



ANNO DECIMO QUARTO

**ELIZABETHAE II REGINAE**

A.D. 1965

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**No. 27 of 1965**

An Act to amend the Crown Lands Act, 1929-1960.

[Assented to 25th November, 1965.]

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, 1965".

(2) The Crown Lands Act, 1929-1960, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1965".

(3) The Crown Lands Act, 1929-1960, is hereinafter referred to as "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. 2—  
Arrangement of Act.**

**3.** Section 2 of the principal Act is amended by striking out the passage "DIVISION I.—Leases with Right of Purchase granted under Repealed Acts :—" therein occurring under the heading "Part VII.—Leases other than Perpetual (Sections 67-81)" thereof.

**Amendment of principal Act, s. 5—  
Governor's powers.**

**4.** Section 5 of the principal Act is amended—

(a) by striking out the passage "cancel the grant of and resume" in paragraph (e) thereof and inserting in lieu thereof the passage "resume and, where required, cancel the grant of"; and

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

(e1) by proclamation published in the *Gazette* free from the trusts and, where required, cancel the grant of any lands set apart for a particular purpose (other than lands which have been dedicated by proclamation) where such lands are used, held, or dealt with for any purpose other than the purpose for which the same were set apart and granted, or which are not used or required for such purpose.

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

Enactment of s. 6b of principal Act—

6b. (1) Where an agreement is entered into by or on behalf of the Commonwealth and by or on behalf of the Crown in right of the State for the acquisition by the Commonwealth of Crown land or any estate or interest therein (including minerals), a land grant, lease or other instrument or assurance executed by the Governor for the purpose of carrying out that agreement shall, notwithstanding anything contained in this Act be valid and effectual to vest the land or any estate or interest therein (including minerals) in the Commonwealth according to the tenor of such land grant, lease or other instrument or assurance.

Effect of conveyance of Crown land to Commonwealth.

(2) In subsection (1) of this section the Commonwealth shall be deemed to include any corporate body or instrumentality of the Commonwealth created by any Act or law of the Commonwealth.

6. Section 9 of the principal Act is amended by inserting immediately after paragraph (u) thereof the following paragraph :—

Amendment of principal Act, s. 9—

Special powers of the Minister.

(v) by himself or any person authorized by him enter upon any lands leased or held under any agreement, or any reserved or dedicated lands.

7. Section 14 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

Repeal of s. 14 of principal Act and re-enactment thereof with amendment—

Appointment of chairman and deputy chairman by Minister.

14. The Minister shall nominate a chairman and a deputy chairman of the board. The chairman or in his absence the deputy chairman shall preside at all meetings of the board at which he is present. In the absence of both the chairman and the deputy chairman, the Committee shall elect one of their number to be chairman for any meeting.

Amendment of principal Act, s. 15—  
Quorum.

**8.** Section 15 of the principal Act is amended by striking out the passage “The chairman shall have a casting as well as a deliberative vote” therein.

Repeal of ss. 23a and 23b of principal Act.

**9.** Section 23a and section 23b of the principal Act are repealed.

Repeal of s. 25 of principal Act.

**10.** Section 25 of the principal Act is repealed.

Amendment of principal Act, s. 41e—  
Application of other provisions to leases of town lands.

**11.** Section 41e of the principal Act is amended by striking out the passage “34,” therein.

Amendment of principal Act, s. 42—

**12.** Section 42 of the principal Act is amended—

Agreement to contain covenant to purchase by instalments.

(a) by inserting in paragraph (b) of subsection (1) thereof after the words “per annum by” the passage “not more than” ; and

(b) by striking out the passage “During the subsequent thirty years” in subparagraph (ii) of paragraph (b) and inserting in lieu thereof the passage “For the balance of the term of the agreement” and by striking out the word “sixty” therein.

Amendment of principal Act, s. 47—  
Rent or instalment of purchase money not to be less than 5s.

**13.** Section 47 of the principal Act is amended by striking out the words “five shillings” at the end thereof and inserting in lieu thereof the words “one pound”.

Amendment of principal Act, s. 66a—  
Power to add small areas to leases and agreements.

**14.** Section 66a of the principal Act is amended by striking out the words “one hundred pounds” in subsection (1) thereof and inserting in lieu thereof the words “two hundred pounds”.

