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**ELIZABETHAE II REGINAE**

A.D. 1978

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**No. 46 of 1978**

An Act to amend the Crown Lands Act, 1929-1977.

[Assented to 13th April, 1978]

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, 1978".

(2) The Crown Lands Act, 1929-1977, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1978".

Commencement.

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

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

3. Section 9 of the principal Act is amended by inserting after paragraph (l) the following paragraphs:—

(la) develop and improve Crown lands for any residential, commercial, industrial or other purpose;

(lb) provide for—

(i) the reticulation of water;

(ii) the laying of sewers;

(iii) the making of roads;

(iv) the supply of electricity or gas;

or

(v) any other services,

in relation to any Crown lands;

Amendment of principal Act, s. 53—  
Power to resume land for certain purposes.

4. Section 53 of the principal Act is amended by striking out from subsection (1) the word "public" and inserting in lieu thereof the word "other".

5. Section 85 of the principal Act is amended by inserting after the present contents (which are hereby designated subsection (1) thereof) the following subsections:—

Amendment of principal Act, s. 85—  
Continuance of Lyrup Village Association.

(2) Subject to subsection (3) of this section, the association shall be comprised of persons—

(a) who are lessees for the time being of land within the district;

and

(b) who are otherwise qualified, in accordance with the rules, for membership of the association.

(3) Where a lease is held in the name of two or more persons, only the lessee whose name appears first in the lease shall be a member of the association.

6. Section 87 of the principal Act is amended—

Amendment of principal Act, s. 87—  
Lands to be set apart and subdivided

(a) by striking out from subsection (1) the passage “for the purposes of this Part”;

(b) by striking out the word “and” between paragraph (b) and paragraph (c) of subsection (1);

(c) by inserting after paragraph (c) of subsection (1) the following paragraph:—

and

(d) such other land as he thinks fit for any other purpose.;

and

(d) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The Minister may approve the subdivision of the lands set apart under subsection (1) of this section into blocks of such area as he determines.

7. Section 88a of the principal Act is amended by striking out subsections (2) to (10) inclusive.

Amendment of principal Act, s. 88a—  
Horticultural blocks.

8. Sections 90 to 93 (inclusive) of the principal Act, and the heading immediately preceding those sections, are repealed.

Repeal of ss. 90 to 93 of principal Act.

9. Section 94 of the principal Act is amended—

Amendment of principal Act, s. 94—  
Determination of occupation and grant of lease.

(a) by striking out from subsection (1) the passage “Where the valuation in the district is agreed or fixed, the” and inserting in lieu thereof the word “The”;

(b) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The Minister may lease any blocks in the district by perpetual lease.;

(c) by striking out subsection (3);

(d) by striking out subsection (8);

and

(e) by striking out subsection (9).

Repeal of  
s. 95 of  
principal Act.

10. Section 95 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 96—  
Rent.

11. Section 96 of the principal Act is amended by striking out the passage “, whether of horticultural blocks or commonage lands,”.

Repeal of  
ss. 97 and  
98 of  
principal Act.

12. Sections 97 and 98 of the principal Act are repealed.

Amendment of  
principal Act,  
s. 99—  
Covenants,  
etc., in  
leases.

13. Section 99 of the principal Act is amended—

(a) by striking out the passage “of a horticultural block and of commonage lands” and inserting in lieu thereof the passage “of land within the district”;

and

(b) by striking out the passage “of horticultural land”.

Repeal of  
s. 100 of  
principal Act.

14. Section 100 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 101—  
Power to  
forfeit lease.

15. Section 101 of the principal Act is amended—

(a) by striking out the passage “qualified to become a member of the association”;

and

(b) by striking out the passage “, and, if not already a member, shall be deemed to be one”.

Amendment of  
principal Act,  
s. 104—  
Management  
or irrigation  
works.

16. Section 104 of the principal Act is amended—

(a) by inserting the word “and” between paragraphs (a) and (b);

and

(b) by striking out paragraph (c) and the word “and” immediately preceding that paragraph.

Enactment of  
s. 106 of  
principal Act.

17. The following section is enacted and inserted in the principal Act after section 105 thereof:—

Payment of  
contributions.

106. (1) The association may, in respect of any financial year, by notice in writing, require the members of the association, and the occupiers of land within the district, to pay to the association such contributions (which may be determined upon such basis as the association thinks fit) towards the expenses incurred, or to be incurred by the association in that financial year, as it considers just.

(2) Any such notice shall fix a date on or before which the contribution must be paid.

(3) Where the contribution is not paid on or before the date fixed by the notice, the contribution shall be augmented by interest at the prescribed rate.

(4) The association may—

(a) charge such membership fees (which shall be repayable at the discretion of the trustees upon cessation of membership);

and

(b) make such charges for goods supplied, or services rendered, by the association,

as the association thinks fit.

