



ANNO DECIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1968

No. 45 of 1968

An Act to amend the Crown Lands Act, 1929-1967.

[Assented to 19th December, 1968.]

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, 1968".

(2) The Crown Lands Act, 1929-1967, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1968".

(3) The Crown Lands Act, 1929-1967, is hereinafter referred to as "the principal Act".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 2—
Arrangement
of Act.

3. Section 2 of the principal Act is amended—

(a) by inserting after the passage—"DIVISION III.—Perpetual Leases :—" the following passage :—

DIVISION IIIA.—Perpetual Leases of Town Lands ; ;

(b) by striking out from the passage "PART VI.—Provisions applicable to Perpetual Leases and Agreements (Sections 47-66b)" the word "Perpetual" ;

(c) by striking out the passage—"DIVISION VI.—Loans to Blockholders." ;

(d) by striking out from the passage "PART XII.—Transfers (Sections 225-227)" the section number "227" and inserting in lieu thereof the section number "227a";

and

(e) by striking out from the passage "PART XVI.—Miscellaneous (Sections 249-271)" the section number "271" and inserting in lieu thereof the section number "271d".

4. Section 4 of the principal Act is amended—

(a) by striking out the definition of "Commissioner";

(b) by inserting after the definition of "fixed rate" the following definition :—

"homestead block" means any land (the subject of a lease or an agreement)—

(a) offered pursuant to section 126 of The Crown Lands Act, 1888, and the Acts incorporated with that Act;

or

(b) offered as a homestead block pursuant to section 117 of this Act as in force before the commencement of the Crown Lands Act Amendment Act, 1968, or pursuant to any corresponding previous enactment;

(c) by inserting after the definition of "swamp lands" the following definition :—

"the Minister" means the Minister of Lands ; ;

and

(d) by striking out from the definition of "vermin" the passage "on the particular land, is protected by the Animals and Birds Protection Act, 1919" and inserting in lieu thereof the passage "in relation to any particular land, is a protected animal by virtue of the Fauna Conservation Act, 1964, as amended".

5. Section 5 of the principal Act is amended by striking out paragraph (j).

Amendment of
principal Act,
s. 4—
Interpretation.

6. Section 6a of the principal Act is amended—

(a) by inserting after the passage "Land grants" in subsection (1) the passage ", issued before the commencement of the Crown Lands Act Amendment Act, 1968," ;

and

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

Amendment of
principal Act,
s. 6a—
Form of grants.

- (b) by inserting after the word "Under-Treasurer" in subsection (1) the passage "and land grants issued after such commencement, whether or not any monetary consideration is paid prior to the issue, shall be valid if signed by the Governor, the Minister and the Registrar-General".

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

7. Section 9 of the principal Act is amended by inserting in paragraph (f) after the passage "all such remissions," the passage "other than any remission of a covenant, agreement or condition relating to a requirement that 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,".

Amendment of
principal Act,
s. 22—
Offering of
Crown lands,
perpetual
leases or
agreements.

8. Section 22 of the principal Act is amended—

- (a) by striking out the passage "(except town lands) mentioned in the second schedule";

and

- (b) by inserting at the end thereof the following subsection (the preceding provisions of the section being re-designated as subsection (1) thereof):—

(2) Where, before any Crown lands are offered pursuant to subsection (1) of this section, those lands have been occupied by any person under licence from the Crown or the Minister and permanent improvements have been carried out by the person or he satisfies the Minister that it is his intention to carry out permanent improvements immediately on the grant of a perpetual lease or agreement to him and such person desires the grant of the Crown lands to him under perpetual lease or agreement a grant of those Crown lands by way of perpetual lease or agreement may, with the approval of the Minister, be offered to such person at a rent or purchase price fixed by the board.

Repeal of
s. 31 of
principal Act.

9. Section 31 of the principal Act is repealed.

Amendment of
principal Act,
s. 42—
Agreement to
contain
covenant to
purchase by
instalments.

10. Section 42 of the principal Act is amended by inserting after the passage "expiration of six years" in subsection (2) the passage "or the term of the agreement, whichever period is the lesser,".

11. Section 50 of the principal Act is amended by striking out from subsection (1) the passage "or lease with the right of purchase,".

Amendment of principal Act, s. 50—
Power to reduce purchase money or rent under certain agreements and leases.

