receive such remuneration for his services as a Judge directs.

Application of
moneys
recovered by
receivers.
Ibid., s. 23.

23. Every such receiver shall apply all moneys received by him in payment of all proper costs and expenses, including his remuneration, and in payment and discharge of the whole amount due under section 17 in respect of any loan made under this Act in connection with which he has been appointed receiver, and the surplus (if any) shall be paid to the council in default.

Right of
receiver to
have access to
books, &c., of
the council.
Ibid., s. 24.

24. Every such receiver shall have access to all books and documents under the control of the council, and may make extracts therefrom at all reasonable times without fee.

Powers of
recovery.
Ibid., s. 25.
1922, 1929,
s. 15.

25. For the more effectual recovery of moneys due to a council for fencing material and fencing, or for water piping and laying down the same, the council, in addition to any powers conferred by this Act, shall also have the like powers of enforcement and recovery as are conferred on councils with regard to unpaid rates under the Local Government Act, 1934.

Additional
power to make
by-laws.
1403, 1919,
s. 26.
1922, 1929,
s. 16.

26. The council may make by-laws pursuant to the provisions of the Local Government Act, 1934, for—

- (a) ascertaining the liability of petitioners, and of occupiers of land, to whom fencing material or water piping has been furnished under section 14;
- (b) facilitating and regulating the collection and recovery of moneys due and payable to the council pursuant to this Act; and
- (c) generally carrying out the provisions of this Act.

s. 25. The expression "District Councils Act, 1929," altered to "Local Government Act, 1934," pursuant to the Acts Republication Act, 1934.

s. 26. The expression "District Councils Act, 1929," altered to "Local Government Act, 1934," pursuant to the Acts Republication Act, 1934.

27. The power of obtaining loans conferred by this Act on a council shall be in addition to any power to borrow conferred on the council by the Local Government Act, 1934, and the Vermin Act, 1931.

Power to obtain loans to be in addition to power to borrow under Local Government Act and Vermin Act.
1403, 1929,
s. 27.

28. All loans granted to a council under this Act shall be expended by the council to the satisfaction of the bank.

Loans to be expended to satisfaction of bank.
Ibid., s. 28.
1703, 1925,
s. 69.

29. Where any money is due and payable to the council in respect of fencing material used, or fencing erected, upon any land, or in respect of any water piping used or laid down in or upon any land the council may, with the consent of the bank, enter upon the land and remove the said fencing, or any fencing material or, as the case may require, the said water piping or any water piping on the land, and again use or dispose of the same as provided by this Act.

Power of council to resume materials on default.
1403, 1919,
s. 29.
1703, 1925,
s. 69.
1922, 1929,
s. 17.

30. (1) In enclosing two or more adjoining properties with one continuous fence, the fence, with the approval in writing of the council, may be erected across a district road.

Power to fence across district roads.
1403, 1919,
s. 30.

(2) A swing gate, at least twelve feet wide, shall be erected wherever any such fence crosses such road.

(3) The council may, by notice published in the *Gazette*, give notice of the intention of the council to remove any fence erected across a district road, and any such fence may be removed by the council at any time after the expiration of six months from the publication of notice as aforesaid in respect thereof.

31. (1) The bank may, from time to time, by notice published in the *Gazette*, fix the annual rate of interest to be paid on loans and advances made by the bank under this Act, and may, in like manner, annul any rate so fixed.

Power of bank to fix the rate of interest on loans.
Ibid., s. 31.
1703, 1925,
s. 69.

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

s. 27. The expression "District Councils Act, 1929," altered to "Local Government Act, 1934," and the expression "Vermin Act, 1914," altered to "Vermin Act, 1931," pursuant to the Acts Republication Act, 1934.

Regulations,
1403, 1919,
s. 32,
1922, 1929,
s. 13.

32. The Governor may make regulations prescribing the kind of fences to be erected in pursuance of this Act, prescribing the kinds of water piping to be laid down in pursuance of this Act, and the manner and conditions of laying down the same, and generally for carrying the purposes of this Act into effect.

Service of
notices.
1403, 1910,
s. 33.

33. (1) Any notice to be given to any occupier under this Act shall be duly given if—

- (a) served on the occupier personally;
- (b) left at his usual or last known place of abode or business in the State;
- (c) served on any person resident on the land in question; or
- (d) sent by post.

(2) Where there is more than one occupier of the same land, service upon any one of them in manner aforesaid shall be deemed service upon all.

(3) Any person to whom any such notice is required to be given may, by words or conduct, waive the same.

