



ANNO SEXTO

ELIZABETHAE II REGINAE

A.D. 1957.

No. 27 of 1957.

An Act to amend the Crown Lands Act, 1929-1944.

[Assented to 31st October, 1957.]

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, 1957".

(2) The Crown Lands Act, 1929-1944, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1957".

(3) The Crown Lands Act, 1929-1944, 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 principal Act, s. 261—

Power of Minister to resume land set apart as site for a town.

3. Section 261 of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsections :—

(2) Subject to subsection (3) hereof any such allotments may be acquired either by agreement or compulsorily.

(3) Where the Minister of Lands is of opinion that it is expedient to acquire any such allotments compulsorily, the Governor may by proclamation published in the *Gazette* and in a newspaper circulating in the district in which the allotments are situated, declare that on a day mentioned in the proclamation, and not being earlier than the day on which the proclamation is last published, those allotments shall be vested in Her Majesty the Queen.

(4) On and after the day mentioned in the proclamation—

- (i) the allotments described therein shall by force of this section be vested in Her Majesty, and shall be deemed for all purposes to be Crown lands ; and
- (ii) those allotments shall be freed and discharged from all trusts, obligations, estates, interests, contracts, licences, charges, rates, and easements to the intent that the unencumbered legal estate in fee simple therein shall vest in Her Majesty, and that the Minister and any persons authorised by him or deriving title from Her Majesty shall be entitled to immediate possession and occupation of those allotments ; and
- (iii) the estate and interest of every person interested in those allotments shall be converted into a claim for compensation.

(5) Forthwith after the last publication of a proclamation made under paragraph (a) of this subsection, the Minister shall give a notice of acquisition to every person having an estate or interest in the allotments and who is known or after diligent inquiry becomes known to the Minister.

(6) A notice of acquisition given under this section shall—

- (a) describe the allotments to which it relates and state that they have been acquired by Her Majesty by proclamation on the day stated in the notice ; and
 - (b) state that every person having an estate or interest in the said allotments is entitled to compensation for the land taken and for the damage, if any, caused by the severance of that land from other land of such person ; and
 - (c) state that the Minister is willing to negotiate with the person to whom the notice is given as to the amount of compensation, if any, to which he is entitled.
- (7) The notice of acquisition shall be given to a person—
- (a) by sending it to him by registered letter addressed to his last known or usual place of abode or business ; or
 - (b) by delivering it to him personally ; or

- (c) by leaving it for him at his last known or usual place of abode or business with some person apparently an inmate thereof or employed thereat and apparently not less than sixteen years of age ;
- (d) in the case of a body corporate by delivering it at its principal office or place of business in the State.

(8) If a person to whom a notice of acquisition is to be given, is absent from the State or cannot be found after reasonable inquiries or is a body corporate not having an office or place of business in South Australia the notice of acquisition may be given to the occupier of the land to which it relates, or if there is no such occupier, it may be fixed on a conspicuous part of the land.

(9) Every person having an estate or interest in land acquired under this section shall be entitled to compensation. The amount of such compensation shall be the value, as at the date of the proclamation, of the land acquired and compensation for the damage (if any) suffered by such person by reason of the severance of the land from other land in which such person has an estate or interest.

(10) Any person entitled to compensation may bring an action for that compensation in any court having jurisdiction in personal actions up to the amount claimed. In any action for compensation the court shall have jurisdiction to determine all matters incidental to the right to compensation and the amount thereof, including questions as to the title to any land.

(11) An action for compensation in respect of land acquired under this section may be commenced at any time within six years after the date of the acquisition of the land.

Enactment of
s. 261a of
principal Act—

Duty of
Registrar-
General.

4. The following section is enacted and inserted in the principal Act after section 261 thereof :—

261a. (1) The Minister shall furnish the Registrar-General with a copy of every proclamation duly published under section 261 of this Act.

(2) Upon receipt of any such proclamation, or of any transfer, conveyance, or other assurance to Her Majesty of land acquired under section 261 otherwise than by proclamation, the Registrar-General shall—

- (a) make such entries in any register book memorial or other book or record in the Lands Titles Registration Office or in the General Registry Office as he deems appropriate to evidence the vesting of the land in Her Majesty ;
- (b) if the land is comprised in a land grant, certificate of title, Crown lease, or agreement for the sale of Crown lands, make an entry on the appropriate folium in the Register Book or Register of Crown Leases and on any duplicate of such land grant, certificate of title, Crown lease or agreement produced to him, to the following effect :—“Cancelled, the within land having been acquired [or purchased] by the Crown” and shall sign such entry.

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

R. A. GEORGE, Governor.