12. Section 58 of the principal Act is amended—

(a) by inserting after the passage "or agreement" secondly occurring in subsection (1) the passage "before the commencement of the Crown Lands Act Amendment Act, 1968," ;

Amendment of principal Act, s. 58—
Interest on amounts owing under lease or agreement.

and

(b) by adding after the passage "or interest" last occurring in subsection (1) the passage "and if any such rent, principal or interest so payable after such commencement is not paid within thirty days after the day so appointed, interest at the rate of ten per centum per annum shall be added to such rent, principal or interest".

13. Section 66a of the principal Act is amended by striking out from subsection (1) the passage "four hundred dollars" and inserting in lieu thereof the passage "two thousand dollars".

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

14. Section 66b of the principal Act is amended by striking out from subsection (1) the passage "four hundred dollars" and inserting in lieu thereof the passage "two thousand dollars".

Amendment of principal Act, s. 66b—
Power to sell for cash parcel of land valued at less than \$2,000 to adjacent registered proprietor and to consolidate certificates of title in respect thereto.

15. Section 77 of the principal Act is amended—

(a) by striking out from paragraph IX of subsection (1) the passage ", to be allotted by the board" ;

Amendment of principal Act, s. 77—
Miscellaneous leases.

and

(b) by striking out the proviso to subsection (1).

16. Section 78 of the principal Act is amended—

(a) by striking out paragraph (a) and inserting in lieu thereof the following paragraph :—

(a) be allotted in the discretion of the board ; ;

Amendment of principal Act, s. 78—
Leases granted under section 77.

and

(b) by striking out the following passage—

"Lands so offered by auction and not sold may be leased at the upset rental fixed by the Commissioner, and in the case of more than one applicant the lessee shall be decided by lot".

Repeal of
s. 81 of
principal Act.

17. Section 81 of the principal Act is repealed.

Amendment of
principal Act,
s. 86—
Companies Act
not to apply.

18. Section 86 of the principal Act is amended by striking out the passage “Companies Act, 1934” and inserting in lieu thereof the passage “Companies Act, 1962, as amended”.

Amendment of
principal Act,
s. 98—
Payment of
value of
irrigation
works and
improvements
on commonage
lands and
interest.

19. Section 98 of the principal Act is amended by striking out from subsection (1) the passage “, to be calculated at the rate of five pounds six shillings and tenpence for each hundred pounds of such amount and interest”.

Repeal of
s. 117 of
principal Act.

20. Section 117 of the principal Act is repealed.

Amendment of
principal Act,
s. 118—
Blocks may be
held in any
area.

21. Section 118 of the principal Act is amended by striking out the passage “surveyed, offered,”.

Repeal of
s. 119 of
principal Act.

22. Section 119 of the principal Act is repealed.

Amendment of
principal Act,
s. 120—
Terms and
conditions of
lease.

23. Section 120 of the principal Act is amended by striking out the word “such” first occurring.

Repeal of
s. 121 of
principal Act.

24. Section 121 of the principal Act is repealed.

Repeal of
s. 124 of
principal Act.

25. Section 124 of the principal Act is repealed.

Amendment of
principal Act,
s. 125—
Effect of
endorsement.

26. Section 125 of the principal Act is amended by striking out the passage “every such indorsement” and inserting in lieu thereof the passage “any indorsement made pursuant to section 124 of this Act as in force before the commencement of the Crown Lands Act Amendment Act, 1968, or made under any corresponding previous enactment and, in either case, not having been cancelled pursuant to this section or any corresponding previous enactment”.

Repeal of
ss. 126 and
127 of
principal Act.

27. Sections 126 and 127 of the principal Act are repealed.

Repeal of
Division VI of
Part IX of
principal Act.

28. Division VI of Part IX of the principal Act and the heading thereto are repealed.

- 29.** Section 170 of the principal Act is amended by striking out paragraph (c) of subsection (2) and the word "and" immediately following that paragraph.
- 30.** Section 170a of the principal Act is amended by striking out subsection (6).
- 31.** Section 170b of the principal Act is amended by striking out subsection (6).
- 32.** Section 171 of the principal Act is amended—
- (a) by striking out from paragraph II the passage
" , none of which shall, except as provided in
paragraph III hereof, exceed fourteen thousand
dollars in unimproved value" ;
and
(b) by striking out paragraph III.
- 33.** Section 174a of the principal Act is amended by striking out subsection (3).
- 34.** Section 175 of the principal Act is amended by striking out from subsection (2) the passage "(as provided by section 180)".
- 35.** Section 181 of the principal Act is repealed.
- 36.** Section 192 of the principal Act is amended by striking out the passage "five per centum per annum" in subsection (1) and inserting in lieu thereof the following passage :—
- (a) five per centum per annum, on the amount of any such rent, instalment or interest which was in arrear before the commencement of the Crown Lands Act Amendment Act, 1968 ;
and
(b) ten per centum per annum, on the amount of any such rent, instalment or interest which shall be in arrear after such commencement.

