



ANNO OCTAVO

# GEORGI VI REGIS.

A.D. 1944.

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## No. 26 of 1944.

An Act to amend the Crown Lands Act, 1929-1941,

[Assented to 14th December, 1944.]

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

- Short titles.** 1. (1) This Act may be cited as the "Crown Lands Act Amendment Act, 1944".
- (2) The Crown Lands Act, 1929-1941, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1941".
- (3) The Crown Lands Act, 1929-1941, is hereinafter called "the principal Act".
- Incorporation.** 2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.
- Amendment of s. 5 of principal Act Powers of Governor.** 3. Section 5 of the principal Act is amended by inserting therein after paragraph (f) the following paragraphs :—
- (f1) by proclamation declare that any dedicated lands or reserved lands shall be under the care, control, and management of any Minister, municipal or district council, or any association, corporate or unincorporate :
- (f2) by proclamation revoke or vary any proclamation made under paragraph (f1) of this section :
- Amendment of s. 9 of principal Act— Powers of Commissioner.** 4. Section 9 of the principal Act is amended—
- (a) by striking out the word "gates" in the first line of paragraph (n) thereof and inserting in lieu thereof the words "or construct and maintain gates, grids, and ramps or any of them";

(b) by inserting after paragraph (n) thereof the following paragraph :—

(n1) impose conditions on the grant of any permission under paragraph (n) of this section, and revoke any permission upon breach of any condition thereof :

5. Section 11 of the principal Act is amended by striking out the word “ four ” in the second line and inserting in lieu thereof the word “ six ”.

Amendment of  
s. 11 of  
principal Act—  
Constitution of  
Land Board.

6. The following section is enacted and inserted in the principal Act after section 22a thereof :—

Enactment of  
s. 22a of  
principal Act—

22b. (1) Notwithstanding any other provision of this Act, if the board is of the opinion that any parcel of Crown Land is not sufficient to provide a living area, but can conveniently be worked by a lessee or purchaser in conjunction with the land comprised in his lease or agreement, the Commissioner, on the application of that lessee or purchaser and the recommendation of the board, may direct that a lease or agreement of the parcel of land shall be granted to the lessee or purchaser.

Allotment of  
land less than  
living area.

(2) If such a direction is given it shall not be necessary to invite applications for the land whether by notice in the *Gazette* or otherwise.

(3) The rent or price payable for any such parcel shall be determined by the Commissioner on the recommendation of the Board.

7. The heading to Division IIIA. of Part V. of the principal Act is amended by striking out the words “ in Whyalla ”.

Amendment of  
heading to  
Division IIIA.  
of Part V.

8. Section 41d of the principal Act is amended by inserting at the end thereof the following subsection :—

Amendment of  
s. 41d of the  
principal Act—

(5) A land grant of the fee simple of land surrendered under this section may contain all or any of the following conditions, namely :—

Purchase of  
fee simple of  
Whyalla town  
lands.

(a) that the grantee or his successor in title shall during any period specified in the condition personally reside upon the land :

(b) that the grantee or his successor in title shall within such time as is specified in the con-

dition erect on the land in accordance with plans and specifications to be approved by the Commissioner, such premises as are specified in the condition and shall not, without the consent in writing of the Commissioner, erect on the land any other premises :

- (c) a condition regulating or restricting in such manner as is specified in the condition the purposes for which the land may be used :
- (d) that the land shall not be transferred, mortgaged, or otherwise dealt with within a period specified in the condition, but not exceeding six years from the date of the land grant, without the consent in writing of the Commissioner.

If the land grant contains any such conditions, subsections (2) to (8) inclusive of section 232h of this Act shall apply to every such condition in the same way as they apply to conditions under that section.

This subsection shall be deemed to have come into force on the seventh day of September, nineteen hundred and thirty-nine.

Enactment of s. 41f of principal Act—

Application of ss. 41a-41e to Leigh Creek.

