



ANNO TERTIO

GEORGII V REGIS.

A.D. 1912.

No. 1105.

An Act to amend "The Advances to Settlers on Crown Lands Acts 1908 and 1911," and for other purposes.

[Assented to, December 19th, 1912.]

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

1. (1) This Act may be cited alone as "The Advances to Settlers on Crown Lands Act Further Amendment Act, 1912." Short titles.

(2) "The Advances to Settlers on Crown Lands Acts 1908 and 1911" and this Act may be cited together as "The Advances to Settlers on Crown Lands Acts 1908 to 1912." No. 960 of 1908.
No. 1052 of 1911.

(3) "The Advances to Settlers on Crown Lands Act 1908" is hereinafter referred to as "the principal Act," and "The Advances to Settlers on Crown Lands Act Amendment Act 1911" is hereinafter referred to as "the amending Act of 1911."

2. This Act is incorporated with the other Acts mentioned in section 1, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. (1) The Treasurer may, from time to time, by notice published in the *Government Gazette*, fix the annual rate to be paid on advances, and may, in the same manner, annul any rate so fixed. The Treasurer may from time to time fix the interest on advances.

(2) 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. What rate to be in force.

(3) In

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Meaning of "fixed rate."

(3) In the principal Act, and in any Act amending that Act (as such Acts are amended by this Act), the expression "the fixed rate" means the rate fixed as aforesaid which is in force at the time when the advance in question is made.

Consequent amendments of sections 18, 23, and 25 of the principal Act.

4. The following amendments are hereby made in the principal Act:—

(1) In section 18 the words "fixed rate" are substituted for the words "rate of Five Pounds per centum" in subsections (1) and (4) thereof.

(2) In subdivision (b) of subsection (2) of section 23 the words "same annual rate as that which is payable on the advance" are substituted for the words "rate of Five Pounds per centum per annum."

(3) In section 25 the words "same annual rate as that which is payable on the advance" are substituted for the words "rate of Five Pounds per centum per annum."

Consequent amendment of section 6 of amending Act of 1911.

5. Section 6 of the amending Act of 1911, is amended by substituting the words "fixed rate" for the words "rate of five per centum."

Existing loans and mortgages and agreements therefor not affected.

6. Nothing hereinbefore contained shall apply to or in respect of any advance received or mortgage executed before the passing of this Act, or any advance made in fulfilment of any agreement for an advance entered into by the Board before the first day of December, nineteen hundred and twelve, or any mortgage to secure the repayment of such advance.

The Commissioner of Crown Lands may effect improvements, the cost of which shall be deemed to be advances.

7. (1) The Commissioner of Crown Lands may, on the application of a settler, erect and make upon the holding of such settler water improvements, in the nature of sheds having rain water catchment roofs, and tanks connected therewith for the storage of such water.

(2) The settler's application shall—

- i. Be made to the said Commissioner, and in the prescribed form,
- ii. Contain such particulars as are prescribed, and
- iii. Be supported by such evidence (if any) as is prescribed, or as the said Commissioner requires.

(3) The said Commissioner shall not commence to effect any improvement under this section until the settler has entered into an agreement with the said Commissioner, in the prescribed form, agreeing to repay in manner prescribed all moneys expended in effecting the improvements, and to secure the repayment thereof by executing a first mortgage of his holding as hereinafter provided.

(4) The

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(4) The said Commissioner shall by writing signed by him certify the cost of the improvements effected by him under this section on the holding, and his certificate shall be conclusive as to the cost thereof.

(5) The cost so certified shall be deemed to be an advance made to the settler by the Board under the principal Act; and the settler shall execute a mortgage in the prescribed form, to the Board, of his estate and interest in the holding and of the improvements thereon, to secure the payment to the Board of the amount of such advance, with or without such additional security as to the Board may seem fit.

(6) For the purposes of subsection (2) of section 13 of the principal Act (amended as provided by section 5 of the amending Act of 1911) improvements to be effected under this section shall be deemed to be purposes mentioned in subdivision (a) of subsection (1) of the said section 13; and the said Commissioner shall in the exercise of his powers under this section have regard to the limitations prescribed by the said section 13.

(7) The provisions of section 16 to 32 of the principal Act (as amended by the amending Act of 1911 and this Act) shall, *mutatis mutandis*, apply to advances and mortgages and improvements under this section and to all matters and things connected therewith, incidental thereto, or consequent thereon.

(8) The moneys required by the said Commissioner for effecting improvements under this section shall be supplied to him from time to time by the Treasurer out of the Advances to Settlers Fund; and the Treasurer shall forthwith upon supplying any money as aforesaid give the Board full particulars thereof.

8. Section 13 of the principal Act (amended as provided by section 5 of the amending Act of 1911) is amended by inserting the words "or any other purpose" at the end of subdivision (c) of subsection (1) thereof.

Amendment of section 13 of the principal Act—
For what purposes advances may be made.

9. Whereas under "The Water Conservation Act, 1886," and "The Water Conservation Amendment Act, 1889," the Commissioner of Water Conservation has power to grant leases of lands and premises vested in him or under his control, including certain lands known as the Pekina Creek Irrigation Blocks being the lands more particularly described in the Schedule to this Act: And whereas under various Acts, and otherwise, lands are vested in or under the control of various Ministers of the Crown and other officers and servants of the Crown in their respective capacities as such Ministers, officers, and servants: Now it is hereby enacted that—

Certain lands to be Crown lands for the purposes of Advances to Settlers Acts.

(a) The said lands described in the Schedule to this Act; and

(b) Any other lands vested in or under the control of the Commissioner of Water Conservation or any other Minister, officer, or servant of the Crown, as such Minister, officer,

or

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or servant, which the Governor, by proclamation published in the *Government Gazette* declares to be Crown lands for the purposes of "The Advances to Settlers on Crown Lands Acts 1908 to 1912,"

shall be deemed to be Crown lands within the meaning and for the purposes of the last mentioned Acts, and the definition of the term "Crown lands" in section 4 of the amending Act of 1911 shall be read accordingly.

No. 1052 of 1911.

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

DAY H. BOSANQUET, Governor.

*The Advances to Settlers on Crown Lands Act Further Amendment
Act.—1912.*

THE SCHEDULE.

Sec. 9.

THE PEKINA CREEK IRRIGATION BLOCKS.

All those lands being the whole of sections 49, 53, 70, 71, 73N, 73s, and 74,
Hundred of Walloway, County of Dalhousie.