



ANNO VICESIMO

**ELIZABETHAE II REGINAE**

A.D. 1971

\*\*\*\*\*

**No. 105 of 1971**

An Act to amend the Irrigation Act, 1930-1967.

[Assented to 9th December, 1971]

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

Short titles.

1. (1) This Act may be cited as the "Irrigation Act Amendment Act, 1971".

(2) The Irrigation Act, 1930-1967, as amended by this Act, may be cited as the "Irrigation Act, 1930-1971".

(3) The Irrigation Act, 1930-1967, is hereinafter referred to as "the principal Act".

Commencement.

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

Repeal of ss. 25 and 26 of principal Act.

3. Section 25 and section 26 of the principal Act are repealed.

Enactment of s. 35b of principal Act—

4. The following section is enacted and inserted in the principal Act immediately after section 35a thereof:—

Offer of town allotments.

35b. (1) The Minister may, by notice in the *Gazette*—

(a) offer town allotments for sale by auction for cash at a reserve price fixed by the Land Board with the approval of the Minister, and any such town allotments so offered shall be sold to the highest bidder at or above the reserve price so fixed;

or

- (b) offer town allotments for sale by auction at a reserve price, fixed by the Land Board, with the approval of the Minister, on terms that the highest bidder at or above the reserve price may, at his option, purchase the allotment for cash or on an agreement with a covenant to purchase.

(2) A notice under subsection (1) of this section—

- (a) shall set out the description of the town allotment, the time and place of the sale and any conditions or stipulations that shall be binding on the purchaser;
  - (b) the options, if any, that shall be open to the purchaser;
- and
- (c) short particulars of the terms, covenants and conditions that shall be included in any agreement to purchase.

(3) The terms, covenants and conditions that shall be included in an agreement to purchase under this section shall be as determined by the Minister.

(4) Town allotments offered for sale under subsection (1) of this section and not sold may be sold by the Minister by private contract but under the terms, conditions and options under which they were so offered at the reserve price fixed under that subsection or at such other price as may be fixed by the Land Board.

(5) The Minister, by notice in writing, published in the *Gazette*—

- (a) may declare that estates in fee simple or agreements with a covenant to purchase may be applied for in writing in respect of any town allotments described in the notice;
- (b) shall, in respect of every such allotment, specify the price, fixed by the Land Board, in respect of that allotment;
- (c) shall set out in respect of every such allotment the terms of payment of the purchase money and the conditions or stipulations that shall be binding on the purchaser of the fee simple of any such allotment;
- (d) shall in the case of any allotment offered under an agreement with a covenant to purchase, set out short particulars of the terms, covenants or con-

ditions determined by the Minister as being the terms, covenants or conditions to be included in any such agreement;

and

(e) shall specify the time within which applications will be received for the town allotments described in the notice.

(6) Subject to subsection (7) of this section all applications received in response to a notice referred to in subsection (5) of this section shall be referred to the Land Board and the Land Board shall after considering such application allot the land applied for in such manner as it considers just and expedient.

(7) If the Minister by notice in writing to the Land Board directs the Land Board not to proceed in relations to applications for a town allotment specified in the notice the Land Board shall not further proceed to allot the land comprised in that town allotment.

(8) Land sold pursuant to this section may be sold subject to all or any of the following conditions—

(a) that the purchaser or his successor in title shall within such time as is specified in the conditions construct or cause to be constructed on the land such buildings as are specified in the conditions and that the purchaser or his successor in title shall not, without the written consent of the Minister, construct or cause to be constructed any other buildings;

(b) conditions regulating or restricting in such manner as is specified in the conditions the purposes for which the land may be used;

(c) limiting the number of town allotments in any area being the whole or any part of the area of the town in which the allotments are situated that may be purchased by or on behalf of any person;

and

(d) that the land shall not be transferred, mortgaged or otherwise dealt with, within the period set out in the conditions without the consent in writing of the commissioner that on any breach of the condition the sale may be cancelled and in such case the condition including the day on which the period is to terminate shall be expressed in a receipt for the purchase money and in the land grant.

(9) Subsections (2), (3), (4), (5), (6), (6a), (7) and (8) of section 232h of the Crown Lands Act, 1929, as amended, with such modifications as are necessary shall apply and have effect to and in relation to the conditions referred to in paragraphs (a) and (b) of subsection (8) of this section as if provisions of those subsections were enacted in this Act.

(10) Subsections (2), (3) and (4) of section 235 of the Crown Lands Act, 1929, as amended, with such modifications as are necessary shall apply and have effect to or in relation to the condition referred to in paragraph (c) of subsection (8) of this section as if these subsections were enacted in this Act.

(11) Subsections (2), (3), (4) and (5) of section 234 of the Crown Lands Act, 1929, as amended, with such modifications as are necessary shall apply and have effect to and in relation to the conditions referred to in paragraph (d) of subsection (8) of this section as if those subsections were enacted in this Act.

