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**ELIZABETHAE II REGINAE**

A.D. 1978

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**No. 28 of 1978**

**An Act to amend the Irrigation Act, 1930-1975; the Agricultural Graduates Land Settlement Act, 1922-1971; the Discharged Soldiers Settlement Act, 1934-1940; the Irrigation on Private Property Act, 1939-1958; the Pyap Irrigation Trust Act, 1923-1974; The Ramco Heights Irrigation Area Act, 1963; and the Renmark Irrigation Trust Act, 1936-1977.**

[Assented to 30th March, 1978]

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

PART I

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "Statutes Amendment (Irrigation Acts) Act, 1978".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—AMENDMENT OF THE IRRIGATION ACT, 1930-1975

PART III—AMENDMENT OF THE AGRICULTURAL GRADUATES LAND SETTLEMENT ACT, 1922-1971

PART IV—AMENDMENT OF THE DISCHARGED SOLDIERS SETTLEMENT ACT, 1934-1940

PART V—AMENDMENT OF THE IRRIGATION ON PRIVATE PROPERTY ACT, 1939-1958

PART VI—AMENDMENT OF THE PYAP IRRIGATION TRUST ACT, 1923-1974

## PART VII—AMENDMENT OF THE RAMCO HEIGHTS IRRIGATION AREA ACT, 1963

## PART VIII—AMENDMENT OF THE RENMARK IRRIGATION TRUST ACT, 1936-1977

PART IIPART II

## AMENDMENT OF THE IRRIGATION ACT, 1930-1975

4. (1) The Irrigation Act, 1930-1975, is, in this Part, referred to as “the principal Act”.

Short titles.

(2) The principal Act, as amended by this Part, may be cited as the “Irrigation Act, 1930-1978”.

5. Section 4 of the principal Act is amended by striking out the passage—  
PART VII—Powers, duties, and functions of the Minister of Irrigation under other Acts—

Amendment of principal Act, s. 4—  
Division of Act.

DIVISION I—Under the Crown Lands Act, 1929:

DIVISION II—Under the Discharged Soldiers Settlement Act, 1917:  
and inserting in lieu thereof the passage—

PART VII—Powers, duties and functions of the Minister under the Discharged Soldiers Settlement Act, 1934-1940:.

6. Section 6 of the principal Act is amended—

Amendment of principal Act, s. 6—  
Interpretation.

(a) by striking out the definition of “Director of Lands”;

and

(b) by striking out the definitions of “Minister” and “Minister of Irrigation” and inserting in lieu thereof the following definition:—

“Minister” means the Minister of the Crown to whom, for the time being, the administration of this Act is committed by the Governor:.

7. Section 8 of the principal Act is amended by striking out subsection (1).

Amendment of principal Act, s. 8—  
Incorporation of Minister.

8. Section 12 of the principal Act is amended—

Amendment of principal Act, s. 12—  
Annual report.

(a) by striking out from subsection (1) the passage “Director of Lands shall prepare” and inserting in lieu thereof the passage “Minister shall cause to be prepared”;

and

(b) by striking out from paragraph III of subsection (1) the passage “by the Minister”.

## PART II

Amendment of principal Act, s. 35b—  
Offer of town allotments.

9. Section 35b of the principal Act is amended by striking out from paragraph (d) of subsection (8) the word “commissioner” and inserting in lieu thereof the word “Minister”.

Amendment of principal Act, s. 39—  
Incorporation of certain provisions of Crown Lands Act, 1929.

10. Section 39 of the principal Act is amended by striking out the passage “, subject to Division I of Part VII,”.

Repeal of s. 80a of principal Act.

11. Section 80a of the principal Act is repealed.

Amendment of principal Act, s. 80c—  
Access to outlet.

12. Section 80c of the principal Act is amended by striking out from paragraph (b) the passage “Drainage Committee” and inserting in lieu thereof the word “Minister”.

Amendment of principal Act, s. 80d—  
Notice of provision of drainage for blocks.

13. Section 80d of the principal Act is amended by striking out subsections (2), (3), (4) and (5).

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

14. Section 80f of the principal Act is amended by striking out from subsection (2) the passage “, on the report of the Drainage Committee,” wherever it occurs.

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

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

(a) by striking out from subsection (4) the passage “, on the recommendation of the Drainage Committee,”;

and

(b) by striking out from subsection (5) the passage “on the report of the Drainage Committee” wherever it occurs.

Amendment of principal Act, s. 80h—  
Drainage area.

16. Section 80h of the principal Act is amended—

(a) by striking out from subsection (1) the passage “, on the recommendation of the Drainage Committee,”;

(b) by striking out from paragraph (b) of subsection (2) the passage “Drainage Committee” and inserting in lieu thereof the word “Minister”;

(c) by striking out from paragraph (c) of subsection (2) the passage “Drainage Committee” and inserting in lieu thereof the word “Minister”;

and

(d) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) No drainage area shall be constituted unless, in the opinion of the Minister, proper provision has been made, by the construction of permanent outlets or temporary outlets, or both, for the drainage of the area.