**9.** The following section is enacted and inserted in the principal Act after section 41e thereof :—

41f. Sections 41a to 41e (inclusive) of this Act shall apply in relation to any town constituted after the thirtieth day of September, nineteen hundred and forty-four on the Leigh Creek coalfield, in the same way as they apply in relation to the town of Whyalla, and the said sections shall be construed as if every reference therein to the town of Whyalla were also a reference to any town constituted as aforesaid.

Enactment of s. 50b of principal Act—

Power to reduce money payable under leases and agreements.

**10.** The following section is enacted and inserted in the principal Act after section 50a thereof :—

50b. (1) Notwithstanding any other provision of this Act, the Commissioner may, on the recommendation of the board—

- (a) reduce the amount fixed in any lease as the price at which the fee simple of the land comprised in the lease may be purchased ;
- (b) reduce any amount payable under any lease as the price of improvements, or any instalments thereof ;

- (c) reduce any other amount payable under any lease, not being rent ;
- (d) reduce the rate of interest payable on any such amount as is mentioned in paragraph (b) or (c) of this section ;
- (e) remit or accept payment by instalments of the whole or any part of any arrears of any kind owing under a lease or agreement ;
- (f) impose conditions on the grant of any concession under this section and revoke the concession upon breach of any condition so imposed.

(2) Where the liabilities of a lessee or purchaser are altered under this section, the lease or agreement shall be deemed to be varied so as to provide for the altered liabilities; and the same rights and remedies shall be available for enforcing the altered liabilities as were available for enforcing the liabilities of the lessee or purchaser before the alteration.

(3) This section shall apply to amounts payable either before or after the enactment of this section.

**11.** Section 144 of the principal Act is amended by striking out the words "and the Surveyor-General" in paragraph 1.

Amendment of s. 144 of principal Act—  
Acquisition of land by repurchase.

**12.** Section 145 of the principal Act is amended by striking out the whole of the proviso thereto.

Amendment of s. 145 of principal Act—  
Acquisition of land compulsorily.

**13.** Section 152 of the principal Act is amended—

(a) by striking out the words "signed by the Director of Lands" in the third line of subsection (2) and inserting in lieu thereof the words "given by the board";

Amendment of s. 152 of principal Act—  
Acquisition of large estates and land on River Murray.

(b) by striking out the words "Surveyor-General and the Director of Lands" in the fourth line of subsection (3) and inserting in lieu thereof the word "board".

**14.** Section 153 of the principal Act is amended—

(a) by striking out the words "Director of Lands has signed" in the third line of paragraph (b) of sub-

Amendment of s. 153 of principal Act—  
Acquisition of lands for working land adjacent to River Murray.

section (2) and inserting in lieu thereof the words "board has given";

- (b) by striking out paragraph (c) of subsection (2);
- (c) by striking out in paragraph (d) of subsection (2) the words "Surveyor-General and the Director of Lands have" and inserting in lieu thereof the words "board has";
- (d) by striking out the words "Director of Lands" in subsection (3) and inserting in lieu thereof the word "board".

Amendment of  
s. 154 of  
principal Act—  
Land irrigable  
from River  
Murray.

**15. Section 154 of the principal Act is amended—**

- (a) by striking out the words "Director of Lands has certified in writing" in the second and third lines of subsection (2) and inserting in lieu thereof the words "board has certified";
- (b) by striking out the words "Surveyor-General and the Director of Lands have" in the fifth and sixth lines of subsection (2) and inserting in lieu thereof the words "board has";
- (c) by striking out the words "certificates of the Surveyor-General and Director of Lands" in subsection (3) and inserting in lieu thereof the words "certificate of the board".

Amendment of  
s. 155 of  
principal Act—  
Land requiring  
drainage.