(12) Where the sale of any land is cancelled pursuant to this section or pursuant to any condition imposed by or under this section the Minister may cause to be refunded such portion of the purchase money of the land as has been paid to the Crown as may be recommended by the Land Board and approved of by the Minister.

5. Section 40 of the principal Act is amended by striking out from paragraph I of the proviso to subsection (1) the passage "one acre" and inserting in lieu thereof the passage "0.41 hectares".

Amendment of principal Act, s. 40—  
Grant of sites for public, charitable or other purposes.

6. Section 74 of the principal Act is amended—

(a) by striking out from subsection (2) the word "acre" and inserting in lieu thereof the word "hectare";

(b) by inserting after the passage "such blocks" in subsection (2) the passage ", of such an amount per cubic metre of water supplied";

and

(c) by striking out from subsection (8) all the words occurring in that subsection after the passage "in respect of any block" and inserting in lieu thereof the passage "rated on an area basis, a fractional part of a hectare is to be rounded off to the nearest first decimal place based on an area calculated to the third decimal place but if an area is less than 0.051 hectares it shall not be taken into account.

Amendment of principal Act, s. 74—  
Annual irrigation rates on blocks.

Amendment of  
principal Act,  
s. 75—  
Provision for  
the recovery  
of rates.

7. Section 75 of the principal Act is amended—

- (a) by striking out from subsection (1) the word “pound” and inserting in lieu thereof the word “dollar”;
  - (b) by striking out from subsection (1) the word “acre” and inserting in lieu thereof the word “hectare”;
- and
- (c) by inserting in subsection (1) after the passage “or per block” the passage “or per cubic metre of water supplied”.

Amendment of  
principal Act,  
s. 80f—  
Payment of  
cost of outlet.

8. Section 80f of the principal Act is amended by striking out paragraph III from subsection (1) and inserting in lieu thereof the following paragraph—

III. In the case of an outlet constructed before the commencement of the Irrigation Act Amendment Act, 1971, in no case shall any lessee be required to pay more than ten dollars per acre of ratable land comprised in his block and in the case of an outlet constructed on or after the commencement of that Act in no case shall any lessee be required to pay more than fifty dollars per hectare of ratable land comprised in his block.

Amendment of  
principal Act,  
s. 80g—  
Drainage  
charge before  
constitution of  
a drainage  
area.

9. Section 80g of the principal Act is amended—

- (a) by striking out from the first sentence in subsection (3) the word “acre” and inserting in lieu thereof the word “hectare”;
- and
- (b) by striking out from the third sentence in subsection (3) the word “acre” and inserting in lieu thereof the word “hectare”.

Amendment of  
principal Act,  
s. 80i—  
Drainage rate.

10. Section 80i of the principal Act is amended—

- (a) by striking out from subsection (2) the word “acre” and inserting in lieu thereof the word “hectare”;
- and
- (b) by striking out from the second sentence in subsection (3) the word “acre” and inserting in lieu thereof the word “hectare”.

Amendment of  
principal Act,  
s. 80j—  
Provision for  
the recovery of  
charges and  
drainage rates.

11. Section 80j of the principal Act is amended—

- (a) by striking out from subsection (1) the word “acre” and inserting in lieu thereof the word “hectare”;

- (b) by striking out from subsection (2) the word "acre" and inserting in lieu thereof the word "hectare";
- (c) by striking out from subsection (3) the word "acre" and inserting in lieu thereof the word "hectare";
- and
- (d) by inserting immediately after subsection (5) the following subsection—

(6) For the purposes of computing an amount, charge or rate payable in respect of a block a fractional part of a hectare shall be rounded off to the nearest first decimal place, based on an area calculated to the third decimal place but if the area is less than 0.051 hectares it shall not be taken into account.

12. Section 89 of the principal Act is amended by striking out from subsection (1) the passage "thirty pounds per acre" and inserting in lieu thereof the passage "when aggregated with the amount (if any) so expended pursuant to this section as in force before the commencement of the Irrigation Act Amendment Act, 1971, one hundred and fifty dollars per hectare".

Amendment of principal Act, s. 89—  
Power of Minister to expend certain moneys on improvement.

13. Section 91 of the principal Act is amended—

- (a) by striking out the passage "six hundred pounds" and inserting in lieu thereof the passage "twelve hundred dollars";

Amendment of principal Act, s. 91—  
Limits of amounts to be advanced or expended.

and

- (b) by striking out the passage "thirty pounds per acre" and inserting in lieu thereof the passage "one hundred and fifty dollars per hectare".

14. The second schedule to the principal Act is amended by striking out the words "acres" and inserting in lieu thereof the word "hectares".

Amendment of second schedule.

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

M. L. OLIPHANT, Governor