



ANNO QUINQUAGESIMO NONO ET SEXAGESIMO

VICTORIÆ REGINÆ.

A.D. 1896.

No. 669.

An Act to further amend the Pastoral Laws.

[Assented to, December 19th, 1896.]

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 Act Amendment Act, 1896,” and shall be incorporated with “The Pastoral Act, 1893,” and “The Pastoral Act Amendment Act, 1895,” hereinafter respectively referred to as “the Act of 1893” and “the Act of 1895.” Short title and incorporation.

2. No express covenant for payment of rates and taxes shall hereafter be inserted in any Crown lease, but this Act shall not relieve any lessee from any liability for payment of rates and taxes imposed or to be imposed by or under the authority of any Act. Rates and taxes.

3. Pastoral lands in Class I., whether let on pastoral or miscellaneous lease, may be surrendered pursuant to the Act of 1893, provided that— Lessees in Class I. may surrender.

- i. No notice of surrender shall be received after the thirty-first day of December, one thousand eight hundred and ninety-seven :
- ii. The Surveyor-General shall, according to his uncontrolled judgment, report to the Commissioner whether or not the surrender ought to be permitted and whether or not the land is likely to be required for agricultural or closer settlement during the term of any new lease :

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- III. No notice of surrender shall be referred to the Board unless the Surveyor-General shall first have reported to the Commissioner that the surrender ought to be permitted and that the land is not likely to be required for agricultural or closer settlement during the term of any new lease, and the Commissioner, in his absolute discretion, shall also have decided that the surrender should be further proceeded with :
- IV. No new pastoral lease shall be granted, nor shall any notice of acceptance be binding upon the Commissioner, until two months shall have elapsed after particulars of the old and new leases, and the reasons for the proposed surrender, together with the certificate of the Surveyor-General and the recommendation of the Pastoral Board, shall have been received by the Commissioner :
- V. Particulars of the old and new leases and the reasons for the surrender, together with the certificate of the Surveyor-General and the recommendation of the Pastoral Board, shall be laid before both Houses of Parliament within fourteen days after the execution of the new lease if Parliament be then in Session, and within fourteen days after the commencement of the next Session if Parliament be not then in Session.

Deposit to be ten per centum of improvements which are not property of Crown.

4. The deposit accompanying the application for a lease provided for by section 9 of the Act of 1895 shall, in respect of improvements which are not the property of the Crown, be equal to ten per centum of the price to be paid for such improvements.

Amendment of Schedule A of Act of 1893.

5. Sub-section (b) of Schedule A of the Act of 1893 is hereby repealed.

Leases unsold may be offered at reduced rent and lower price for improvements.

6. If any lands shall be declared open for leasing, but no applications shall be duly made therefor within one month of the date specified in the notice declaring the lands open for leasing, or should all applications received be rejected or refused, the Commissioner shall, at intervals of not less than three months, until applications are accepted, upon giving further notice in the *Government Gazette*, offer such lands at such reduced rent and reduced price for improvements, or at such reduced rent or reduced price for improvements as he may, with the advice of the Board, think proper: Provided that if the improvements belong to the lessee the price of such improvements shall not, except in case of depreciation, be reduced until twenty-one days' notice in writing shall have been given by the Commissioner to the outgoing lessee of an intent to make such reductions and particulars thereof, and the outgoing lessee may, within twenty-one days after receiving such notice in manner prescribed, appeal to the Tenants' Relief Board to fix the amount of rent and the price for improvements, and the provisions contained in the Act 642 of 1895, relating to the appointment of, and

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and otherwise as to the Tenants' Relief Board, shall apply hereunder, so far as the same are applicable; and it shall be lawful for such Board to reduce or increase such rent or price for improvements to such extent as they think fit, and until the determination of such Board is certified to the Commissioner, and by him notified to the appellant lessee, the Commissioner shall postpone offering such lands for leasing; and the determination of such Board, when so certified, shall be acted upon by the Commissioner: Provided that after the rent and price of improvements are once fixed by the Tenants' Relief Board no further appeal shall be allowed, and without the consent of the outgoing lessee the price for improvements, except for depreciation, shall only be reduced when the rent is reduced proportionately.

7. Section 73 of the Act of 1893 is hereby amended by adding the following proviso:—"Provided also that whenever any pastoral lands demised after the passing of this Act shall be partly resumed, as provided in sub-section II. of section 74 of the Act of 1893, it shall be lawful for the lessee to require the Governor to resume the whole of the lands comprised in the lease in respect to which notice of such partial resumption has been given."

Amendment of section 73 of Act of 1893.

Resumption of lands.

8. Section 25 of the Act of 1895 is hereby repealed, and the following substituted in place thereof:—"Where a lease shall expire by effluxion of time, or where leased lands shall be resumed and the lessee shall hold pastoral lands contiguous to the lands comprised in the expiring lease, or to the lands resumed, the Governor may accept a surrender of the lease of such contiguous lands: Provided that the lease of the contiguous lands shall expire within a year from the date of such surrender. In any such case the pastoral lessee shall be entitled to receive the same payment for improvements as he would have been entitled to if the lease so surrendered had at the time of the surrender expired by effluxion of time: Provided also that no payment for improvements shall be made until the land comprised in such surrendered lease be either let or sold, or the surrendered lease would have expired by effluxion of time; but the valuation shall be made as soon as practicable after such surrender."

Surrender of contiguous lands.

Amendment of section 25 of Act of 1895.

9. Section 20 of the Act of 1895 is hereby amended by leaving out in line 4 of the section the word "five," and inserting "ten" in lieu thereof.

Amendment of section 20 of Act of 1895.

10. Notwithstanding anything expressed to the contrary in any previous Act or Acts, all public stock reserves and waters within pastoral country shall be under the direct control of the Commissioner of Crown Lands.

Public reserves to be under Commissioner of Crown Lands.

11. Section 85 of Act No. 585 of 1893 is hereby amended by the addition of the following words to the said section:—"And the interest of the Crown in all other improvements on the land at the time

Section 91 of the Pastoral Act of 1893, amended.

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time of the surrender shall be valued by the Pastoral Board and paid for by the surrendering lessee either in cash or by instalments, and the lessee's interest and the interest he purchases from the Crown shall belong to the lessee."

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

T. F. BUXTON, Governor.