Enactment of s. 66b of principal Act—

**15.** The following section is enacted and inserted in the principal Act after section 66a thereof :—

Power to sell for cash parcel of land valued at less than £200 to adjacent registered proprietor and to consolidate certificates of title in respect thereto.

66b. (1) Where any parcel of Crown land, the value of which as fixed by the board does not exceed two hundred pounds, is adjacent to land comprised in any land grant or certificate of title, the Minister, on the recommendation of the board may sell for cash the said parcel of land to the registered proprietor of the adjacent land at such price as is recommended by the board and accepted by the registered proprietor.

(2) Where a sale has been effected pursuant to the power conferred by subsection (1) of this section and where pursuant to the provisions of this Act, (apart from this

subsection) a land grant for the said parcel of land would be issued to the said registered proprietor then unless the Minister otherwise directs the following provisions shall apply :—

- (i) The Minister shall give a certificate to the Registrar-General that the said parcel of land is to be vested in the said registered proprietor and if the said land is to be subject to any easement or reservation the certificate shall describe the easement or reservation.
- (ii) In lieu of a land grant being issued for any parcel of land sold under this section, a certificate of title shall on payment of the prescribed fee be issued by the Registrar-General comprising the said parcel of land and the adjacent land comprised in the land grant or certificate of title of the registered proprietor.
- (iii) Every certificate of title so issued shall be expressed to be subject and the land therein described shall be subject to such encumbrances, liens, interests, reservations, easements and trusts as were shown by the certificate of title for the adjacent land immediately prior to its consolidation and by the certificate given by the Minister as aforesaid.

(3) For the purpose of giving effect to subsection (2) of this section the Registrar-General may make such alterations in the Register Book as are necessary.

Alteration of  
Register Book.

(4) Where any consolidation is effected as provided for in subsection (2) of this section any parcel of land so consolidated shall for the purposes of the public records of the State be deemed to be merged with and have the same identity as the adjacent land comprising the land grant or certificate of title of the registered proprietor with which it is consolidated. If any consolidation would affect land in any plan deposited in the General Registry Office or the Lands Titles Registration Office, the Registrar-General may call for any survey and may describe the land in the consolidated certificate of title in such manner as he deems advisable.

(5) For the purposes of this section a parcel of land shall be deemed to be adjacent to any other land if it abuts on such other land or is separated therefrom only by a road or travelling stock reserve.

Repeal of  
Division I  
of Part VII  
of principal  
Act.

**16.** Division I of Part VII, comprising sections 67 to 73a both inclusive, of the principal Act is repealed.

Repeal of  
s. 80 of  
principal Act.

**17.** Section 80 of the principal Act is repealed.

Repeal of  
s. 180 of  
principal Act.

**18.** Section 180 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 211—  
Mode of  
obtaining  
perpetual  
lease or  
agreement.

**19.** Section 211 of the principal Act is amended by striking out subsection (5) thereof.

Repeal of  
s. 211a of  
principal Act.

**20.** Section 211a of the principal Act is repealed.

Amendment of  
principal Act,  
s. 228—  
What lands  
may be sold.

**21.** Section 228 of the principal Act is amended—

(a) by striking out the passage “, and has been withdrawn from sale or lease” in paragraph I thereof; and

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

v. Any lands the value of which does not exceed two hundred pounds.

Enactment of  
s. 228b of  
principal Act—

**22.** The following section is enacted and inserted in the principal Act after section 228a thereof :—

Power to sell  
Crown lands to  
certain bodies.

228b. Notwithstanding any other provision of this Division the Governor may, on payment of such sum as is fixed by the board, grant the fee simple of any Crown lands to any of the following bodies corporate, namely, the War Service Homes Commission, the Savings Bank of South Australia, the State Bank of South Australia, or the South Australian Housing Trust.

Amendment of  
principal Act,  
s. 232b—  
Deposit and  
payment.

**23.** Section 232b of the principal Act is amended—

(a) by striking out subsection (2) thereof;

(b) by striking out the passage “the balance of” in subsection (3) thereof; and

(c) by striking out subsection (4) thereof.

Amendment of  
principal Act,  
s. 232h—  
Conditions.

