



ANNO PRIMO

EDWARDI VII REGIS.

A.D. 1901.

No. 770.

An Act to amend the Law relating to Pastoral Lands.

[*Assented to, December 21st, 1901.*]

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

1. This Act may be cited as "The Pastoral Amendment Act, 1901," and shall be incorporated with "The Pastoral Act, 1893," and the Acts amending the same. Short title and incorporation.

2. Such part of "The Pastoral Act, 1893," or of any other Act, which provides that the annual rent of a run shall not in any case be less than Two Shillings and Six Pence per square mile of land, is hereby repealed. Minimum rent abolished.

3. The Pastoral Board may, on application by the lessee on or before the thirty-first day of December, one thousand nine hundred and two subject to the approval of the Commissioner, make a reduction in the amount of annual rent payable under any pastoral lease, and on acceptance thereof by the lessee a certificate shall thereupon issue containing the particulars of the reduction without any surrender of the lease to which the same refers. Reduction of rent.

4. Within thirty days after the commencement of each Session of Parliament there shall be forwarded by the Commissioner of Crown Lands to both Houses of Parliament a return showing the reductions of all rents and the reductions of the value of improvements made to lessees during the preceding twelve months, and in respect Returns to Parliament.

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respect of every such reduction the return shall set forth the name of the lessee, the number of his lease, the area thereby demised, the locality of the run, the rent payable prior to and consequent on any reduction, the value fixed in respect of the improvements prior to and consequent on any reduction thereof, and the reasons for any such reduction.

Notice of resumption.

5. The notice under Part X. of “The Pastoral Act, 1893,” of the resumption of any pastoral lands shall set out the purpose for which the land is intended to be resumed.

Resumption for reletting for pastoral purposes prohibited.

6. No lands comprised in a pastoral lease shall be resumed for any purpose except such lands as shall be required for intense culture, or for public works, such as railways, tramways, roads, bridges, public buildings, water conservation works, or as a site for a town or cemetery, or for mining, or for residential sites, commonage, or other purposes incidental to mining, or for park lands, in which cases one month’s notice of the intention to resume shall be given for all such purposes except for intense culture, and where such resumption is for the purpose of intense culture one year’s notice shall be given: Provided that immediately after notice of resumption for the purposes herebefore specified the Commissioner may enter upon the land comprised in any such lease for the purpose of making any necessary surveys: Provided also that nothing in this section contained shall prevent the Commissioner from resuming pastoral lands in hundreds existing at the time of the passing of this Act in manner prescribed by Part X. of “The Pastoral Act, 1893”: Provided also that if no portion of the land resumed for intense culture shall be used for intense culture for a period of two years from the date of the expiry of the notice of resumption, the lessee or his successor in title to the lease from which such land shall have been resumed shall have the first right to a lease thereof, upon the same terms and conditions as the land was held at the time of such resumption, for the balance of the term named therein upon repayment by the lessee of any compensation for such resumption.

Definition.

7. “Intense culture” shall mean the growth of fruits, plants, and vegetables, or any other produce, by means of irrigation from artesian wells, or natural springs, or water conserved by the State.

Amendment of section 2 of Act No. 712 of 1898-9.

8. Sub-section 1 of section 2 of “The Pastoral Amendment Act, 1898-9,” is hereby repealed, and the following sub-section is inserted in lieu thereof:—“All leases hereafter granted of pastoral lands not certified by the Pastoral Board and approved by the Commissioner as unlikely to be required for closer settlement shall be for twenty-one years. All other pastoral leases hereafter granted shall be for a term of forty-two years, subject to re-valuation of rent for the last twenty-one years thereof: Provided that in fixing rents of a run, whether by re-valuation or otherwise, no regard shall be had to any increase in value of the run caused by improvements thereon which any lessee shall have made or paid for, and which shall not be the property of the Crown.

9. Section

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9. Section 66 of “The Pastoral Act, 1893,” and sections numbered 4 and 17 of “The Pastoral Amendment Act, 1898-9,” are hereby repealed.

Repeal of sections 66 of Act No. 585 of 1893, and 4 and 17 of Act No. 712 of 1898-9.

10. Every lessee under the Crown of pastoral lands not within hundreds existing at the time of the passing of this Act may, until the thirty-first day of December, one thousand nine hundred and two, give notice in writing to the Commissioner of his desire to surrender his lease and take in lieu thereof a lease under the provisions of this Act; and if the Pastoral Board, subject to the approval of the Commissioner, shall consider the country in respect of which such notice is given to be fit only for pastoral occupation the Pastoral Board shall, with the approval of the Commissioner, fix the rent payable and value of improvements under such new lease, and, such rent and value of improvements having been fixed, notice thereof shall be forthwith given to such lessee, who may within six months after the receipt by him of such notice notify to the Commissioner his desire to accept a lease on the terms so fixed; and thereupon such lessee shall be deemed to have surrendered his existing lease, together with all rights, claims, and demands thereunder, including all claims for compensation for improvements, and he shall be entitled to a new lease under “The Pastoral Act, 1893” and the Acts amending the same, including this Act: Provided that the Commissioner may, on the recommendation of the Pastoral Board, refuse to accept any such surrender: Provided also that this section shall not apply to either right of purchase or perpetual leases: Provided that the Pastoral Board shall not reduce the value of improvements to a lessee who has neglected to keep such improvements in a good state of repair during the term of his lease, as provided in section 51 of “The Pastoral Act, 1893,” unless fresh improvements to an equal value have been made on the lease.

Surrender of lease.

