



ANNO TERTIO

## GEORGII VI REGIS.

A.D. 1939.

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### No. 3 of 1939.

An Act to enact certain amendments of the Crown Lands Act, 1929-1938, with the object of making further and better provision for the disposal of town lands at Whyalla.

[Assented to 7th September, 1939.]

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, 1939". Short titles.
- (2) The Crown Lands Act, 1929-1938, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1939".
- (3) The Crown Lands Act, 1929-1938, is hereinafter called "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. The following headings and sections are enacted and inserted in the principal Act after section 41 thereof :— Enactment of Division IIIA. of Part V.—

#### DIVISION IIIA.

#### PERPETUAL LEASES OF TOWN LANDS IN WHYALLA.

- 41a. (1) The Commissioner may, by notice in the *Gazette*, offer any specified blocks of town land in the town of Whyalla on perpetual lease. Offering of Whyalla land on perpetual lease.

## Crown Lands Act Amendment Act, 1939.

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(2) The Commissioner shall not give notice as aforesaid in respect of any blocks unless the board recommends that it is desirable that those blocks should be used as sites for dwelling-houses.

(3) The notice shall set forth—

- (a) the blocks to be leased :
- (b) the rent of each block as fixed by the board, which rent shall not be subject to revaluation :
- (c) any obligations, duties, or restrictions to be imposed on the lessee in relation to the use of the land, the erection of buildings or carrying out of other improvements thereon, or personal residence on the land by the lessee.
- (d) a day, not earlier than one month after the publication of the notice in the *Government Gazette* before which applications for the blocks mentioned in the notice must be made.

Applications and allotments.

41b. The provisions of sections 24 to 30 inclusive of this Act shall apply to applications for and the allotment of town lands under this Division.

Form and conditions of leases.

41c. (1) Subject to this section every perpetual lease of town land in the town of Whyalla shall be in such form and contain such terms, covenants, and conditions as the Commissioner approves on the recommendation of the board.

(2) Without restricting the generality of subsection (1) of this section, it is declared that such covenants and conditions may provide—

- (a) that the lessee shall, during such time as is specified in the lease, personally reside upon the land comprised in the lease :
- (b) that the lessee shall, within such time as is specified in the lease, erect a dwelling-house on the said land in accordance with plans and specifications to be approved by the Commissioner, and that the lessee will not without the consent in writing of the Commissioner erect on the said land any other premises :
- (c) that the lessee shall not transfer, mortgage, sublet, or otherwise dispose of the said land except in accordance with such conditions as are set out in the lease.

(3) The Commissioner may, on the recommendation of the board, and if he thinks that special circumstances exist which justify him in so doing, exempt a lessee from the obligation to comply with any such covenant as mentioned in subsection (2).

41d. (1) Any lessee holding town land in the town of Whyalla under perpetual lease may apply to the Commissioner for the right to surrender to the Crown the whole or any part of that land and to purchase the fee simple of the land so surrendered.

Purchase of fee simple of Whyalla town lands.

(2) If the Commissioner is satisfied that the covenants and conditions of the lease have been complied with, or that, although the covenants and conditions have not been complied with it is expedient to absolve the lessee from compliance therewith, either upon conditions or otherwise, the Commissioner shall refer the application to the board.

(3) If the board considers that the application should be granted it shall fix the price at which the fee simple of the land may be purchased; and the lessee may thereupon surrender the land and purchase the fee simple thereof at the price fixed by the board.

(4) The Governor shall, upon payment of the said price, issue to the purchaser a grant of the fee simple of the surrendered land.

41e. The following sections of this Act shall apply *mutatis mutandis* to perpetual leases of town lands in the town of Whyalla in the same way as they apply to perpetual leases of other lands, namely, sections 32, 34, 37, 47, 52, 53, 54 to 64 inclusive, 66, 204b, 205, 206, 208a, 217, 218, 219, 222, 223, 224.

Application of other provisions to leases of town lands.

4. The following sections are enacted and inserted in the principal Act after section 232 thereof:—

Enactment of ss. 232a-232i—

232a. (1) The Commissioner, by notice in the *Government Gazette*—

Town lands at Whyalla.

(a) may declare that estates in fee simple in any specified blocks of town land in the town of Whyalla may be applied for in writing:

(b) shall declare the price of every such block in accordance with the recommendation of the board made in that behalf:

(c) shall set out the terms of payment of the purchase money and any conditions to which any blocks will be subject, pursuant to section 232h, 234, or 235, of this Act, and any other conditions or stipulations binding on the purchaser:

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(d) shall fix a day, not earlier than one month after the publication of the notice in the *Government Gazette* before which applications for the blocks mentioned in the notice must be made.

(2) The Commissioner shall not give any notice as aforesaid in respect of any blocks unless the board recommends that it is desirable that the blocks should be used as sites for dwelling-houses.

Deposit and payment.

232b. (1) Every application made pursuant to the last preceding section shall be made to the Commissioner in writing, giving the name, address and occupation of the applicant, and specifying the land applied for.

(2) Every such application shall be accompanied by an amount equal to twenty per centum of the price, as notified in the *Government Gazette*, of the land applied for : Provided that if twenty per centum of that price is less than one pound no amount need be forwarded with the application.

(3) The successful applicant for any land offered under the last preceding section shall pay the balance of the purchase-money within one month after notice of the allotment of the land to him is published in the *Government Gazette*, or within such extended time as the Commissioner may allow.

