



ANNO DECIMO OCTAVO

# ELIZABETHAE II REGINAE

A.D. 1969

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## No. 98 of 1969

An Act to amend the Crown Lands Act, 1929-1968.

[Assented to 18th December, 1969.]

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 as the "Crown Lands Act Amendment Act (No. 2), 1969". Short titles.

(2) The Crown Lands Act, 1929-1968, as amended by this Act and by any other Act, if any, passed before the commencement of this Act, may be cited as the "Crown Lands Act, 1929-1969".

(3) The Crown Lands Act, 1929-1968, as amended by any other Act, if any, passed before the commencement of this Act, is hereinafter referred to as "the principal Act".

2. The principal Act is amended—

(a) by striking out the words "Commissioner", "COMMISSIONER" and "Commissioner's" wherever they occur in sections 2, 4, and 6a, the heading to Part III, sections 9, 16, 18, 22a, 22b, 23, 24, 26, 29, 30, 33, 36, 40, 41, 41a, 41c, 41d, 42, 44, 45, 46, 48, 49, 50, 50a, 50b, 52, 53, 55, 56 and 57, and inserting in lieu thereof, as the case may require, the words "Minister", "MINISTER" and "Minister's", respectively ;

General amendment of principal Act.

- (b) by striking out from section 58 the word "Commissioner" where it occurs firstly in subsection (3) and where it occurs in subsection (4) and inserting in lieu thereof the word "Minister";
- (c) by striking out from subsection (3) of section 58 the passage "Commissioner of Crown Lands" and inserting in lieu thereof the passage "Minister of Lands";
- (d) by striking out the word "Commissioner" wherever it occurs in sections 59, 60, 61 and 63, and in subsections (1), (3) and (5) of section 66a and inserting in lieu thereof in each case the word "Minister";
- (e) by striking out the word "Commissioner" where it occurs firstly and secondly in subsection (4) of section 66a and inserting in lieu thereof the word "Minister";
- (f) by striking out from subsection (4) the passage "Commissioner of Crown Lands" and inserting in lieu thereof the passage "Minister of Lands";
- (g) by striking out the word "Commissioner" wherever it occurs in sections 75, 77, 78a, 87, 88a, 89, 90, 92, 94, 95, 96, 97, 98, 99, 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 115, 116, 125, 129, 144, 145 and 146 and inserting in lieu thereof in each case the word "Minister";
- (h) by striking out from section 150 the passage "Commissioner of Crown Lands" and inserting in lieu thereof the passage "Minister of Lands";
- (i) by striking out the word "Commissioner" and "Commissioner's" wherever they occur in sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 167, 170, 170a, 170b, 171, 172, 173, 174, 174a, 175, 175a, 176, 178, 182, 183, 184, 187, 188, 194, 196, 199, 200, 201, 202, 202a, 204b, 208, 208aa, 209, 209a, 210, 211, 212, 213, 218, 221, 222, 223, 224, 225, 226, 227, 228a, 229, 231, 232, 232a, 232b, 232c, 232e, 232f, 232h, 232i, 234, 234a, 235, 238, 239, 242, 244, 244a, 245, 246, 247, 248, 249, 250, 251, 253, 256, 257, 260, 261, 262, 262a, 262b, 263, 263a, 263b, 263c, 264, 265, 265a, 265b, 267, 268, 269, 270, 271a, 271c, 278, 279, 287, 288, 289, 294 and 295a and inserting in lieu thereof as the case may require the words "Minister" and "Minister's", respectively;

- (j) by striking out from paragraph iv of clause 2 of the third schedule the passage "Commissioner of Crown Lands" and inserting in lieu thereof the passage "Minister of Lands";
  - (k) by striking out the word "Commissioner" wherever it occurs in paragraphs v and vi of clause 2 and in clause 3 of the third schedule and inserting in lieu thereof in each case the word "Minister";
  - (l) by striking out from item 1 of the fourth schedule the passage "Commissioner of Crown Lands" and inserting in lieu thereof the passage "Minister of Lands";
  - (m) by striking out the word "Commissioner" wherever it occurs in items 3 and 4 of the fourth schedule and inserting in lieu thereof in each case the word "Minister";
  - (n) by striking out from clause 14 of the fifth schedule the passage "Commissioner of Crown Lands" and inserting in lieu thereof the passage "Minister of Lands";
  - (o) by striking out the word "Commissioner" where it occurs secondly and thirdly in clause 14 and wherever it occurs in clause 15 of the fifth schedule and inserting in lieu thereof in each case the word "Minister";
  - (p) by striking out the word "Commissioner" wherever it occurs in paragraph (c) of the sixth schedule and inserting in lieu thereof in each case the word "Minister";
  - (q) by striking out from clause 16 of the ninth schedule the passage "Commissioner of Crown Lands" and inserting in lieu thereof the passage "Minister of Lands";
- and
- (r) by striking out the word "Commissioner" where it occurs secondly, thirdly and fourthly in clause 16 and wherever it occurs in clause 17 of the ninth schedule and inserting in lieu thereof in each case the word "Minister".