Non-compliance
with notice to
repair fence.
Ibid., s. 34,
1922, 1929,
s. 19.

34. Any occupier who does not, within fourteen days after service upon him by a council of a notice requiring him to repair a fence erected upon his land under the provisions of this Act, or any gate therein, or to keep any such fence or gate clear of sand, rubbish, or other accumulation, or to repair any water piping land down, in or upon his land under the provisions of this Act duly comply with the notice, shall be liable to a penalty not exceeding twenty pounds.

Loans for
fencing
material or
water piping
to occupiers of
land outside
district coun-
cil districts.
1403, 1919,
s. 35,
1703, 1925,
s. 69,
1922, 1929,
s. 20.

35. (1) In addition to the other powers conferred upon the bank by this Act the bank may, out of moneys provided by Parliament for the purpose, purchase fencing material and supply the same to any occupier of land not situated within a district council district who makes application to the bank for the supply to him of fencing material for the purpose of effectively fencing the land occupied by him, or any part thereof, and may, out of the said moneys, purchase water piping and supply the same to any occupier of land situated as aforesaid, who makes application to the bank for the supply to him of water piping for the purpose of laying down the same in or upon the land occupied by him, or any part thereof.

(2) Every such application shall contain, as nearly as possible the particulars required by section 6 to be contained in a petition to a council, and shall be accompanied by a statutory declaration by the applicant as to the correctness of the particulars, and shall contain an undertaking to repay to the bank the value of the fencing material or water piping to be supplied to the applicant.

(3) The provisions of sections 15, 17, 18, 25, 29, 31, and 34, and of subsection (2) of section 14 shall apply for the purposes of this section as if herein re-enacted: Provided that the word "bank" shall be deemed to be substituted for the word "council" wherever the latter word occurs in the said sections, and that the said sections shall be read and construed, *mutatis mutandis*, accordingly.

(3A) The bank may remit the whole or any portion of any interest payable by an occupier of land by reason of the operation of subsection (3) of section 17 which is in excess of interest at the fixed rate, whether payable before or after the passing of the Vermin Act Amendment Act, 1936.

Inserted by
2317, 1936,
s. 18.

(4) In this section "fencing material" includes wire netting.

35a. (1) In any case where a loan for fencing or water piping has, before the passing of the Vermin Act Amendment Act, 1935, been made under this Act or under the Loans for Fencing Act, 1919, to a council or to an occupier within the purview of section 35 of this Act or section 35 of the Loans for Fencing Act, 1919, the bank may, on application in writing made within two years after the passing of the Vermin Act Amendment Act, 1935, by the council or occupier, as the case may be, extend the period for the repayment of the said loan for such time as the bank thinks fit, but so that the total time for repayment thereof from the date upon which the loan was originally made (including any period of suspension granted pursuant to section 36), shall not exceed forty-two years, and in the case of a loan to an occupier holding his land upon lease from the Crown so that the said time for repayment so extended shall expire on or before the expiration of the term of the lease.

Power to
extend time
for certain
repayments.
Of. 2029,
1931, s. 222.

Inserted by
2254, 1935,
s. 24.

(2) Upon any such extension, the balance of the loan, shall be repaid by such equal annual instalments spread over the remainder of the term of the loan as are fixed by the bank, together with interest at the fixed rate on the balance of the loan for the time being unpaid.

(3) The bank may require payment to be made of any arrears of instalments or interest in respect of any such loan or of any part of any such arrears before extending the period in respect of the loan under subsection (1) hereof, or the bank may capitalize the said amount of arrears, or, as the case may be, the part not required to be paid as aforesaid, and any such arrears so capitalized shall be paid to the bank within such time and upon such terms as the bank thinks fit. In every such case the said arrears shall bear interest at such rate as is determined by the bank.

(4) When the bank has granted an extension under this section to any council with respect to a loan, the obligations on the part of occupiers and other persons as to payments falling due to the council in respect of fencing material or water piping furnished or offered to be furnished by the council to the said occupiers by means of the loan, shall be extended for the same period and subject to the same conditions as to repayment of instalments, interest, and arrears as the obligations of the council in respect of the loan are extended.

Power to
suspend
certain pay-
ments.

Substituted
by 2254,
1935, s. 25.