**16. Section 155 of the principal Act is amended—**

- (a) by striking out the words "Surveyor-General and the Engineer-in-Chief have" in the second and third lines of subsection (2) and inserting in lieu thereof the words "board after obtaining a report from the Engineer-in-Chief as to the possibility of draining the land has";
- (b) by striking out the word "have" in the fifth line of subsection (2) and inserting in lieu thereof the word "has";
- (c) by striking out the words "Surveyor-General and the Engineer-in-Chief" in subsection (3) and inserting in lieu thereof the word "board".

Amendment of  
s. 170 of  
principal Act—  
Purchase of  
land by  
arrangement.

**17. Section 170 of the principal Act is amended—**

- (a) by striking out the words "and the Surveyor-General" in the penultimate line of subsection (1);
- (b) by striking out the word "values" in the second line of subsection (2) and inserting in lieu thereof the word "value";

- (c) by striking out the words " and the Surveyor-General are " in the second and third lines of subsection (2) and inserting in lieu thereof the word " is " ;
- (d) by striking out paragraph (b) of subsection (2) and inserting in lieu thereof the following paragraph :—
- (b) the value placed upon the land by the board is less than the price required by the owner of the land, but the applicants are willing to pay to the Commissioner a sum equal to one-tenth of the said value and also the difference between the said value and the said price, and the Commissioner consents thereto ; and
- (e) by striking out the words " and the Surveyor-General " in the first and second lines of paragraph (c) of subsection (2) ;
- (f) by striking out the words " and the Surveyor-General " in the second line of paragraph (e) of subsection (2) ;
- (g) by striking out in paragraph (f) of subsection (2) thereof all the words before the words " and make a deposit of the prescribed amount " in the tenth and eleventh lines of the said paragraph and by inserting in lieu thereof the following words :—
- (f) the applicants pay in any case where the said value is equal to or greater than the price required by the owner, a sum equal to one-tenth of the said price and in any case where the said value is less than the said price, one-tenth of the said value and also the difference between the said value and the said price " .

**18.** Section 170a of the principal Act is amended—

- (a) by striking out the words " and the Surveyor-General " in subsection (3) ;
- (b) by striking out the words " and the Surveyor-General or " in the third line of subsection (4) ;
- (c) by striking out paragraph (b) of subsection (4).

Amendment of  
s. 170a of  
principal Act—  
Purchase of  
land for  
allotment to  
one settler.

**19.** Section 170b of the principal Act is amended—

- (a) by striking out the words " and the Surveyor-General " in subsection (3) ;

Amendment of  
s. 170b of  
principal Act—  
Loans for  
schemes for  
closer settle-  
ment.

(b) by striking out the words " and the Surveyor-General or " in the third line of subsection (4) ;

(c) by striking out paragraph (b) of subsection (4) thereof.

Amendment of  
s. 184 of  
principal Act—  
Power to  
grant leases on  
surrender.

**20.** Section 184 of the principal Act is amended by inserting after the word " agreement " in the seventh line thereof the words " or lease ", and by inserting after the word " price " in the seventh line thereof the words " or rent ".

Amendment of  
s. 199 of  
principal Act—  
Surrender of  
agreement for  
perpetual  
lease.

**21.** (1) Section 199 of the principal Act is amended by inserting in subsection (2) after paragraph (b) the following paragraph :—

(c) the provisions (if any) to be inserted in the perpetual lease for the purpose of binding the applicant to pay for all or any of the improvements on the land.

(2) The amendment made by this section shall be deemed to have come into force at the time of the passing of the principal Act.

Amendment of  
s. 200 of  
principal Act—  
Reduction of  
purchase  
money.

**22.** Section 200 of the principal Act is amended—

(a) by striking out the words " the Surveyor-General and " in the second line of subsection (2) ;

(b) by striking out the words " the Surveyor-General and " in the first line of subsection (3) ;

(c) by striking out the word " their " in the second line of subsection (3) and inserting in lieu thereof the word " its " ;

(d) by striking out the words " the Surveyor-General and " in the eighth and ninth lines of subsection (3).

Repeal of  
s. 201 (3) of  
principal Act—  
Consequential  
repeal.