(4) Any amount deposited under subsection (1) of this section by an applicant whose application is refused, shall be refunded to that applicant.

Reference of applications to the Board.

232c. All applications pursuant to section 232a of this Act shall forthwith after the receipt thereof be referred by the Commissioner to the board unless the land is withdrawn from sale; and the board shall consider all the applications and allot the land in such manner as it deems just and expedient.

Simultaneous applications.

232d. (1) All applications made pursuant to section 232a of this Act and received prior to or on the day specified in the *Government Gazette* as the last day for receiving such applications, shall be dealt with as simultaneous applications.

(2) Simultaneous applications may be decided by lot by the chairman of the board where any difficulty arises in deciding the successful applicant.

Gazetted of successful applicants.

232e. The Commissioner, upon being informed by the board of the names of the successful applicants for town land within the town of Whyalla shall cause those names to be published in the *Government Gazette*, with the particulars of the lands allotted to them and the price payable.

232f. If no application for a block offered by notice under section 232a of this Act is made within the time fixed by that notice, the Commissioner may again offer that block in accordance with the last five preceding sections at such reduced price as the board recommends.

Board may re-offer land not taken up.

232g. Any block not allotted after being offered by notice under section 232a of this Act may be sold by auction as if it had never been so offered.

Sales by auction of blocks not allotted.

232h. (1) Whenever any town land in the town of Whyalla is sold under any provision of this Part that land may, if the Commissioner so directs, be sold subject to all or any of the following conditions, namely :—

Conditions.

- (a) that the purchaser or his successor in title shall, during any periods specified in the condition personally reside upon the land :
- (b) that the purchaser or his successor in title shall, within such time as is specified in the condition, erect on the land in accordance with plans and specifications to be approved by the Commissioner, such premises, being either a dwelling-house, business premises, or other premises, as are mentioned in the condition, and that the purchaser and his successor in title shall not, without the consent in writing of the Commissioner, erect on the land any other premises :
- (c) conditions regulating or restricting, in such manner as is specified in the conditions, the purposes for which the land may be used.

(2) Any such condition, if imposed, shall be expressed in the receipt for the purchase-money and in the land grant.

(3) When a certificate of title is issued in respect of any land comprised in any land grant in which any such condition is expressed the Registrar-General shall cause a statement to be inserted in or indorsed on the certificate to the effect that the land is subject to the said condition, and setting forth terms of the condition.

(4) Upon any breach of the said condition in respect of any land the Governor may, by notice published in the *Government Gazette*, cancel the sale of the said land ; whereupon the said sale shall become absolutely void, and the said land shall be forfeited to the Crown.

(5) Upon the filing in the Lands Titles Registration Office by the Commissioner of a copy of the *Government Gazette* containing any such notice, the Registrar-General shall make and sign an indorsement on the receipt.

for the purchase money of the land, if it has been filed in his office, or on any land grant or certificate of title which has been issued in respect of the land, or any part thereof, to the effect that the said receipt, land grant, or certificate is cancelled to the extent that it applies to such land or such part, the same having been forfeited to the Crown. The receipt, land grant, or certificate shall thereupon be cancelled to the said extent, and the said land shall thereafter, for the purposes of this Act and The Real Property Act, 1886-1936, be dealt with and regarded as if it had never been alienated from the Crown. The Registrar-General shall also call in and indorse in the same manner the duplicate of the land grant or certificate, which shall thereupon be cancelled to the said extent.

(6) The Commissioner may, on the recommendation of the Land Board, and if he thinks that special circumstances exist, which justify him in so doing, exempt any person from the obligation to comply with any such condition as mentioned in subsection (1) of this section.

(7) If a condition to which any land is subject under this section has been complied with to the satisfaction of the Commissioner, or has been waived by the Commissioner, he may give a certificate to the owner of the land or any other person having any estate or interest therein, stating that the said condition has been complied with or waived, as the case may be. The Registrar-General, upon production to him of the said certificate, and upon payment of a fee of five shillings, shall indorse on the relevant receipt, land grant, or certificate of title a note of the certificate and upon such indorsement being made, the land and all persons having any estate or interest therein shall be discharged from the condition.

(8) The provisions of this section shall take effect notwithstanding anything in The Real Property Act, 1886-1936, or any other Act or law to the contrary.

Allotment of  
blocks to  
employers for  
employees'  
dwellings.

232i. (1) Notwithstanding any other provision of this Part, when the Commissioner has by notice in the *Gazette* declared that estates in fee simple in any blocks of town land in the town of Whyalla may be applied for, any employer may apply for any of those blocks which he requires for the purpose of providing dwelling houses for his employees.

(2) If the board is satisfied that the employer intends in good faith to erect dwelling houses on the blocks applied for, and to sell, lease or let those houses to his employees, or to grant to his employees the right to use and occupy them, and that if any such house is sold by the employer to any employee, the price will not exceed the cost to the employer of that house and the site thereof, the board may allot to the employer such of the blocks applied for as the board deems proper.

(3) Section 235 of this Act shall not apply in relation to any blocks allotted under this section.

232j. Nothing in sections 232a to 232i inclusive, shall affect the application to land within the town of Whyalla of any other provision of this Act, except to the extent that such other provision is inconsistent with the said sections.

Application of  
other sections  
of this Act.

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

**C. M. BARCLAY-HARVEY, Governor.**