**24.** Section 232h of the principal Act is amended—

(a) by inserting immediately below subsection (6) thereof the following subsection :—

(6a) The Minister may on the recommendation of the board and if he thinks that special circumstances exist which justify him in so doing, wholly or partially remit or vary any of the conditions mentioned in subsection (1) of this section and in particular but without prejudice to the generality of the foregoing may extend the time specified in the condition in paragraph (b) of subsection (1) of this section in which the purchaser or his successor in title shall erect any premises on the land. Any extension of time allowed by the Minister under this subsection shall in no way prejudice the right of the Minister to cancel the sale of the land under subsection (4) of this section. ;

- (b) by inserting after the word "waived" where it firstly and secondly occurs in subsection (7) thereof the passage " ; or has been wholly or partially remitted or varied or time allowed to comply therewith, "; and
- (c) by striking out the words "and upon payment of a fee of five shillings" in subsection (7) thereof.

**25.** Section 233 of the principal Act is repealed.

Repeal of  
s. 233 of  
principal Act.

**26.** Section 253 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding portion of the section being redesignated as subsection (1) thereof) :—

Amendment of  
principal Act.  
s. 253—  
Duties of  
Crown lands  
ranger.

(2) For the purposes of this Act any member of the police force shall be deemed to be a Crown lands ranger.

**27.** Section 261 of the principal Act is amended by striking out the passage "under paragraph (a) of this subsection" therein and inserting in lieu thereof the passage "made under subsection (3) of this section".

Amendment of  
principal Act.  
s. 261—  
Power of  
Commissioner  
to resume land  
set apart as  
site for town.

**28.** The following section is enacted and inserted in the principal Act after section 262a thereof :—

Enactment of  
s. 262aa of  
principal Act—

262aa. (1) Any lands the area of which does not exceed ten acres which were dedicated or reserved for any purpose or set apart for a particular purpose (other than by dedication by proclamation) and which have been resumed pursuant to paragraph (e) of section 5 of this Act, or freed from the trusts pursuant to paragraph (e1) of section 5 of this Act may be sold by the Minister on such terms and conditions as may be recommended by the board.

Power to  
dispose of lands  
formerly  
dedicated or  
reserved which  
have been  
resumed by  
Crown.

(2) Notwithstanding the provisions of the Real Property Act, 1886-1963, the Minister in exercise of the power of sale conferred by subsection (1) of this section may execute a transfer of any such land and such transfer may be registered without production of the duplicate land grant and the Registrar-General may issue a certificate of title to the purchaser which shall not include any reference to the trusts recited in the land grant.

Amendment of  
principal Act,  
s. 262b—  
Power to  
dispose of  
material,  
plant, and  
equipment.

**29.** Section 262b of the principal Act is amended—

- (a) by inserting after the words “Crown lands” where they secondly occur in subsection (1) thereof, the passage “or any buildings or other structural improvements on such lands”; and
- (b) by striking out the word “or” where it occurs before the word “equipment” in subsection (1) thereof and by inserting after the word “equipment” the passage “building or other structural improvement”.

Amendment of  
principal Act,  
s. 263b—  
Overstocking.

**30.** Section 263b of the principal Act is amended by striking out the figures and letter “263b” therein and inserting in lieu thereof the figures and letter “263c”.

Amendment of  
principal Act,  
s. 263b—  
Covenant for  
insurance

**31.** Section 263b of the principal Act is amended by striking out the passage “of so doing” in subsection (3) thereof and inserting in lieu thereof the passage “of such insurance together with interest thereon at the rate of five per cent per annum”.

Enactment of  
s. 271d of  
principal Act—

**32.** The following section is enacted and inserted in the principal Act after section 271c thereof:—

Transfer of  
land to  
Minister.

271d. (1) The owner in fee simple of land unencumbered may transfer or convey that land, and deliver the title therefor, to the Minister who may accept the land on behalf of the Crown.

(2) Where any land which is not subject to the Real Property Act, 1886-1963, has been conveyed as mentioned in subsection (1) of this section the Registrar-General of Deeds shall register the conveyance under the Registration of Deeds Act, 1935-1962. On being satisfied as to the title of the Minister and on payment of all such fees and production of all such plans and maps as would have been required to be paid or produced on an application to bring the land under the Real Property Act, 1886-1963, the Registrar-General shall thereupon issue a certificate of title to the said land in the name of the Minister of Lands.