36. (1) Notwithstanding anything contained in this Act, the Treasurer, on the recommendation of the bank, in all cases and on the additional recommendation of the Pastoral Board in the case of a loan to an occupier holding land under a pastoral lease may, subject as hereinafter provided, suspend the operation of this Act requiring the repayment by councils and by occupiers within the purview of section 35 respectively, of instalments of loans for fencing or water piping granted to them prior to the passing of the Vermin Act Amendment Act, 1935, under this Act or the Loans for Fencing Act, 1919, during such period as he thinks fit; and the Treasurer may, subject as aforesaid, and upon the said recommendation from time to time extend the suspension for a further period.

(2) Any period of suspension under this section—

(a) may commence from any date not earlier than the first day of February, nineteen hundred and thirty-three.

(b) shall, with all (if any) extensions thereof, expire not later than the thirty-first day of January, nineteen hundred and thirty-nine, and shall not exceed three years.

(3) Any power hereby conferred on the Treasurer may be exercised in the case of any council or occupier which or who makes application in writing to the Treasurer in that behalf.

(4) When the provisions of this Act have been suspended as provided by subsection (1) in the case of any council or occupier, the council or occupier shall not be liable, or deemed to have been liable, during the period of suspension, to make any payment on account of principal or interest due in respect of the loan to which the suspension applies.

(5) If any period of suspension is granted to commence from any date prior to the granting thereof any payments made by the council or occupier during the period of suspension shall be credited firstly against any payments accrued due before the period of suspension, and secondly against payments becoming due after the expiration of the period of suspension.

(6) The Treasurer may, if he thinks fit, for the purposes of subsection (1), fix periods of suspension of different length in the case of different councils or occupiers.

(7) A period equal in length to the period of suspension fixed by the Treasurer under this section in the case of any loan shall be added to the period within which the loan is required by this Act to be repaid; and every instalment of the principal moneys payable on account of the loan, and interest on the moneys, which, but for the provisions of this section, would have been payable on some date during the period of suspension, shall be payable upon the corresponding date in the added period; and the suspension shall not alter the dates upon which the other instalments and interest fall due.

37. (1) When the Treasurer has granted a suspension under section 36 to any district council with respect to any loan, the obligations on the part of occupiers and other persons as to payments falling due with respect to the loan, during the period of suspension, shall be suspended for the same period. If any such payments are made during the period of suspension they shall be credited by the council, firstly against any payments accrued due before the period of suspension, and secondly against payments becoming due after the expiration of the period of suspension.

When liability
of district
council sus-
pended, sus-
pension to
extend to
occupiers.

1954, 1930,
s. 4.

Amended by
2254, 1935,
s. 26.

(2) Any payment, which, but for this section, an occupier or other person would have been liable to make on some date during a period of suspension shall be made by the occupier or person on the corresponding date in the added period referred to in subsection (7) of section 36.

Provision
when holding
reverts to the
Crown.
Inserted by
2254, 1935,
s. 27
as amended by
S.L.R. Act,
1936.

37a. (1) If any loan is made under this Act or the Loans for Fencing Act, 1919, to any council or occupier within the purview of section 35, in respect of any land comprised in a Crown lease or an agreement for sale and purchase with the Crown, and the lease or agreement is cancelled or is otherwise determined, no instalment of principal or interest shall be required to be paid in respect of the loan by the council or occupier, which became payable during the period from the cancellation or determination of the lease or agreement until the land is again held under lease or agreement as aforesaid.

(2) Upon the land being again comprised in a Crown lease or agreement for sale and purchase with the Crown, the liability to make payments in respect of the loan shall be revived. A period equal in length to the period mentioned in subsection (1) in the case of any loan shall be added to the period within which the loan is required by this Act to be repaid; and every instalment of principal and interest on which would have been payable on some date during the period during which payment is suspended, shall be payable upon the corresponding date in the added period; and the suspension shall not alter the dates upon which the other instalments and interest fall due.

(3) The Treasurer may, on the recommendation of the bank, declare that no interest shall be chargeable during the period during which payment is suspended under this section. If no such declaration is made, interest at the fixed rate during the said period on the amount of the loan at the time of the cancellation or determination shall be capitalized and shall be paid to the bank within such time and upon such terms as the bank thinks fit.

(4) Upon the land being again leased or agreed to be sold and purchased as before mentioned, the occupier of the land shall pay to the council or bank, as the case may require, the instalments required by this Act or the Loans for Fencing Act, 1919, to be paid in respect of the loan in manner provided by this section, as if the lease or agreement aforesaid had not been cancelled or determined.

