ANNO TERTIO

GEORGII VI REGIS.

A.D. 1939.

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No. 22 of 1939.

An Act to amend the Pastoral Act, 1936.

[Assented to 30th November, 1939.]

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 as the "Pastoral Act Amendment Act, 1939".

(2) The Pastoral Act, 1936, as amended by this Act, may be cited as the "Pastoral Act, 1936-1939".

(3) The Pastoral Act, 1936, is hereinafter called "the principal Act".

2. This Act is incorporated with the principal Act and this Act and that Act shall be read as one Act.

3. Section 41 of the principal Act is amended by striking out in the third and fourth lines thereof the words "of unoccupied land as defined in Part XI. of this Act nor"

4. The following section is hereby enacted and inserted in the principal Act after section 42 thereof:—

42a. (1) Every lease which is granted after the passing of the Pastoral Act Amendment Act, 1939, and comprises land which is not south or east of the River Murray and has not previously been leased under this Act or the Pastoral Act, 1893, or the Pastoral Act, 1904, shall be for a term of twenty-one years with a right of renewal as hereinafter provided.
Pastoral Act Amendment Act, 1939.

(2) Where a lessee or his predecessors in title have held land on such a lease as mentioned in subsection (1) of this section, and all the terms and conditions of the lease have been complied with to the satisfaction of the board, the lessee shall be entitled to receive a lease of the same land under the other provisions of this Act for a term of forty-two years.

5. The heading appearing before section 49 of the principal Act is amended by striking out therein the words "within hundreds" and inserting in lieu thereof the words "held under other Acts".

6. (1) Subsection (2) of section 49 of the principal Act is amended by inserting after the word "area" in the third line thereof the words "or any land not within any hundred".

(2) The following subsection is inserted at the end of section 49:

(9) When a lease of any land is granted under this section all improvements on that land which before the granting of that lease were effected by the lessee or by his predecessors in title shall be deemed to be improvements belonging to the lessee; and, notwithstanding sections 72 and 73 of this Act, upon the expiration of the lease those improvements shall be valued, paid for and dealt with in accordance with the other provisions of Part VI. of this Act.

7. The following section is hereby enacted and inserted in the principal Act after section 61 thereof:

61a. (1) Every pastoral lease granted after the passing of the Pastoral Act Amendment Act, 1939, shall, in substitution for the covenant mentioned in section 61 of this Act, but in addition to the other covenants provided for in this Act, contain covenants binding the lessee—

(a) to expend on improvements on the said land by the end of the fifth, thirteenth and twenty-first years respectively of the term of the lease, amounts of money not less than those respectively specified in the notice in the Gazette hereinafter mentioned; and

(b) to expend in each of the first five years of the term of the lease approximately one-fifth of the total amount to be spent by the end of the fifth year of the term:

Provided that the Commissioner may, on the recommendation of the board, exempt any lessee from the obligation to comply with the covenant set out in paragraph (b) of this subsection:
Provided also that if in any of the said first five years the lessee expends more than one-fifth of the total amount to be spent by the end of the fifth year of the term, he shall be entitled to have the amount of the excess treated as money expended in any subsequent year or years of the said period of five years.

(2) Every notice in the Gazette by which lands are declared open for leasing shall set forth the amounts which the lessee will be required to expend on improvements by the end of the fifth, thirteenth and twenty-first years of the term of the lease respectively, but—

(a) the amount so required to be spent by the end of the fifth year shall not exceed ten pounds per square mile;
(b) the amount so required to be spent by the end of the thirteenth year shall not exceed fifteen pounds per square mile; and
(c) the amount so required to be spent by the end of the twenty-first year shall not exceed twenty pounds per square mile.

8. (1) Section 81 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraphs:—

or

(f) conducting observations, investigations, research and experiments in relation to problems affecting pastoral lands or the pastoral industry: or

(g) reserves for the preservation of any natural features or other object of public or scientific interest.

(2) The amendments made by this section apply in relation to leases whether granted before or after the passing of the Pastoral Act Amendment Act, 1939.

9. The heading appearing before section 88 of the principal Act is amended by adding at the end thereof the words “or for enlarging holdings”.

10. Section 88 of the principal Act is amended by inserting after the word “thereof” in the fourth line the words “or for allotment to the lessees of other pastoral lands”.

11. Section 90 of the principal Act is amended as follows:—

(a) The words “holdings” and “holding” wherever appearing therein are struck out and the words “blocks” and “block” respectively are substituted therefor:
(b) The words "the principal" in the third line are struck out and the word "this" inserted in lieu thereof:

(c) Paragraph vi. is amended so as to read as follows:—

vi. It shall not be lawful for any person to acquire, whether upon allotment or transfer, a lease of any block under this section, if the effect of such acquisition would be that the lessee would hold under this Act pastoral land the aggregate carrying capacity of which would, in the opinion of the board, exceed ten thousand sheep:

(d) The following subdivision shall be inserted at the end of section 90:—

vii. Notwithstanding any other provisions of this Act relative to the term of leases, where a block is allotted under this section to a lessee of other pastoral lands, the board may, with the approval of the Minister and the consent of the lessee, order that the term of the lease of the block so allotted shall be a term expiring at the same time as that of any other lease held by the lessee, and the term so ordered shall be the term of the lease and the annual instalments payable in respect of improvements shall be calculated accordingly.

12. Subsection (1) of section 94 of the principal Act is amended so as to read as follows:—

(1) Where a lease expires by effluxion of time or where leased lands are resumed, and the lessee holds other pastoral land under lease, the Governor may accept the surrender of the lease of those other lands.

13. Section 95 of the principal Act is amended by striking out the word "contiguous" in the first line thereof.

14. Part XI. of the principal Act is repealed.

15. The following section is enacted and inserted in the principal Act after section 128 thereof:—

128a. In this Part of this Act, except in section 119, the word "board" means the Tenants' Relief Board, and in section 119 the the word "board" means the Pastoral Board.
16. Section 136 of the principal Act is amended by adding at the end thereof the following proviso:

Provided that this section shall not apply to the dedication of any travelling stock road or reserve or of any part of any such road or reserve, as a public road under section 5 of the Crown Lands Act, 1929-1938.

17. (1) The covenant contained in paragraph (b) in the first schedule to the principal Act is amended so as to read as follows:

(b) To stock with sheep, cattle, or sheep and cattle combined, so that for every square mile leased there shall be five head of sheep or one head of cattle, and to keep the land so stocked throughout the term of the lease, and any renewal thereof, and in all cases upon being required to do so to furnish the Commissioner and the Pastoral Board with true particulars of the number of sheep and cattle with which the leased land is stocked.

(2) The covenant contained in paragraph (c) in the first schedule to the principal Act is amended by striking out therein the words "the last three years of"

(3) The covenant contained in paragraph (g) in the first schedule to the principal Act is amended so as to read as follows:

(g) Not to cut any timber without the licence of the Commissioner: Provided that the lessee may without a licence cut dead timber for making improvements on the leased land or for firewood for his own domestic use.

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

C. M. BARCLAY-HARVEY, Governor.