



ANNO DECIMO

GEORGII V REGIS.

A.D. 1919.

No. 1405.

An Act to further amend the Crown Lands Act, 1915,
and for other purposes.

[*Assented to, November 27th, 1919.*]

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 Further Amendment Act, 1919." Short titles.

(2) The Crown Lands Acts, 1915 and 1917, and this Act may be cited together as the "Crown Lands Acts, 1915 to 1919."

(3) The Crown Lands Act, 1915, is hereinafter called "the principal Act."

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

3. (1) In the case of any agreement or perpetual lease to which the Commissioner has directed that section 49 of the principal Act shall apply— Period during which no instalment or rent payable may be extended in certain cases.

(a) where the holder of any such agreement or lease has, at any time during the first four years of the term of such agreement or lease, been on active service, or

(b) where, in the opinion of the Commissioner, the enforcement of the provisions of such agreement or lease as to payment of instalments or rent would inflict great hardship upon the holder of such agreement or lease,
the

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the Commissioner may, by notice given to the holder, extend the period during which, under such agreement or lease, no instalment or rent is to be payable, for such further period, not exceeding four years, as he thinks fit.

(2) Upon the giving of any notice of extension, as mentioned in subsection (1) hereof, such period shall be extended in accordance with such notice, and all dates and periods mentioned in such agreement or lease shall be postponed and, in the case of an agreement, the term shall be extended, according to the period of such extension. The agreement or lease shall be construed so as to give effect to this subsection, and shall be binding on the parties as so construed.

(3) In this section "active service" means service outside Australia in the war with Germany which commenced on the fourth day of August, nineteen hundred and fourteen, and with any of the Allies of Germany in that war, as a member of—

- (a) the Australian Imperial Force or the Royal Australian Navy; or
- (b) His Majesty's Army or Navy; or
- (c) any naval or military force raised in any country forming part of His Majesty's Dominions for service in such war outside the country wherein such force is raised.

4. The Third, Fourth, Fifth, and Ninth Schedules to the principal Act are amended in manner set out in the Schedule to this Act.

Amendment of
principal Act,
Schedules—

Reservations in
agreements and
leases.

Part only of
defaulting purchaser's
or lessee's interest
may be sold.

5. (1) The Commissioner may, in exercising the power to sell or transfer a defaulting purchaser's or lessee's interest in any agreement or lease conferred by section 65 or section 199 of the principal Act, exercise any such power with respect to the whole or, from time to time, with respect to any part or parts of the land comprised in the agreement or lease, as he thinks fit.

(2) All the provisions of the principal Act with respect to the sale or transfer of the defaulting purchaser's or lessee's interest in the agreement or lease shall, *mutatis mutandis*, apply to the sale or transfer of his interest in part only of the land comprised in the agreement or lease.

(3) In case of the sale or transfer of the defaulting purchaser's or lessee's interest in part only of the land comprised in the agreement or lease, the Commissioner may cancel such agreement or lease as to the whole of the said land or as to any part thereof so sold, and may prepare and issue to the purchaser of such part a new agreement or lease therefor, and such new agreement or lease shall be effectual for all purposes as a transfer to the purchaser of the right, title, and interest of the defaulting purchaser or lessee in the part of the said land comprised in such new agreement or lease.

6. Section

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6. Section 4 of the principal Act is amended by inserting after the definition of "Dedicated lands" contained therein the following definition:—

Amendment of principal Act, s. 4—
"Fixed rate."

"Fixed rate" means the annual rate of interest fixed by the Treasurer under section 7 of the Crown Lands Act Further Amendment Act, 1919, which is in force at the time when the block in question is offered for sale.

7. (1) The Treasurer may, from time to time, by notice published in the *Government Gazette*, fix the annual rate of interest to be paid on the purchase price of blocks offered for sale under Part X. of the principal Act, and may, in the same manner, annul any rate so fixed.

Treasurer may fix annual rate of interest on closer settlement lands.
Cf. 1166, 1914, s. 20.

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

8. Subsection (1) of section 179 of the principal Act is amended by substituting for the first ten lines of subdivision i. thereof the following provision:—

Amendment of principal Act, s. 179—
Interest on purchase-money to be at fixed rate.