**23.** (1) Subsection (2) of section 201 of the principal Act is amended—

(a) by striking out the words " hereinafter provided for " in the second and third lines and inserting in lieu thereof the words " of the board " ;

(b) by striking out the whole of lines 10 to 19 thereof.

(2) Subsection (3) of section 201 of the principal Act is repealed.

Amendment of  
s. 203 of  
principal Act—  
Conditional  
increase of  
holding.

**24.** Section 203 of the principal Act is amended by striking out the words " the Surveyor-General and " in the fifth line.

**25.** Section 206 of the principal Act is amended by striking out the proviso to subsection (1) thereof and inserting in lieu thereof the following passage :—

Amendment of s. 206 of the principal Act—  
Surrender for new lease.

The lessee surrendering may nominate himself or any other person, or any persons (of whom the said lessee may be one) as the person or persons to whom a lease or leases of the whole or any part or parts of the surrendered land may be granted : Provided that a lease shall not be granted to a person other than the lessee surrendering unless the transfer to that person has been approved in the usual manner.

**26.** Section 207 of the principal Act is amended by striking out all words therein after "agreement" in the second line.

Amendment of s. 207 of principal Act—  
Surrender of agreement.

**27.** Section 208 of the principal Act is amended by striking out the proviso to subsection (1) thereof and inserting in lieu thereof the following passage :—

Amendment of s. 208 of the principal Act—  
Surrender of agreement for new agreement.

The purchaser surrendering may nominate himself, or any other person, or any persons (of whom the said purchaser may be one) as the person or persons to whom an agreement or agreements of the whole or any part or parts of the surrendered land may be granted : Provided that an agreement shall not be granted to a person other than the purchaser surrendering unless a transfer to that person has been approved in the usual manner.

**28.** Section 208aa of the principal Act is amended by striking out the figures "207" in the first line and inserting in lieu thereof the figures "208".

Amendment of s. 208aa of principal Act.

**29.** The following section is enacted and inserted in the principal Act after section 209 thereof :—

Enactment of s. 209a of principal Act—

209a. (1) Where a person holds any marginal land on lease or agreement the Commissioner on the recommendation of the board may—

Surrender of lease or agreement for marginal land lease.

- (a) permit him to surrender that lease or agreement as to the whole or any part of the land comprised therein ;
- (b) on any such surrender grant him a lease under the Marginal Lands Act, 1940, of the land surrendered ;
- (c) if more than one such lease or agreement is surrendered by the same person, grant him



one lease under the Marginal Lands Act, 1940, comprising all the land surrendered.

(2) Section 4 of the Marginal Lands Act, 1940, shall apply to any lease so granted.

(3) In this section "marginal land" means land which has been used principally for wheat growing, but which in the Commissioner's opinion, because of inadequate rainfall, with or without other causes, is unsuitable for wheat growing as the principal operation carried on thereon.

Amendment of  
s. 211a of  
principal Act—  
Extension of  
time for  
exercising  
right of  
purchase.

**30.** Section 211a of the principal Act is amended by adding at the end of the definition of "the present war" in subsection (2) the words "and any war in which Great Britain becomes engaged during that war".

Amendment of  
s. 221 of  
principal Act—  
Surrender of  
agreement for  
perpetual lease.

**31.** (1) Section 221 of the principal Act is amended by inserting in subsection (2) thereof after paragraph (b) the following paragraph:—

and (c) the provisions (if any) to be inserted in the perpetual lease for the purpose of binding the applicant to pay for all or any of the improvements on the land.

(2) The amendment made by this section shall be deemed to have come into force at the time of the passing of the principal Act.

Enactment of  
s. 234a of  
principal Act—

**32.** The following section is enacted and inserted in the principal Act after section 234 thereof:—

Building  
conditions in  
town blocks.