3. Section 9 of the principal Act is amended by striking out from paragraph (f) the passage "other than any remission of a covenant, agreement or condition relating to a requirement that

Amendment of  
principal Act,  
s. 9—  
Special powers  
of the  
Minister.

the lessee or party to the agreement, as the case may be, will personally reside on the land the subject of the lease or agreement, as the case may be,".

Repeal of  
s. 28 of  
principal Act.

4. Section 28 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 41c—  
Form and  
conditions of  
lease.

5. Section 41c of the principal Act is amended by striking out paragraph (a) of subsection (2).

Repeal of  
s. 43 of  
principal Act.

6. Section 43 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 66h—  
Application of  
the Act.

7. Section 66h of the principal Act is amended—

(a) by striking out from subsection (1) the passage "31," ;  
and

(b) by striking out from subsection (1) the passage ", 212, 220 and subsections (2), (2a), (2aa), (3), (4) and (4a) of section 225" and inserting in lieu thereof the passage "and 212".

Repeal of  
s. 120 of  
principal Act.

8. Section 120 of the principal Act is repealed.

Repeal of  
s. 128 of  
principal Act.

9. Section 128 of the principal Act is repealed.

Repeal of  
s. 177 of  
principal Act.

10. Section 177 of the principal Act is repealed.

Repeal of  
s. 229 of  
principal Act  
and enactment  
of section in  
its place—

11. Section 229 of the principal Act is repealed and the following section is enacted and inserted in its place :—

Power of  
Minister to  
fix upset and  
reserve prices.

229. (1) The Minister may fix an upset price at which any lands referred to in section 228 of this Act may be offered at auction, and may raise or lower any such upset price.

(2) The Minister may fix a reserve price at which any such lands may be sold at auction and, where a reserve price is so fixed for any sale of any such lands by auction and such price is not reached at the auction, the Minister may sell the land by private contract at a price that is less than the reserve price so fixed.

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

12. Section 232h of the principal Act is amended by striking out paragraph (a) of subsection (1).

**13.** The following section is enacted and inserted in the principal Act immediately before section 250 thereof :—

Enactment of  
s. 249b of  
principal Act—

249b. Where an agreement or a lease or grant entered into or executed under this Act contains a condition or covenant requiring personal residence on the land the subject of the agreement, lease or grant, such agreement, lease or grant shall be construed as if no such condition or covenant was therein contained.

Leases, etc.,  
containing  
condition of  
personal  
residence  
deemed not  
to contain  
such condition.

**14.** Section 272 of the principal Act is amended—

Amendment of  
principal Act,  
s. 272—

(a) by striking out from subsection (1), subsection (3) and subsection (4) the word “unlawfully” and inserting in lieu thereof the passage “without the authority of the Minister” ;

Unauthorized  
occupation or  
use of Crown  
and other  
property.

and

(b) by inserting after subsection (4) the following subsections :—

(5) Where—

(a) a person, pursuant to any authority of the Minister has erected or caused to be erected any building, fence or other structure on any land belonging to or vested in the Crown or on any land leased under the provisions of the Pastoral Act, 1936-1968, as amended ;

(b) such authority was granted or obtained subject to the condition that the building, fence or structure will be removed from the land within a specified time or upon the termination of that person's occupancy of the land ;

and

(c) that person has failed within the specified time or upon the termination of that occupancy to remove or cause to be removed from the land the building, fence or structure,

that person shall be liable to a penalty not exceeding one hundred dollars and shall in addition be liable to pay to the Minister the cost of removing, selling or destroying the building, fence or structure and payment of the whole or any part of such cost to the Minister may be

ordered by a court imposing any such penalty or may be recovered by the Minister as a debt due to the Minister in any court of competent jurisdiction.

(6) Where, upon the termination of a person's occupancy of land belonging to or vested in the Crown or leased under the provisions of the Pastoral Act, 1936-1968, as amended, that person vacates the land without removing therefrom any chattel belonging to him, the Minister may, by notice in writing served on him, require him to remove the chattel from the land within a time specified in the notice and, if the chattel is not removed from the land within the time so specified, the Minister may remove, sell or destroy the chattel and the cost of so doing may be deducted by the Minister from moneys belonging to that person in the Minister's hands or may be recovered by the Minister from that person as a debt due to the Minister in any court of competent jurisdiction.

Amendment of  
the ninth  
schedule of  
principal Act.

**15.** The ninth schedule to the principal Act is amended by striking out clause 4 thereof.

Amendment of  
the twelfth  
schedule of  
principal Act.

**16.** The twelfth schedule to the principal Act is amended by striking out paragraph VIII of clause 2 thereof.

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

J. W. HARRISON, Governor.