11. No transfer or absolute surrender of the lease of lands within any Vermin District shall hereafter be allowed until such district shall have repaid all loans made to it by the Government under Part XI. of “The Vermin Districts Act, 1894,” or unless the Commissioner shall be satisfied that the proportion of any such moneys owing by the district payable in respect of the lease proposed to be transferred or surrendered will be duly paid as and when the same shall become payable, nor shall any lessee transfer or absolutely surrender his lease while any money is due by him to the Commissioner for wire netting or barbed wire.

Loan to be repaid before transfer or surrender.

12. The Commissioner, and all persons authorised by him, shall have full and free liberty of access, ingress, egress, and regress, with or without horses, carriages, and machinery, into, over, through, and upon any land comprised in any pastoral lease, and may thereon sink bores and wells, construct dams, reservoirs, and embankments, for the purpose of finding or conserving water; and should the discoverer or person conserving the water be other than the Commissioner, a lease of the area resumed, not exceeding one square mile, shall be granted to such person: Provided that such lease shall only be granted on land resumed for mining purposes.

Power to bore for water.

13. No

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Discovery of artesian wells.

13. No lessee shall be deemed to discover an artesian well within the meaning of section 20 of "The Pastoral Act Amendment Act, 1895," unless such well shall be situated at least ten miles distant from any other artesian well or any permanent natural spring existing on such run at the time when the first-mentioned well was commenced to be sunk, and yielding a supply of not less than five thousand gallons of water fit for stock per day.

Interest on improvements reduced to 4 per cent.

14. The rate of interest chargeable on the purchase-money to be paid for improvements under "The Pastoral Act, 1893," and all other Acts amending the same, by the incoming or outgoing lessee shall be reduced from Five Pounds per centum per annum to Four Pounds per centum per annum.

Substituted Schedule.

15. The Schedule set forth in "The Pastoral Amendment Act, 1898-9," is hereby repealed, and The Schedule to this Act substituted therefor, and a certificate containing particulars calculated from such Schedule shall be given to the lessee without any surrender of the lease to which such particulars refer.

Acceptance of terms.

16. Where any lease shall be surrendered for the purpose of another lease being substituted in lieu thereof on new terms and conditions, or where any alteration in the amount of annual rent payable under any pastoral lease is approved by the Commissioner, the lessee shall accept by writing such new terms and conditions within three months after due notification that such new lease or such alteration, as the case may be, has been approved by the Commissioner; otherwise the proposed new terms and conditions or approved alteration shall thereupon determine and be void and of none effect, and the lessee shall continue to hold at the same rent and subject to the same terms, covenants, and conditions as he held prior to such surrender or approved alteration.

Mineral leases may be granted.

17. Claims and mining leases may be pegged out or granted under and subject to the provisions of "The Mining Act of 1893," and all Acts amending the same, over and of lands comprised in any pastoral lease whether granted before or after the passing of this Act without resumption: Provided that the provisions of this section shall not extend to any land comprised in any pastoral lease within two hundred yards of any well, reservoir, dam, dwelling-house, factory, or building of not less than Fifty Pounds in value.

Pastoral lease.

18. Any person entitled to a pastoral lease shall be deemed a lessee within the meaning of this and all Acts affecting pastoral lands.

Validating past reductions.

19. All reductions of rent and value of improvements heretofore made by the Commissioner under the assumed authority of any Act are hereby validated, although the time for applying for or making the same may have expired before the making thereof.

20. Section

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20. Section 117 of "The Crown Lands Act" (No. 444) of 1888 is hereby repealed, and the following section substituted therefor:—
 Leases may be granted to charitable incorporated bodies for any term not exceeding twenty-one years, at such rent and upon such terms and conditions as the Governor may think fit, of any land as aboriginal reserves, in blocks not exceeding one thousand square miles. Every such lease shall be subject to a right of renewal so long as it can be shown to the satisfaction of the Governor that the lands therein described are required for and applied for the use of the aboriginal inhabitants of the State.

Leases for aboriginal reserves may be granted.

Repeal of section 117 of Act No. 444 of 1888.

21. All reductions of rent and other concessions authorised by this Act shall take effect only from and after the first day of January, one thousand nine hundred and two, and all new leases issued under this Act in lieu of surrendered leases shall date from the said first day of January, one thousand nine hundred and two.

Reductions, when to take effect, and date of leases.

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

TENNYSON, Governor.

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THE SCHEDULE.

Scale for Payment of Purchase-money for Improvements, the Property of the Crown, where Special Arrangements made Pursuant to Section 51 of Act 585 of 1893, showing the Annual Payments in advance, including Interest at 4 per cent. per annum, to be made in respect of every £100 of the Purchase-money.

Number of Payments.	Annual Payments in Advance.	Number of Payments.	Annual Payments in Advance.
	£ s. d.		£ s. d.
2.....	50 19 7	23.....	6 9 6
3.....	34 13 0	24.....	6 6 2
4.....	26 9 9	25.....	6 3 2
5.....	21 12 0	26.....	6 0 4
6.....	18 6 10	27.....	5 17 9
7.....	16 0 5	28.....	5 15 5
8.....	14 5 8	29.....	5 13 3
9.....	12 18 8	30.....	5 11 3
10.....	11 17 1	31.....	5 9 4
11.....	10 19 6	32.....	5 7 7
12.....	10 4 11	33.....	5 6 0
13.....	9 12 7	34.....	5 4 6
14.....	9 2 1	35.....	5 3 1
15.....	8 13 0	36.....	5 1 9
16.....	8 5 1	37.....	5 0 6
17.....	7 18 1	38.....	4 19 4
18.....	7 11 11	39.....	4 18 3
19.....	7 6 5	40.....	4 17 2
20.....	7 1 6	41.....	4 16 3
21.....	6 17 1	42.....	4 15 4
22.....	6 13 1		