



ANNO OCTAVO

GEORGI VI REGIS.

A.D. 1944.

No. 37 of 1944.

An Act to provide for the establishment of a Parliamentary Committee on Land Settlement and for the acquisition, improvement and closer settlement of under-developed lands, and for purposes incidental thereto.

[Assented to 14th December, 1944.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title. 1. This Act may be cited as the " Land Settlement Act, 1944 ".

Interpretation. 2. In this Act, unless the contrary intention appears or some other meaning is clearly intended—

“ Chairman ” means Chairman of the Committee :

“ the Commissioner ” means the Minister of the Crown for the time being holding the office of Commissioner of Crown Lands or any Minister for the time being acting in that office :

“ the Committee ” means The Parliamentary Committee on Land Settlement constituted under this Act :

“ improvements ” means—

(a) structural improvements such as fences, wells, bores, pumps, and buildings :

(b) the clearing of the surface of the land by removing timber, scrub and other vegetation :

(c) the establishment and improvement of pastures :

(d) measures taken to prevent the erosion of the soil, and to destroy vermin and noxious weeds :

“improve” when used in relation to land, means to erect or carry out improvements :

“The Land Board” means The Land Board provided for in the Crown Lands Act 1929-1941 :

“member” means member of the Committee :

“Registrar-General” means Registrar-General of Deeds, or the Registrar-General under the Real Property Act, 1886-1939 :

“Secretary” means Secretary to the Committee :

“under-developed land” means land which the Commissioner has pursuant to this Act declared to be under-developed land for purposes of this Act.

The Parliamentary Committee on Land Settlement.

3. For the purposes of this Act there shall be a committee to be called The Parliamentary Committee on Land Settlement.

Parliamentary
Committee on
Land Settle-
ment.

4. (1) The Committee shall consist of seven members of Parliament appointed by the Governor.

Members of
Committee.

(2) Two of the members of the Committee shall be members of the Legislative Council and five shall be members of the House of Assembly.

5. (1) Subject to this Act, every member of the Committee shall hold office until the thirty-first day of December nineteen hundred and forty-nine.

Term of
office of
members.

(2) The members of the Committee shall not be subject to the Public Service Act, 1936-1942.

6. (1) The seat of a member of the Committee shall become vacant if—

Extraordinary
vacancies.

(a) he resigns by writing signed by him and addressed to the Governor and delivered to the Secretary ; or

(b) he ceases to be a member of the House of Parliament from which he was appointed to the Committee, unless he so ceases by reason only of the expiration

or dissolution of the Parliament or the expiration of the term for which he holds his seat in Parliament ;

- (c) he becomes a Minister of the Crown ;
- (d) he is absent, without the consent of the Minister, from more than three consecutive duly summoned meetings of the Committee ;
- (e) he is removed from the Committee by the Governor as provided in this section.

(2) For the purposes of this Act a person who has ceased to be a member of a House of Parliament because the House has expired or been dissolved or because his term as such member has come to an end, shall nevertheless be regarded as continuing to be a member of that House for the following period :—

- (a) if he is not elected to a seat in that House at the next election, until his successor is appointed as hereinafter provided ;
- (b) if he is so elected, during the whole of the period between the time when he ceases to be a member of the House and his election.

(3) The Governor shall, as soon as possible after an election, make an appointment to the Committee to fill the seat of each member of the Committee who at that election was not elected to the House from which he was appointed to the Committee.

(4) The Governor may dismiss a member from his seat on the Committee if the Governor is satisfied that by reason of misconduct, negligence, or incapacity the member should no longer remain on the Committee.

Chairman and
acting
chairman.

7. (1) The Governor may, from time to time, appoint one of the members of the Committee to be the Chairman thereof.

(2) The Chairman shall preside at all meetings of the Committee : Provided that if the Chairman is not present at a meeting at which a quorum is present, the members present may appoint a member to be the acting Chairman during the absence of the Chairman.

(3) An acting Chairman, while presiding at a meeting of the Committee shall have all the powers given by this Act to the Chairman, but he shall not have a casting vote.

(4) All questions which arise at a meeting of the Committee shall be decided by a majority of votes of the members present, who, having regard to section 16 of this Act, are entitled to vote: Provided that when the votes are equal, the Chairman, if entitled so to vote, shall have a second or casting vote, and that vote shall decide the question.

(5) In all cases of divisions the names of the members voting on the respective sides shall be stated on the minutes and in the Committee's report on any proposed work.

