



ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1311.

An Act to amend the Crown Lands Acts, 1915,
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 "Crown Lands Act Short titles.
Amendment Act, 1917."

(2) The Crown Lands Acts, 1915, and this Act may be cited Nos. 1199 and 1231
together as the "Crown Lands Acts, 1915 and 1917." of 1915.

(3) The Crown Lands Act, 1915, is hereinafter referred to as
"the principal Act."

2. This Act is incorporated with the Crown Lands Acts, 1915, Incorporation with
and those Acts and this Act shall be read as one Act. other Acts.

3. (1) Section 53 of the principal Act is amended—

(a) by inserting after the word "lease" in the third line of
subsection (1) thereof the words "or lease with right of
purchase,"

Amendment of sec-
tion 53 of principal
Act—

Power to reduce
purchase-money or
rent.

(b) by striking out the words "entered into or granted before
the nineteenth day of November, nineteen hundred and
fourteen," in the third and fourth lines of the said sub-
section, and

(c) by

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(c) by inserting after subsection (1) thereof the following subsection:—

(1A) Every reduction of purchase-money or rent under this section shall take effect from such date as the Commissioner in each case determines.
and

(d) by adding at the end of the said section the following additional subsection:—

(5) The powers of the Commissioner under this section may, in the case of each such agreement or lease as is hereinbefore referred to, be exercised from time to time as the Commissioner thinks fit, notwithstanding that one or more reductions have already been made by the Commissioner in respect of the same agreement or lease and notwithstanding that no appeal for a further reduction has been made to him.

(2) The amendments hereby made shall have the same effect as if they had appeared in the principal Act on the passing thereof.

Amendment of section
132 of principal Act—

Endorsement to pro-
tect homestead block.

4. Section 132 of the principal Act is amended by substituting for the words “in which case” in the twenty-second and twenty-third lines thereof the following passage “or unless the blockholder forwards to the Commissioner a request in writing that the protection may be removed; in either of which cases”

Amendment of *ibid.*,
s. 161 (1)—

Compulsory acqui-
sition of certain land.

5. (1) Subsection (1) of the section 161 of the principal Act is amended so as to read as follows:—

161. (1) Large estates and any lands adjacent to the River Murray suitable for reclamation or irrigation may be acquired by the Commissioner for the purposes of extension of agriculture and closer settlement in manner prescribed by this Division.

(2) Subsection (1) of section 162 of the principal Act is amended by striking out the passage “(save such as is excepted by subsection (1) of section 161).”

Amendment of *ibid.*,
s. 170.

6. Section 170 of the principal Act is amended—

(a) by inserting before the word “Surveyor-General” in the second line of subsection (3) thereof (as added by section 7 of the Crown Lands Act Amendment Act, 1915), the words “Secretary for Lands, the Assistant Secretary for Lands, or the,” and

(b) by striking out the words “or the Deputy Surveyor-General” in the third line of the said subsection.

Amendment of *ibid.*,
s. 178A.

7. Section 178A of the principal Act (as inserted by section 8 of the Crown Lands Act Amendment Act, 1915) is amended by striking out—

(a) the words “subject to subsection (3) of this section” in the seventh and eighth lines of subsection (1) thereof, and

(b) the

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(b) the words “subject to subsection (3) of this section” in the eighth and ninth lines of subsection (2) thereof.

8. Section 193 of the principal Act is amended by substituting for the word “Surveyor-General” in the first line thereof the words “Secretary for Lands.” Amendment of *ibid.*, s. 193.

9. Subdivision (a) of subsection (3) of section 203 of the principal Act is amended so as to read as follows:— Amendment of *ibid.* s. 203 (3) (a)—

(a) that the purchase-money payable under the agreement is too high, and Reduction of purchase-money.

10. Subsection (1) of section 261 of the principal Act is amended so as to read as follows:— Amendment of *ibid.*, s. 261 (1)—

261. (1) The Commissioner may, on the application of a lessee under any perpetual lease or a purchaser under any agreement (hereinafter called “the applicant”), make upon the land comprised in the lease or agreement any or all of the following improvements:— Commissioner may effect certain improvements.

i. grubbing, clearing (including rolling or logging down and burning), and otherwise effectively preparing for cultivation any area not exceeding two hundred and fifty acres:

ii. permanent water improvements (such as dams, wells, tanks, watercourses, windmills and the like), and boring for water; and

iii. such other improvements as are prescribed.

11. Section 296 of the principal Act is amended—

(a) by inserting before the word “Surveyor-General” in the second and third lines of subdivision iii. thereof the words “Secretary for Lands, the Assistant Secretary for Lands, or the”; and Amendment of *ibid.*, s. 296.

(b) by striking out the words “or Deputy Surveyor-General” in the third line of the said subdivision iii.

12. (1) Notwithstanding any law or usage to the contrary, it is hereby declared that any prohibition, express or implied, contained in the Crown Lands Acts, 1915, or in any lease or agreement issued under those Acts or any Act thereby repealed, against the transferring, assignment, or subletting of land comprised in any such lease or agreement without the consent of the Commissioner first had in each case, shall be construed to extend to and to include the prohibition of— Prohibition against transferring or subletting without consent to extend to every form of alienation without consent.

(a) every form of alienation, or attempted alienation, without such consent as aforesaid, of the land comprised in the lease or agreement, and

(b) the mere parting, before such consent is actually obtained, with the possession of such land, or any part thereof, in pursuance of any agreement for the alienation thereof, whether

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whether such agreement is executory or otherwise and whether the same is or is not enforceable in law, and whether or not such alienation is thereby agreed to be made subject to such consent,

and upon any breach of such prohibition as hereby extended the Commissioner shall have the same powers of re-entry and forfeiture as in the case of a breach of any such prohibition as hereinbefore first mentioned.

(2) Any person who gives or takes possession of any land, or any part of any land, comprised in any such lease or agreement contrary to such prohibition as aforesaid as hereby extended shall be liable to a penalty not exceeding Fifty Pounds, and in addition the lease or agreement comprising such land or part shall be liable to be absolutely forfeited without any compensation being payable to the holder thereof.

Cf 7 Geo. IV.,
c. 29, s. 3.

(3) In the case of any person transferring, assigning, or subletting contrary to such prohibition as hereby extended without such consent as aforesaid, any deed, written instrument, or other agreement whereby such transfer, sublease, or assignment is made, or for the occupation of any land so transferred, assigned, or sublet, shall be wholly null and void for all purposes whatsoever.

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

H. L. GALWAY, Governor.