## PART II

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

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

(a) by striking out subsection (5) and inserting in lieu thereof the following subsection:—

(5) In any case in which an application has been made by the lessee of any block for the construction of an outlet for the drainage thereof but such outlet has not been constructed and the Minister is of the opinion that for the effective drainage of the block an outlet is necessary, he may by notice in the *Gazette* exempt the block from rating under this section for such period as he fixes from time to time.;

(b) by striking out from subsection (6) the passage “, on the report of the Drainage Committee,”;

(c) by striking out from subsection (6) the passage “, on the recommendation of the Drainage Committee,”;

and

(d) by striking out from subsection (7) the passage “, on the recommendation of the Drainage Committee,”.

18. The principal Act is amended by striking out the heading appearing immediately before section 108 and inserting in lieu thereof the following heading:—

Amendment of  
heading of  
principal Act.

## PART VII

POWERS, DUTIES AND FUNCTIONS OF THE MINISTER  
UNDER THE DISCHARGED SOLDIERS SETTLEMENT  
ACT, 1934-1940.

19. Sections 108 and 109 of the principal Act are repealed.

Repeal of  
ss. 108 and  
109 of  
principal Act.

20. The principal Act is amended by striking out the heading appearing immediately before section 110.

Removal  
of heading  
of principal  
Act.

21. Section 110 of the principal Act is amended—

Amendment of  
principal Act,  
s. 110—  
Discharged  
Soldiers  
Settlement  
Acts to be  
administered  
by Minister.

(a) by striking out from subsection (1) the passage “of Irrigation” wherever it occurs;

(b) by striking out from subsection (2) the passage “of Irrigation”;

and

(c) by striking out from subsection (3) the passage “of Irrigation”.

22. Section 111 of the principal Act is amended by striking out the passage “of Irrigation”.

Amendment of  
principal Act,  
s. 111—  
Advances to  
discharged  
soldiers on  
irrigation  
lands  
repayable to  
Minister.

**PART II**

Amendment of principal Act, s. 112—  
Consequential amendments to Acts and instruments.

23. Section 112 of the principal Act is amended by striking out the passage “of Irrigation” wherever it occurs.

Amendment of principal Act, s. 113—  
Annual report to be prepared by Minister as to lands administered by him.

24. Section 113 of the principal Act is amended by striking out the passage “of Irrigation” wherever it occurs.

Amendment of principal Act, s. 113a—  
Interpretation.

25. Section 113a of the principal Act is amended by striking out the passage “of Irrigation” wherever it occurs.

Amendment of principal Act, s. 122—  
Provision as to powers and functions transferred.

26. Section 122 of the principal Act is amended by striking out the passage “of Irrigation”.

Repeal of s. 123 of principal Act.

27. Section 123 of the principal Act is repealed.

Amendment of second schedule of principal Act.

28. The second schedule to the principal Act is amended—

(a) by striking out the passage “I, the Honourable....., Minister of Irrigation of the State of South Australia, [or the Honourable.....[here set out title of office] of the State of South Australia, being the Minister of the Crown to whom the administration of the Irrigation Act, 1930, is committed by His Excellency the Governor of the said State in Executive Council]” and inserting in lieu thereof the passage “I, the Honourable..... [here set out title of office] of the State of South Australia, being the Minister of the Crown to whom the administration of the Irrigation Act, 1930-1978, is committed by His Excellency the Governor of the said State in Executive Council”;

(b) by striking out from clause 2 the passage “the Minister of Irrigation (hereinafter called “the Minister”)” and inserting in lieu thereof the passage “the Minister”;

and

(c) by striking out from the execution clause the following passage:—

Signed, sealed, and delivered }  
by the Minister of Irrigation [or } .....  
as the case may be] in the presence } Minister of Irrigation  
of ..... } [or as the case may be].

and inserting in lieu thereof the following passage:—

Signed, sealed, and }  
delivered by the Minister } .....  
in the presence of }  
..... }

Amendment of third schedule of principal Act.

29. The third schedule to the principal Act is amended—

(a) by striking out the passage “I, the Honourable....., Minister of Irrigation of the State of South Australia [or the Hon..... here set out title of office] of the State of

South Australia, being the Minister of the Crown to whom the administration of the Irrigation Act, 1930, is committed by His Excellency the Governor of the said State in Executive Council]" and inserting in lieu thereof the passage "I, the Honourable ..... [*here set out title of office*] of the State of South Australia, being the Minister of the Crown to whom the administration of the Irrigation Act, 1930-1978, is committed by His Excellency the Governor of the said State in Executive Council";

(b) by striking out from clause 2 the passage "the Minister of Irrigation (hereinafter called "the Minister")" and inserting in lieu thereof the passage "the Minister";

and

(c) by striking out from the execution clause the following passage:—

Signed, sealed, and delivered by the said Minister of Irrigation in the presence of } ..... Minister of Irrigation

and inserting in lieu thereof the following passage:—

Signed, sealed, and delivered by the Minister in the presence of } .....

