An Act to further amend the Irrigation and Reclaimed Lands Act, 1914, and for other purposes.

[Assented to, November 15th, 1917.]

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 "Irrigation and Reclaimed Lands Act Further Amendment Act, 1917."

(2) The Irrigation and Reclaimed Lands Acts, 1914 and 1915, No. 1178 of 1914. and this Act may be cited together as the "Irrigation and Reclaimed Lands Acts, 1914 to 1917."

(3) The Irrigation and Reclaimed Lands Act, 1914, is hereinafter referred to as "the principal Act."

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

Amendments.

3. The principal Act is amended by inserting in Part VII. thereof, after section 97 thereof, the following new section:—

97A. (1) The Treasurer may from time to time, by notice published in the Government Gazette, fix the annual rate of interest for the purposes of this Act, and may in the same manner annul any rates so fixed.

(2) Any rate so fixed shall come into force on the fourteenth day after the date of the Government Gazette in which the same
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.

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

(1) In section 5 the following definition is inserted after the definition of "Factory":

"Fixed rate" means the annual rate of interest fixed by the Treasurer under section 97A of this Act which is in force at the time when the moneys in question were expended or advanced respectively.

(2) In section 37 the following paragraph is substituted for paragraph (b):

(b) Interest on all the said moneys at the fixed rate per annum.

(3) In subsection (2) of section 40 the words "fixed rate" are substituted for the words "rate of Four Pounds per centum."

(4) In subsection (1), and also in subsection (2), of section 41 the words "fixed rate" are substituted for the words "rate of Four Pounds per centum."

(5) In section 87 the words "fixed rate" are substituted for the words "rate of Four Pounds per centum."

(6) In section 89 the words "a rate which is One Pound per centum in excess of the fixed rate" are substituted for the words "the rate of Five Pounds per centum."

Minister may take over Irrigation Block.

5. 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 such land, and shall be payable by the owner or occupier thereof for the time being, and may be recovered by the Minister either summarily or by action in any Court of competent jurisdiction.

Construction of Drains and Drainage Works in Irrigation Area.

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

7. (1) Upon
7. (1) Upon the completion of the construction of any drains or drainage works in any irrigation area, the Director of Irrigation shall furnish the Minister with a certificate stating the date of completion and the cost of construction of such drains and works, and what lands will be benefited by such drains and works.

(2) The Minister shall, by notice in the *Gazette*, publish such certificate, and such certificate shall be conclusive as to the date of completion and the cost of construction of the drains and works, and as to what lands will be benefited by the drains and works.

8. (1) The Minister may, after the publication in the *Gazette* of the certificate mentioned in section 7 of this Act, declare on all or any of the lands which will be benefited by the drains and works a general drainage rate to defray the cost thereof.

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

(3) Such 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 and works;

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

(c) interest at the fixed rate on the cost of construction of the drains and 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 and works in forty equal yearly instalments.

9. (1) Any owner or lessee of any land benefited by any drain constructed under this Act, 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 Irrigation, 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.

(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.

10. (1) Upon
10. (1) Upon the completion of the construction of any drains and works in any irrigation area, all owners and lessees of land benefited by the construction of such drains and works shall take such measures, by the connection of their private drains or channels with such drains or otherwise, as the Director of Irrigation considers necessary to effectively drain their land.

(2) If any landowner 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 under the hand of the Minister requiring him to so comply, the Minister may take such measures as aforesaid on behalf of such landowner or lessee, and the cost thereof shall be a debt due to the Minister by such landowner or lessee.

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

H. L. GALWAY, Governor.