(3) All land transferred or conveyed under this section shall be under the control of the Minister of Lands who may sell, lease or otherwise dispose of the land to such persons, and in such manner and upon such terms and conditions as the Minister of Lands approves upon the recommendation of the Land Board.

(4) The Minister of Lands may execute any transfer, lease, conveyance or other document necessary to carry out any transaction entered into under this section. Any such transfer, lease, conveyance or document which relates to land which is subject to the Real Property Act, 1886-1963, shall comply with that Act.

(5) The Registrar-General shall, if so requested by the Minister of Lands, cancel the certificate of title relating to any land transferred to him under this section by making an indorsement on the certificate and in the Register Book of the words "Cancelled at the request of the Minister of Lands". Thereupon the land shall for all purposes be deemed to be Crown land and may be dealt with as though it has never been alienated from the Crown.

(6) The proceeds of every lease, sale or other disposition under this section shall be paid to the Treasurer in aid of the general revenue of the State.

(7) For the purposes of this section land shall be regarded as unencumbered if it is not subject to any registered mortgage, charge, encumbrance or lease, whether statutory or otherwise, and the expression "certificate of title" shall include "land grant".

**33.** Section 272 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

272. (1) Any person who unlawfully occupies or uses for cropping, grazing or in any manner whatsoever any land belonging to or vested in the Crown, or any land leased under the provisions of the Pastoral Act, 1936-1960, shall be liable to a penalty of not more than fifty pounds.

(2) For the purposes of subsection (1) of this section a person who is merely traversing or who is temporarily camping on any land referred to in that subsection shall not be deemed to be occupying or using such land.

(3) Any person who unlawfully erects or causes to be erected any building, fence or other structure on any land belonging to or vested in the Crown or any land leased under the provisions of the Pastoral Act, 1936-1960, shall

Repeal of  
s. 272 of  
principal Act  
and enactment  
of other  
provision—  
Unauthorized  
occupation or  
use of Crown  
and other  
property.



be liable to a penalty of not more than fifty pounds and shall in addition be liable to pay to the Minister the cost of removing, selling or destroying the building, fence or other structure. Payment of any such costs to the Minister may be ordered by a court imposing any such penalty as aforesaid or may be recovered by the Minister as a debt due to the Minister in any court of competent jurisdiction.

(4) Any person who unlawfully deposits or causes to be deposited any materials on any land belonging to or vested in the Crown or any land leased under the provisions of the Pastoral Act, 1936-1960 shall be liable to a penalty of not more than fifty pounds and shall in addition be liable to pay to the Minister the cost of removing, selling or destroying those materials. Payment of any such costs to the Minister may be ordered by a court imposing any such penalty as aforesaid or may be recovered by the Minister as a debt due to the Minister by action in any court of competent jurisdiction.

Amendment of  
principal Act,  
s. 273—  
Delaying with  
travelling  
stock.

**34.** Section 273 of the principal Act is amended by striking out—

- (i) the words “two shillings” in subsection (1) thereof and inserting in lieu thereof the words “ten shillings”;
- (ii) the words “one pound” in subsection (1) thereof and inserting in lieu thereof the words “three pounds”.

Amendment of  
principal Act  
s. 274—  
Depasturing  
cattle, etc.

**35.** Section 274 of the principal Act is amended—

- (a) by striking out the words “one hundred pounds” therein and inserting in lieu thereof the words “two hundred pounds”;
- (b) by striking out the words “three pence” therein and inserting in lieu thereof the words “six pence”; and
- (c) by striking out the words “one shilling and six pence” therein and inserting in lieu thereof the words “three shillings”.

Amendment of  
principal Act,  
s. 275—  
Injuring or  
removing  
timber, metals,  
etc., without  
licence.

**36.** Section 275 of the principal Act is amended—

- (a) by striking out the passage “not less than two pounds nor more than five pounds” in subsection (1) thereof and inserting in lieu thereof the passage “not less than five pounds nor more than ten pounds”; and

(b) by striking out the passage "not less than two pounds or more than five pounds" in subsection (1a) thereof and inserting in lieu thereof the passage "not less than five pounds or more than ten pounds".

**37.** Section 278 of the principal Act is amended by inserting after the word "gates" in subsection (1) thereof the passage "girds or ramps".

Amendment of  
principal Act,  
s 278—  
Obstructing  
roads and  
ways.

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

EDRIC BASTYAN, Governor.