Amendment of principal Act, s. 170—
Purchase of land by arrangement with intending settlers.

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

Amendment of principal Act, s. 170b—
Loans for schemes of closer settlement.

Amendment of principal Act, s. 171—
Land acquired, how dealt with.

Amendment of principal Act, s. 174a—
Provision in case of undeveloped land.

Amendment of principal Act, s. 175—
Terms and covenants in certain cases.

Repeal of s. 181 of principal Act.

Amendment of principal Act, s. 192—
Action may be maintained in the name of the receiver.

Amendment of
principal Act,
s. 193—
Extension of
time for
payment.

37. Section 193 of the principal Act is amended—

(a) by inserting after the passage “on all such extensions” the passage “, granted before the commencement of the Crown Lands Act Amendment Act, 1968,” ;

and

(b) by inserting after the passage “five per centum per annum” the passage “and on all such extensions granted after such commencement, interest shall be charged on those amounts at the rate of ten per centum per annum”.

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

38. Section 199 of the principal Act is amended by striking out from subsection (2) the word “and” immediately following paragraph (a) thereof.

Amendment of
principal Act,
s. 202—
Option of other
relief where
that provided
by s. 199 or
s. 200 not
obtainable.

39. Section 202 of the principal Act is amended by striking out from subsection (2) the passage “; and” at the end of paragraph (a) thereof.

Repeal of
s. 203 and
s. 204a of
principal Act.

40. Section 203 and section 204a of the principal Act are repealed.

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

41. Section 211 of the principal Act is amended by striking out from subsection (1) paragraph II of the proviso thereto.

Amendment of
principal Act,
s. 212—
Power for
lessee to
purchase
leased land.

42. Section 212 of the principal Act is amended by striking out subsection (5).

Repeal of
s. 220 of
principal Act.

43. Section 220 of the principal Act is repealed.

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

44. Section 221 of the principal Act is amended by striking out subsection (2ab).

Amendment of
principal Act,
s. 225—
In what
circumstances
transfers may
be allowed.

45. Section 225 of the principal Act is amended by striking out subsections (2), (2aa), (2a), (3), (4) and (4a).

Amendment of
principal Act,
s. 228b—
Power to grant
Crown lands to
certain bodies.

46. Section 228b of the principal Act is amended by striking out the passage “or the South Australian Housing Trust” and inserting in lieu thereof the passage “the South Australian Housing Trust, or any municipal council or district council or

any body corporate which is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council”.

47. Section 237 of the principal Act is repealed.

Repeal of
s. 237 of
principal Act.

48. Section 238 of the principal Act is amended by inserting after the passage “Pastoral Act, 1904,” the passage “or section 136 of the Pastoral Act, 1936, as amended,”.

Amendment of
principal Act,
s. 238—
Powers of the
Government to
make exchange
of land.

49. Section 244 of the principal Act is amended by inserting in paragraph I after the passage “Pastoral Act, 1904,” the passage “or under the Pastoral Act, 1936, as amended,”.

Amendment of
principal Act,
s. 244—
Licences may
be granted.

50. Section 247 of the principal Act is amended by inserting after the passage “Pastoral Act, 1904” the passage “or the Pastoral Act, 1936, as amended”.

Amendment of
principal Act,
s. 247—
Transfer of
leases
outside
Goyder's
line.

51. Section 249a of the principal Act is repealed.

Repeal of
s. 249a of
principal Act.

52. Section 261 of the principal Act is amended by striking out from subsection (5) the word “made” first occurring.

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

53. Section 275 of the principal Act is amended by inserting in paragraph (a) of subsection (1) after the passage “incorporated therewith,” the passage “or the Pastoral Act, 1936, as amended,”.

Amendment of
principal Act,
s. 275—
Injuring or
removing
timber,
minerals etc.,
will cut
licence.

54. The second schedule to the principal Act is repealed.

Repeal of
second
schedule to
principal Act.

55. The seventh schedule to the principal Act is repealed.

Repeal of
seventh
schedule to
principal Act.

56. The eighth schedule to the principal Act is repealed.

Repeal of
eighth
schedule to
principal Act.

57. The eleventh schedule to the principal Act is repealed.

Repeal of
eleventh
schedule to
principal Act.

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

J. W. HARRISON, Governor.