8. (1) Subject to subsection (2) of this section, any four members shall form a quorum competent to exercise all powers and authorities and to incur all obligations conferred or imposed upon the Committee. Quorum.

(2) When the Committee meets for the consideration of its report or recommendations on any matter, the quorum shall consist of not less than six members.

9. (1) The Committee may constitute one or more sub-committees of itself for all purposes of this Act. Every such sub-committee shall be constituted at a duly convened meeting of the Committee and shall consist of two or more members. Sub-committees.

(2) Every sub-committee shall have, and may exercise, for the purpose of carrying out any business or inquiry delegated to it by the Committee either at or after the time of its appointment, any power by this Act conferred on the Committee.

(3) Every sub-committee shall appoint a chairman or acting chairman, who shall in relation to the sub-committee have the same powers as the Chairman of the Committee has in relation to the Committee.

10. (1) The Chairman shall be entitled to receive a salary at the rate of four hundred pounds per annum, with a proportionate part thereof for every fraction of a year during which he holds office. Salaries.

(2) Every member (other than the Chairman) shall be entitled to receive a salary at the rate of two hundred and fifty pounds per annum, with a proportionate part thereof for every fraction of a year during which he holds office.

11. (1) In addition to his salary every member shall be entitled to a travelling allowance for every day during which he travels in the performance of his duties as a member: Travelling expenses.

Provided that no member shall be entitled to any travelling allowance for a journey which is—

- (a) taken wholly within twenty miles from the General Post Office in the City of Adelaide ; or
- (b) merely for the purpose of attending or returning from a meeting of the Committee or a sub-committee, except in the case of a member who resides more than twenty miles from the General Post Office in the City of Adelaide in which case the member shall be entitled to an allowance of ten shillings for any journey from his place of residence to attend a meeting in the said city.

(2) The travelling allowance shall be at the rates prescribed by regulation.

(3) Every member shall also be entitled to be reimbursed all fares and hire, and similar expenses, actually incurred when travelling in the performance of his duties as a member for the purpose of attending or returning from meetings.

(4) A member shall not be entitled to receive any travelling allowance or other expenses for any journey outside the State unless the consent of the Governor to such journey was first obtained.

Payments to be additional to salary.

12. The amounts payable to a member pursuant to this Act shall be in addition to any payment received by him pursuant to any Act in respect of his services in the discharge of his Parliamentary duties.

Certificate of payments.

13. The amounts to which a member is entitled pursuant to this Act shall be certified in writing signed by the Chairman and the Secretary, whose certificate shall be sufficient authority for the payment of all amounts so certified out of moneys provided by Parliament for the purposes of this Act.

Payments not to disqualify.

14. (1) The office of the Chairman or a member of the Committee shall not be deemed to be an office of profit within the meaning of section 45 of the Constitution Act, 1934-1943.

(2) The Chairman or a member of the Committee shall not, by reason of holding office or accepting payment under this Act, be deemed to undertake, execute, hold, enjoy, enter into, or accept, any contract, agreement, or commission made or entered into with, under, or from any person or persons, for or on account of the Government of the State, within the meaning of any provision of the Constitution Act, 1934-1943.

(3) The seat in Parliament of the Chairman or a member, or his election to Parliament, shall not be vacant, null or void, nor shall he be incapable of sitting or voting as a member of Parliament or liable to any forfeiture or penalty for so sitting or voting by reason only of his holding any such office or accepting any such payment.

15. The Governor, on the recommendation of the Committee, Secretary. may appoint a secretary to the Committee and such other officers of the Committee as he deems necessary.

16. A member shall not take any part in the proceedings when the Committee is taking evidence as to any proposed work in which he has a direct pecuniary interest, nor shall he vote or take any part in the proceedings when the Committee is considering or reporting on any such work. Disqualification.

17. (1) The Committee may sit and transact business during any adjournment or recess of Parliament and during the interval between two Parliaments as well as during any session of Parliament, but shall not sit during any sitting of either House of Parliament except by leave of that House. Power to sit.

(2) The Committee may sit at such times and in such places, and conduct its proceedings in such manner as it deems most convenient.

18. The Committee shall keep full minutes of its proceedings. Minutes.

19. For the purposes of this Act the Committee and any person authorized by the Committee to make inquiries on its behalf, may enter and inspect any land, building, place, or material, upon reasonable notice being given to the owners or occupiers of such land, building, place, or material. Power to enter and inspect land.

20. (1) For the purposes of this Act the Committee may— Powers of Committee to secure evidence.