PART III

PART III

AMENDMENT OF THE AGRICULTURAL GRADUATES LAND SETTLEMENT ACT, 1922-1971

30. (1) The Agricultural Graduates Land Settlement Act, 1922-1971, is, in this Part, referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Agricultural Graduates Land Settlement Act, 1922-1978".

31. Section 17 of the principal Act is amended by striking out paragraph (b) from subsection (1) and inserting in lieu thereof the following paragraph:— Amendment of principal Act, s. 17— Operation of this Act within irrigation areas.

(b) every reference to the bank shall be read and construed as a reference to the Minister of the Crown to whom, for the time being, the administration of the Irrigation Act, 1930-1978, is committed by the Governor.

PART IV

PART IV

AMENDMENT OF THE DISCHARGED SOLDIERS SETTLEMENT ACT, 1934-1940

32. (1) The Discharged Soldiers Settlement Act, 1934-1940, is, in this Part, referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Discharged Soldiers Settlement Act, 1934-1978".

**PART IV**

Amendment of principal Act, s. 37—  
Provisions for relief of settlers in irrigation areas.

33. Section 37 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “The Minister of Irrigation” and inserting in lieu thereof the passage “The Minister of the Crown (hereinafter in this section referred to as “the Minister”) to whom, for the time being, the administration of the Irrigation Act, 1930-1978, is committed by the Governor”;
  - (b) by striking out from paragraph I of subsection (1) the passage “the Minister” and inserting in lieu thereof the word “him”;
  - (c) by striking out from paragraph III of subsection (1) the passage “due to the Minister of Irrigation, or any arrears of rent due to any Minister of the Crown” and inserting in lieu thereof the passage “or any arrears of rent”;
- and
- (d) by striking out from paragraph VIII of subsection (1) the passage “due to the Minister of Irrigation”.

**PART V**

**PART V**

**AMENDMENT OF THE IRRIGATION ON PRIVATE PROPERTY ACT, 1939-1958**

Short titles.

34. (1) The Irrigation on Private Property Act, 1939-1958, is, in this Part, referred to as “the principal Act”.

(2) The principal Act, as amended by this Part, may be cited as the “Irrigation on Private Property Act, 1939-1978”.

Amendment of principal Act, s. 4—  
Definitions.

35. Section 4 of the principal Act is amended by striking out the definition of “Minister” and inserting in lieu thereof the following definition:—

“Minister” means the Minister of the Crown to whom, for the time being, the administration of the Irrigation Act, 1930-1978, is committed by the Governor:.

Amendment of first schedule of principal Act.

36. The first schedule to the principal Act is amended by striking out the passage “Minister of Irrigation” wherever it occurs and inserting in lieu thereof the passage “Minister.....[here set out title of Minister.]”.

**PART VI**

**PART VI**

**AMENDMENT OF THE PYAP IRRIGATION TRUST ACT, 1923-1974**

Short titles.

37. (1) The Pyap Irrigation Trust Act, 1923-1974, is, in this Part, referred to as “the principal Act”.

(2) The principal Act, as amended by this Part, may be cited as the “Pyap Irrigation Trust Act, 1923-1978”.

Amendment of principal Act, s. 2—  
Interpretation.

38. Section 2 of the principal Act is amended by striking out the definition of “Minister”.

## PART VII

PART VIIAMENDMENT OF THE RAMCO HEIGHTS IRRIGATION AREA  
ACT, 1963

39. (1) The Ramco Heights Irrigation Area Act, 1963, is, in this Part, referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as "The Ramco Heights Irrigation Area Act, 1963-1978".

40. Section 5 of the principal Act is amended by striking out subsection (4). Amendment of principal Act, s. 5—  
Effect on leases.

41. Section 8 of the principal Act is amended by striking out from subsection (1) the passage "of Irrigation". Amendment of principal Act, s. 8—  
Boards to carry out drainage works.

## PART VIII

PART VIIIAMENDMENT OF THE RENMARK IRRIGATION TRUST ACT,  
1936-1977

42. (1) The Renmark Irrigation Trust Act, 1936-1977, is, in this Part, referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Act, may be cited as the "Renmark Irrigation Trust Act, 1936-1978".

43. Section 151 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage "Minister of Irrigation" and inserting in lieu thereof the passage "Minister of Lands". Amendment of principal Act, s. 151—  
Terms and conditions of lease.

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

K. SEAMAN, Governor