



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 15 of 1963

An Act to amend the Explosives Act, 1936-1962.

[Assented to 7th November, 1963.]

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 "Explosives Act Amendment Act, 1963".

(2) The Explosives Act, 1936-1962, as amended by this Act, may be cited as the "Explosives Act, 1936-1963".

(3) The Explosives Act, 1936-1962, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act
s. 3.

3. Section 3 of the principal Act is amended by inserting after the line "PART IV.—Storage of Explosives" the line "PART IVA.—Acquisition of Land".

Enactment of
Part IVa of
principal Act—

4. The following Part is inserted in the principal Act after Part IV thereof:—

PART IVa.

ACQUISITION OF LAND.

28a. In this Part—

Definitions.

“land” means an estate or interest (legal or equitable) in land and includes an easement right power or privilege over affecting or in connection with land :

“mining lease” means a lease granted under the Mining Act, 1930-1962 :

“the creek” means the inlet creek named Broad Creek as delineated in the plan in the Schedule to this Act.

28b. (1) The Minister may, subject to section 28c of this Act, acquire either by agreement or compulsorily any land that may be required for the purposes of this Act.

Power to acquire land.

(2) For the purposes of this Part, the Compulsory Acquisition of Land Act, 1925-1959, is incorporated with this Act, and for the purposes of that Act as so incorporated—

(a) an acquisition of land under this Part shall be deemed to be an undertaking ; and

(b) the Minister shall be deemed to be the promoter of such an undertaking.

28c. Where any land required for the purposes of this Act is comprised in a mining lease, the Governor may on the recommendation of the Minister of Mines accept a surrender of the lease or any part thereof or resume for the purposes of this Act the land or any part thereof comprised in the lease.

Surrender of mining leases.

28d. (1) The Minister may demise any land that is held or used by him for the purposes of this Act and is not immediately required for any such purpose, for such period, at such rent, and upon such conditions as he thinks fit, and may sell or otherwise dispose of any such land or other property that he does not further require for any such purpose, and may transfer or convey the land or other property to the purchaser or as the purchaser directs.

Power to dispose of surplus land.

(2) Moneys accruing from the sale or other disposition of any property sold or disposed of pursuant to this section shall be paid by the Minister to the Treasurer.

Explosives
reserve at
Broad Creek.

28e. (1) In this section, "the reserve" means the area of land adjacent to the creek shown in the plan in the Schedule to this Act and therein hatched in black.

(2) A person shall not enter upon the reserve except with the written permission of the Minister.

(3) Notwithstanding subsection (2), it shall be lawful for a person to enter upon the reserve pursuant to a mining lease or any right conferred by the Mining Act, 1930-1962, but, notwithstanding anything contained in that Act or in the lease, that person shall not, except with the written permission of the Minister—

(a) if the lease was granted or the right was conferred before the commencement of this section—carry on in the reserve any mining activities that had not been so carried on before the commencement of this section; or

(b) if the lease was granted or the right was conferred after the commencement of this section—carry on any mining activities in the reserve.

(4) The Minister may give permission under this section subject to such conditions as he thinks fit having regard to any danger arising from or likely to arise from the proximity of explosives.

(5) Nothing in subsection (3) affects the power of resuming a lease conferred on the Governor under section 28c of this Act.

Power to fill
in Broad
Creek.

28f. (1) Notwithstanding any law to the contrary the Minister or a person appointed by him may block and fill in such portion of the creek as is specified by proclamation.

(2) The Minister or the appointed person shall not incur liability for costs, charges, compensation or damages whatsoever to any person whatsoever arising from or out of the exercise of his powers under subsection (1) by reason of hindering or preventing navigation in the creek or by reason of diversion of waters.

Amendment of
principal Act,
s. 81.

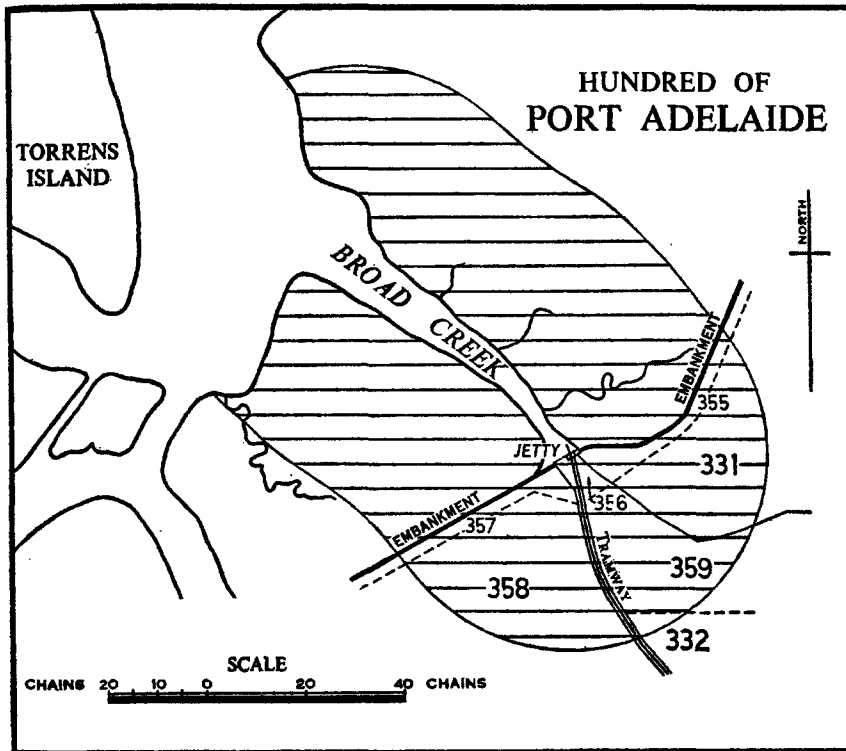
5. Subsection (3) of section 31 of the principal Act is amended by striking out the words "for the purpose of discharging explosives as provided by this section" therein.

6. The principal Act is amended by inserting at the end thereof the following Schedule :—

Enactment of
Schedule to
principal Act—

THE SCHEDULE

ss. 28a and 28e.



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

J. M. NAPIER, Governor's Deputy.