1. To purchase his block and the improvements (if any) thereon at the price fixed by the Board, and to pay the purchase-money and interest thereon by the following half-yearly instalments, to be paid in advance, namely:—
The first ten half-yearly instalments shall be equal and shall be calculated at the fixed rate on the price fixed as aforesaid, and each of the subsequent sixty half-yearly instalments shall be equal and shall be calculated at a rate sufficient to repay during the said term of thirty-five years the price fixed as aforesaid together with interest at the fixed rate on the balance thereof from time to time remaining unpaid: Provided that the purchaser—

9. (1) Subsection (1) of section 180 of the principal Act is amended by substituting for subdivision ii. thereof the following provision:—

Amendment of *ibid.*, s. 180—
Interest on purchase-money to be at fixed rate.

- ii. each of the subsequent instalments shall be equal and shall be calculated at a rate sufficient to repay during the said term of sixty-four years the price fixed by the Land Board, together with interest on the balance thereof from time to time remaining unpaid at the fixed rate for the whole of the said term.

(2) Subsection (3) of the said section 180 is amended by substituting for the words "at the rate of four per centum per annum" in the sixth and seventh lines thereof the words "at the fixed rate."

10. Section

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Amendment of
ibid., s. 187—
Rental of lands
unallotted not to be
less than fixed rate.

10. Section 187 of the principal Act is amended—

- (a) by substituting for the words “not being less than four per centum on the amount of the purchase-money” in the fourth and fifth lines thereof the words “being not less per annum than an amount calculated at the fixed rate on the amount of the purchase-money;” and
- (b) by substituting for the words “four per centum per annum” in the tenth line thereof the words “the fixed rate.”

Amendment of ibid.,
s. 270—
Cancellation of
muniments of title
when grant
cancelled or land
reverts to Crown.

11. Section 270 of the principal Act, is amended so as to read as follows:—

270. (1) The Commissioner may from time to time, and upon the alienation of any of the lands hereinafter mentioned shall, forward to the Registrar-General of Deeds, or other proper officer, the certificate, grant, or other muniment or muniments of title to all or any lands—

- (a) the grant of which has been cancelled by the Governor under the Crown Lands Act, 1903, or this Act, or
- (b) which, having been lawfully held by any person for any estate or interest, have been or are lawfully forfeited to or resumed by, or by any means whatsoever have reverted to or revert to or have been or are acquired by, the Crown,

and request the said Registrar-General or officer, in writing, to forthwith cancel such certificate, grant, or other muniment or muniments of title, either wholly or partially.

(2) The said Registrar-General, or other officer, shall thereupon enter on the folium relating to such land in the Register Book and on such certificate, grant, or other muniment or muniments, a memorandum cancelling the same, either wholly or partially as the said writing may require, and shall sign such memorandum. Thereafter the land in respect of which the certificate, grant, or other muniment or muniments of title have been cancelled may, until again alienated from the Crown, be dealt with in all respects as if it had never been alienated from the Crown.

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

H. L. GALWAY, Governor.

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THE SCHEDULE.

Sec. 4.

The Third Schedule to the principal Act is amended by substituting for clause 1 of the form of Crown Lease (Perpetual) contained therein the following clause :—

1. There are reserved to the Crown all gold, silver, copper, tin, and other metals, all ores and other substances containing metals, all minerals, and all gems and precious stones, coal, and mineral oils, with incidental powers of search and mining.

The Fourth Schedule to the principal Act is amended by substituting for the first four lines of the extended meaning of the term "Reservations" contained therein the following provision :—

"Except and reserved out of this lease all gold, silver, copper, tin, and other metals, all ores and other substances containing metals, all minerals, and all gems and precious stones, coal, and mineral oils upon,"

The Fifth Schedule to the principal Act is amended by substituting for the passage "except and reserved all gold silver copper tin and other metals ores minerals and other substances containing metals and all gems and precious stones and all coal and mineral oils" in the fourth, fifth, and sixth lines of clause 1 of the "Terms and Conditions in Agreement" contained in the said Schedule, the passage "except and reserved all gold, silver, copper, tin, and other metals, all ores and other substances containing metals, all minerals, and all gems and precious stones, coal, and mineral oils."

The Ninth Schedule to the principal Act is amended by substituting for the passage "except and reserved all gold silver copper tin and other metals ores minerals and other substances containing metals and all gems and precious stones and all coal and mineral oils" in the fourth, fifth, and sixth lines of clause 1 of the "Terms and Conditions to be contained in Agreement" contained in the said Schedule the passage : "except and reserved all gold, silver, copper, tin, and other metals, all ores and other substances containing metals, all minerals, and all gems and precious stones, coal, and mineral oils."