



**CROWN LANDS (LIABILITY OF THE CROWN)  
AMENDMENT ACT 1994**

**No. 26 of 1994**

**SUMMARY OF PROVISIONS**

1. Short title
2. Insertion of s. 271f  
271f. Liability of Crown in relation to Crown lands



ANNO QUADRAGESIMO TERTIO

**ELIZABETHAE II REGINAE**

A.D. 1994

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No. 26 of 1994

An Act to amend the Crown Lands Act 1929.

[Assented to 26 May 1994]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Crown Lands (Liability of the Crown) Amendment Act 1994*.

(2) The *Crown Lands Act 1929* is referred to in this Act as "the principal Act".

**Insertion of s. 271f**

2. The following section is inserted in Part XVI of the principal Act after section 271e:

**Liability of Crown in relation to Crown lands**

271f. (1) Notwithstanding any other Act or law to the contrary, the liability of the Crown in respect of injury, damage or loss suffered by a person on, above or below unoccupied Crown land or from a cause emanating from unoccupied Crown land is limited to injury, damage or loss caused by, or the cause of which is a direct consequence of, an act of the Crown or an activity undertaken by the Crown.

(2) In this section—

"the Crown" includes an agent or instrumentality of the Crown or an officer or employee of the Crown or of an agent or instrumentality of the Crown;

"Crown land" means all the land in the State except—

- (a) land for the time being granted, or contracted to be granted, in fee simple by or on behalf of the Crown;
- (b) land that is the subject of an agreement to purchase from the Crown;

- (c) land that is the subject of a lease granted by or on behalf of the Crown (not being a lease under the *Mining Act 1971*, or the *Petroleum (Submerged Lands) Act 1982*),

but includes land referred to in any of those paragraphs that constitutes the whole or part of a reserve under the *National Parks and Wildlife Act 1972* or a wilderness protection area or wilderness protection zone under the *Wilderness Protection Act 1992*;

"unoccupied Crown land" means Crown land that is not being used by the Crown for any purpose when the injury, damage or loss occurs.

(3) The Crown will not be taken to be using Crown land by virtue only of the fact that the Crown—

(a) has granted a lease or licence to a person to enter onto or occupy the land;

(b) has granted an easement over the land;

(c) has dedicated the land for any purpose;

or

(d) has constituted the land as—

(i) a forest reserve, or a native forest reserve, under the *Forestry Act 1950*;

(ii) a reserve under the *National Parks and Wildlife Act 1972*;

or

(iii) a wilderness protection area or wilderness protection zone under the *Wilderness Protection Act 1992*.

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

BASIL S. HETZEL, Governor's Deputy