(5) Notwithstanding any other provision of this Act, the bank, on the recommendation of the Land Board, or, in the case of land held under pastoral lease, on the recommendation of the Pastoral Board, may in any case where a lease or agreement aforesaid is cancelled or determined (whether so cancelled or determined before or after the passing of the

Vermin Act Amendment Act, 1935), and the land comprised therein is again held under lease or agreement as aforesaid—

- (a) fix the amount which shall be paid by the occupier in payment of the loan (including any arrears of instalments payable before the said cancellation or determination) at an amount equal to the value of the fence or water piping, as the case may be, at the time the land is again leased or agreed to be sold:
- (b) if the loan made in respect of the land is repayable to the bank by a council, fix the amount which shall be paid by the council in payment of the loan (including any arrears of instalments payable before the cancellation or determination) at the amount fixed pursuant to paragraph (a), or at such higher amount as the bank thinks fit.

The amount so fixed shall be paid by such equal annual instalments spread over the remainder of the term of the loan as are fixed by the bank, together with interest at the fixed rate on the balance of the said amount for the time being unpaid. The balance (if any) between the amount of the loan and any arrears of instalments, and the amount fixed as aforesaid, shall cease to be payable or recoverable by or from the occupier or council, as the case may be.

The powers conferred by this subsection may be exercised in respect of any loan made or instalment payable before or after the passing of the Vermin Act Amendment Act, 1935.

37b. In any case where—

- (a) an occupier is pursuant to this Act or the Loans for Fencing Act, 1919, liable to pay to a council any moneys in respect of fencing material or water piping furnished or offered to be furnished to the occupier by the council; and
- (b) the occupier makes an application for debt adjustment pursuant to the Primary Producers' Debts Act, 1935; and
- (c) the council with the consent in writing of the bank and in accordance with such consent votes at any meeting as provided by section 22 of the said Act in respect of the whole or any part of any such payment which has accrued due before the holding of the meeting; and

Provision as to amounts released under the Primary Producers' Debts Act, 1935.

Inserted by 2254, 1935, s. 28.

- (d) in pursuance of any scheme under the said Act the occupier is released from the whole or any part of the said payment so accrued due,

the liability of the council to the bank in respect of the loan expended in the purchase of the fencing material or water piping furnished or offered to be furnished to the said occupier shall be reduced by an amount similar to that by which the occupier was released as aforesaid.

Offences.

1403, 1919,
s. 86.
1922, 1929,
s. 21.

38. Any occupier who—

- (a) fails to comply with a notice given pursuant to section 14; or
- (b) uses any fencing material or water piping furnished to him by a council or by the bank for any purpose other than the purpose for which it was so furnished; or
- (c) expends any advance made to him under section 12, or any part thereof, for any purpose other than the purpose for which such advance was made,

shall be liable to a penalty not exceeding twenty pounds.

Summary pro-
ceedings for
offences
1403, 1919,
s. 37.

39. All proceedings in respect of offences against any provisions of this Act, other than section 7, shall be disposed of summarily.

SCHEDULES.

THE FIRST SCHEDULE.

ACTS REPEALED.

Reference to Act.	Short Title.	Extent of Repeal.
No. 1403 of 1919	Loans for Fencing Act, 1919	The whole
No. 1630 of 1924	Loans for Fencing Act Amendment Act, 1924	The whole
No. 1703 of 1925	State Bank Act, 1925	Section 69 and the Sixth Schedule
No. 1922 of 1929	Loans for Fencing and Water Piping Act, 1929	The whole
No. 1954 of 1930	Loans for Fencing Suspensory Act, 1930	The whole

THE SECOND SCHEDULE.

Section 7.

Loans for Fencing and Water Piping Act, 1930.

DECLARATION.

I, _____, of _____, do hereby solemnly and sincerely declare that all the signatures [or, if the case so require, such and such signatures (*describing them as initialled or otherwise marked by the declarant*)] affixed to the above petition are the genuine signatures of the persons whose signatures they purport to be, and that the said persons are occupiers of land in the district council district therein referred to.

Declared at _____
this _____ day of _____, }
19 _____, before me— }
Justice of the Peace.

THE THIRD SCHEDULE.

Section 10.

Loans for Fencing and Water Piping Act, 1930.

UNDERTAKING TO REPAY LOAN.

The District Council of _____ hereby makes application to the State Bank of South Australia, pursuant to section 10 of the Loans for Fencing and Water Piping Act, 1930, for a loan of £ _____, in accordance with the petition which accompanies this application; and the said district council hereby undertakes to repay the amount of the loan in accordance with the provisions of the said Act.

Dated this _____ day of _____, 19 _____.

_____, Chairman.

_____, Councillor.

_____, Clerk.