(a) by summons under the hand of the Chairman or the Secretary, require any person to attend before it:

(b) require any person to give oral or written answers to any questions relating to any matter before the Committee:

(c) by summons under the hand of the Chairman, or of the Secretary, require any person to produce any books, maps, plans, papers, and documents relating to any matters before the Committee:

(d) examine witnesses on oath, affirmation, or declaration, which may be administered by the Chairman or acting Chairman.

(2) If any person—

(a) who has been duly served with a summons to attend before the Committee, and whose expenses, as provided in subsection (3) hereof, have been paid or tendered to him, neglects to attend in obedience to such summons ; or

(b) wilfully insults the Committee, or any member thereof ;
or

(c) misbehaves himself before the Committee ; or

(d) interrupts the proceedings of the Committee ; or

(e) being called or examined as a witness before the Committee, refuses to be sworn or to affirm or declare, or to produce the documents mentioned in the summons served upon him, or any of them ; or

(f) being so called or examined refuses to answer any lawful question, or prevaricates in his evidence,

he shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred pounds.

(3) Every person who attends before the Committee when so required by the Committee shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court, and if a dispute occurs as to the amount to be allowed it shall be referred to the Master of the Supreme Court who, on request under the hand of the Chairman, shall ascertain and certify the proper amount of such expenses.

(4) Any person who, upon oath, affirmation, or declaration taken or made under this Act, wilfully and corruptly gives false evidence before the Committee shall be guilty of perjury and, on conviction, may be imprisoned, with or without hard labour, for any term not exceeding four years.

Assessors.

21. (1) The Committee may from time to time call in the aid of one or more assessors, being persons of technical knowledge or possessing special local knowledge or experience.

(2) There shall be paid to such assessors such remuneration as is approved by the Governor.

22. (1) The duties of the Committee shall be—

Duties and powers of the Committee.

- (a) to inquire into and report to the Governor upon any project for land settlement or any question relating to the settlement, development or working of any land, which is referred to the Committee by the Governor ;
- (b) to make recommendations under section 25 of this Act in relation to the acquisition of land ;
- (c) any other duties which relate to the settlement, development or working of land and are conferred on the Committee by the Governor.

(2) Notwithstanding the Public Works Standing Committee Act, 1927-1940, if any project is inquired into and reported upon by the Committee, a Bill authorizing the carrying out of that project or appropriating money for expenditure on that project may be introduced without any inquiry by the Parliamentary Standing Committee on Public Works.

23. (1) It shall not be lawful for any person to introduce into either House of Parliament any Bill—

Duty to submit proposals for land settlement to Committee.

- (a) authorizing the carrying out of any land settlement proposal estimated to cost more than thirty thousand pounds ; or
- (b) appropriating money for expenditure on any land settlement proposal estimated to cost more than thirty thousand pounds,

unless that proposal has first been inquired into by the Committee in the manner provided by this section.

(2) Before introducing any such Bill the Governor shall refer the proposal to the Committee and the Committee shall with all convenient dispatch deal with the matter and report to the Governor and to both Houses of Parliament the result of its inquiries.

(3) Any report presented by the Committee to either House of Parliament may by resolution of that House be remitted to the Committee for further consideration and report in which case the Committee shall consider the matter referred to it and report accordingly.

(4) In this section "land settlement proposal" means a proposal for—

- (a) the purchase or compulsory acquisition of land for settlement ; or

(b) the improvement of any land so as to promote the closer settlement thereof, or of any land occupied under leases or agreements to purchase made with the Crown.

(5) This section shall not apply to a Bill which confers general powers only and does not appropriate money for the exercise thereof.

Acquisition of Land.

Declaration as to under-developed land.

24. If The Land Board after inquiry reports that—

- (a) any land in the State has not been improved to such an extent as the Board considers reasonable ; and
- (b) it is desirable that that land should be acquired for development and settlement,

and the Committee concurs in the report of the Land Board, the Commissioner may by notice published in the *Gazette* and served on the owner and the occupier of that land declare that that land shall be under-developed land for purposes of this Act.

Power to acquire under-developed land.

25. The Commissioner may on the recommendation of the Committee acquire any under-developed land either by agreement or compulsorily.

Application of Compulsory Acquisition of Land Act.