**234a.** (1) Whenever any town land is offered for sale under this Part the Commissioner may by notice in the *Government Gazette* offering the land for sale, declare that the land shall be sold subject to a condition that the purchaser or his successor in title shall within the time specified in the condition erect on the land buildings of a kind specified in the condition and complying with any other requirements so specified.

(3) Subsections (2) to (8) inclusive of section 232h of this Act shall apply to every such condition in the same way as they apply to conditions under that section.

Amendment of  
s. 235 of  
principal Act—  
Limitation of  
town  
allotments  
that may be  
purchased.

**33.** Section 235 of the principal Act is amended by striking out subsections (1) and (2) thereof and inserting in lieu thereof the following subsections:—

(1) Whenever town lands are sold by auction, under any provision of this Act, the Commissioner may by notice in the *Government Gazette* direct that all or any of

the following conditions shall apply in relation to any area specified in the notice, being the whole or any part of the town where the lands are situated :—

- (a) That not more than a specified number of allotments in that area shall be purchased by or on behalf of any person ;
- (b) That no allotments in that area shall be purchased by or on behalf of any person who holds more than a specified number of allotments in that area ;
- (c) That allotments in that area shall not be purchased by or on behalf of any person so as to increase the total number of allotments in that area held by him or on his behalf beyond a specified number.

(2) If it is shown to the satisfaction of the Commissioner that any allotments have been purchased in breach of any such condition the Governor may by notice published in the *Government Gazette*, cancel the sale of all or any of those allotments ; whereupon the sale so cancelled shall become absolutely void, and the allotments of which the sale was cancelled shall be forfeited to the Crown.

**34.** The following section is enacted and inserted in the principal Act after section 244 thereof :—

Enactment of  
s. 244a of  
principal Act—

244a. A licence granted under the last preceding section may contain conditions requiring the licensee to erect or construct and maintain gates, grids and ramps or any of them at any place not within a municipality or district council district, on any road which passes through or abuts on the land described in the licence, and such other conditions as the Commissioner thinks fit.

Conditions in  
licences.

**35.** Section 263a of the principal Act is amended—

Amendment of  
s. 263a of  
principal Act—  
Soil  
conservation  
reserves.

- (a) by striking out the word “perpetual” (twice occurring) in the second and third lines of subsection (1) ;
- (b) by adding at the end of subsection (1) thereof the words “ unless the Commissioner, on the recommendation of the board, determines that a greater total area should be set apart and reserved in any particular case. If such a determination is made the total area shall not exceed that so determined ”.

**36.** Section 263b of the principal Act is amended—

Amendment of  
s. 263b of  
principal Act—  
Insurance.

- (a) by inserting after the word “ lessee ” in the fourth line of subsection (2) the words “ or purchaser ”;

(b) by adding at the end thereof the following subsection :—

(3) If a lessee or purchaser does not insure any buildings, erections, or improvements, as required by his lease or agreement or this Act, the Commissioner may insure them and recover the cost of so doing from the lessee or purchaser as a debt by action in any court of competent jurisdiction.

Enactment of  
s. 265b of  
principal Act—

**37.** The following section is enacted and inserted in the principal Act after section 265a :—

Power of  
Commissioner  
to manage  
blocks.

265b. (1) If—

(a) a lessee or purchaser is continuously absent from the land comprised in his lease or agreement for one month or more without having given the Commissioner notice of such absence ; or

(b) notice of cancellation of any lease or agreement has been given pursuant to this Act,

and if the Commissioner believes on reasonable grounds that the land comprised in the lease or agreement is being seriously neglected and is thereby deteriorating in value, he may, on the recommendation of the board, assume the general control and management of that land and may do all things necessary to keep it in production and prevent deterioration.

(2) Any expense incurred by the Commissioner in so doing shall be a charge on the land and shall be payable by the lessee or purchaser for the time being of the land and may be recovered by the Commissioner by action in any court of competent jurisdiction as a debt due to him by the lessee or purchaser.

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

J. M. NAPIER, Lieutenant-Governor.