(5) Any contribution, fee, charge or interest payable under this section may be recovered by the association as a debt.

18. Section 107a of the principal Act is amended—

Amendment of principal Act, s. 107a—  
Advances to association.

(a) by striking out from subsection (2) the passage “Crown Lands Act Amendment Act, 1973, not exceeding in total the sum of two hundred and fifteen thousand dollars” and inserting in lieu thereof the passage “Crown Lands Act Amendment Act, 1978, not exceeding in total the sum of two hundred and thirty thousand, six hundred dollars”;

and

(b) by striking out from subsection (3) the passage “Crown Lands Act Amendment Act, 1973, shall not exceed the sum of ninety-five thousand dollars” and inserting in lieu thereof the passage “Crown Lands Act Amendment Act, 1978, shall not exceed the sum of one hundred and ten thousand six hundred dollars”.

19. The following section is enacted and inserted in the principal Act after section 228—

Certain lands to be sold at auction.

228aa. Notwithstanding anything in this Act contained, any lands developed by the Minister under paragraph (1a) of section 9 of this Act for residential purposes shall not be alienated otherwise than by auction for cash or on terms, or by calling for applications for an agreement to purchase.

20. Section 260 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 260 of principal Act and enactment of section in its place.

260. (1) The Minister may acquire lands in any part of the State—

(a) as the site of a town or for purposes incidental thereto;

or

(b) for any residential, commercial, industrial or other purpose.

Power of acquisition.

(2) The Land Acquisition Act, 1969-1972, applies in respect of the acquisition of land under this section.

(3) Lands acquired under this section become, upon acquisition, Crown lands for all purposes.

21. Section 271d of the principal Act is amended—

Amendment of principal Act, s. 271d—  
Transfer of land to Minister.

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) The owner in fee simple of land—

(a) that is unencumbered;

or

(b) that is encumbered only by a registered lease,

may transfer or convey that land, and deliver the title therefor, to the Minister who may accept the land on behalf of the Crown.;

(b) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) Where land is transferred or conveyed under this section, the following provisions apply:—

(a) if the land is transferred or conveyed subject to a lease, the Minister shall, subject to this section, succeed to the rights and obligations of the lessor;

or

(b) in any other case, the Minister may sell, lease, or otherwise dispose of the land in such manner and upon such terms and conditions as the Minister, upon the recommendation of the Land Board, determines.;

(c) by striking out subsection (7) and inserting in lieu thereof the following subsection:—

(7) In this section—

“certificate of title” includes land grant:

“unencumbered” in relation to land means unencumbered by any registered—

(a) mortgage;

(b) charge;

(c) lease;

or

(d) encumbrance of any other kind,

whether statutory or otherwise.

and

(d) by inserting after subsection (7) the following subsections:—

(8) Where land is transferred or conveyed to the Minister subject to a lease, the lessee shall be liable to land tax in the same manner and to the same extent as if the lease were a perpetual lease.

(9) Where at the time of transfer or conveyance of land subject to a lease there were any outstanding rates or taxes due in respect of the land, the Minister may recover those rates or taxes as a debt due to him from the lessee.

22. The following section is enacted and inserted in the principal Act after section 271d thereof:—

271e. (1) Where—

(a) a lease in respect of land within an irrigation area was granted pursuant to statute;

and

Enactment of  
s. 271e of  
principal Act.

Lease granted  
under  
Irrigation Act  
deemed to be  
lease under  
this Act in  
certain  
circumstances.

(b) the land in respect of which the lease was granted ceases to form part of the irrigation area, the lease shall, by force of this section, be cancelled.

(2) Upon cancellation of a lease under this section, a lease shall be granted under this Act to the former lessee upon such terms and conditions as may be determined by the Minister.

(3) Any such lease shall be granted subject to registered interests to which the lease cancelled by force of this section was, immediately before that cancellation, subject.

(4) In determining the terms and conditions of a lease under subsection (2) of this section, the Minister is not bound to observe the provisions of any other Act.

(5) In this section—

“irrigation area” means an irrigation area within the meaning of the Irrigation Act, 1930-1977.

23. Section 288 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “, including regulations for fees, and for penalties not exceeding forty dollars for any one offence”;

and

(b) by striking out subsection (1a) and inserting in lieu thereof the following subsection:—

(1a) Without limiting the generality of subsection (1) of this section, those regulations may—

(a) provide for the survey of—

(i) Crown lands;

(ii) lands reserved for, or dedicated to, any public purpose;

and

(iii) land subject to any agreement, lease or licence granted or entered into by or on behalf of the Crown or the Minister;

(b) prescribe, and provide for the recovery of, fees and charges to defray administrative expenses or for any other purpose;

and

(c) prescribe penalties, not exceeding two hundred dollars, for breach of, or non-compliance with, any regulation.

Amendment of  
principal Act,  
s. 288—  
Regulations.

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

K. SEAMAN, Governor