26. The Compulsory Acquisition of Land Act, 1925, shall apply to the compulsory acquisition of under-developed land subject to the following provisions :—

- (a) No person shall be entitled to compensation for damage caused by the severing of the land taken from other land of the person entitled to compensation :
- (b) The value of the land taken shall be deemed to be the value which it would have had if the construction or carrying out of any improvements on or of the land, additional to those existing at the time of the giving of the notice to treat, were permanently forbidden by law :
- (c) Section 31 of the Compulsory Acquisition of Land Act, 1925, shall be read as if the word “ three ” were substituted for “ six ” in the first line thereof.

Power to require whole estate to be taken.

27. (1)—

- (a) A person who has received a notice to treat in relation to any under-developed land may, by his notice of claim, require the Commissioner to take all additional land (to be specified in the

notice of claim) of which he is the owner and which is occupied and worked together with the land for which the notice to treat was given ; and

- (b) if the notice of claim contains such a requirement, it shall also contain the same particulars in relation to the additional land as are required by the Compulsory Acquisition of Land Act, 1925 to be given in relation to land for which a notice to treat is given.

(2) If the notice of claim contains such a requirement—

- (a) the land for which the notice to treat was given shall not be acquired unless the additional land specified in the notice of claim is also acquired ; and
- (b) all subsequent proceedings relating to the acquisition of the land shall proceed and the compensation shall be determined as if the additional land were under-developed land and had originally been included in the notice to treat.

(3) In this section “ owner ” means an owner of an estate of freehold, or a lessee or purchaser of land under a lease or agreement granted by or on behalf of the Crown.

28. The price offered for land under this Act shall in every case be recommended by The Land Board. Approval of price.

29. Any land acquired under this Act shall upon the acquisition thereof become Crown Lands, and may be set apart for allotment, prepared for settlement and allotted under the Crown Lands Development Act, 1943, and all the provisions of that Act shall apply in relation to such land and the persons to whom such land is allotted. Disposal of acquired land.

30. In allotting land acquired under this Act the Land Board and the Commissioner shall give preference to suitable persons who have been members of the naval, military or air forces of the Commonwealth or who while domiciled in a State have during any war been employed in sea-going service on a ship. Preference to discharged members of fighting forces and seamen.

31. (1) When a transfer or conveyance to the Commissioner of any land acquired under this Act, or a deed poll vesting any such land in the Commissioner, is lodged with the Registrar-General, the Registrar-General shall make all entries and take any other action necessary or proper to evidence the vesting of the land in the Commissioner. Cancellation of title to acquired land.

(2) If the land is under the provisions of The Real Property Act, 1886-1939, the Registrar-General shall, when the transfer and the certificate, land grant or other muniment of title to the land is lodged with him, make an entry on the folio relating to the land in the Register Book as follows :—

“ Cancelled, the within land having become vested in the Commissioner of Crown Lands on behalf of His Majesty ”

and shall cancel all certificates, grants and muniments of title to the land by indorsing the said entry thereon and shall sign every such entry and indorsement. Thereafter the land shall for purposes of The Real Property Act, 1886-1939, and until again alienated from the Crown, be dealt with and regarded in all respects as if it had never been alienated from the Crown.

Power of
Commissioner
to obtain
information.

32. (1) For the purposes of this Act the Commissioner or any person authorized by him to make inquiries under this Act may—

- (a) enter and inspect any land, building, place, or material upon reasonable notice being given to the owners or occupiers of such land, building, place, or material ;
- (b) by written notice require any person to supply him with any information specified in the notice.

(2) Any person who—

- (a) refuses or neglects to comply with any such notice ;
- (b) being required by any such notice to supply information, supplies any information which is false in any particular,

shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred pounds.

Service of
notices.

33. (1) A notice required by this Act to be given to any person shall be—

- (a) served personally on that person ; or
- (b) served by post on that person by letter addressed to him at his last usual place of abode ; or
- (c) in the case of a body corporate, left at the principal office of business in the State of that body corporate.

(2) If—

- (a) the person to whom a notice is required to be given is absent from the State or cannot be found after diligent inquiry ; or
- (b) in the case of a body corporate, the principal place of the business of such body corporate cannot be found after diligent inquiry,

the notice shall be served on the occupier of the land to which it relates, or if there is no such occupier, shall be affixed on some conspicuous part of the land.

Regulations.

34. The Governor may make any regulations necessary or convenient for carrying this Act into effect and may by any such regulation create offences and prescribe fines recoverable summarily and not exceeding fifty pounds for breach of any regulation. Regulations.

35. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for the purposes of this Act. Financial provision.

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

J. M. NAPIER, Lieutenant-Governor.