



ANNO SECUNDO

GEORGII V REGIS.

A.D. 1911.

No. 1068.

An Act to amend "The Crown Lands Acts, 1903 to 1910," and for other purposes.

[Assented to, January 4th, 1912.]

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

1. (1) This Act may be cited alone as "The Crown Lands Act Further Amendment Act, 1911." Short titles.

(2) "The Crown Lands Acts, 1903 to 1910," and this Act may be cited together as "The Crown Lands Acts, 1903 to 1911."

(3) "The Crown Lands Act, 1903," is referred to in this Act as "the principal Act." No. 830 of 1903.

2. This Act is incorporated with "The Crown Lands Acts, 1903 to 1910," and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. (1) The lessee under any lease granted under the provisions of "The Agricultural College Endowment Act, 1886," may, with the consent of the Commissioner and if all the covenants and conditions thereof have been complied with, surrender such lease for a perpetual lease under the provisions of the principal Act, subject, however, to the provisions of this Act. Lessee under Agricultural College Endowment Act, 1886, may surrender lease for perpetual lease. Cf. C.L. Act, 1903, s. 174.

(2) The rent received in respect of any perpetual lease granted in such case shall be deemed to be rent received in respect of a lease granted under the authority of "The Agricultural College Endowment Act, 1886," within the meaning of section 7 of that Act. Application of rent. No. 384 of 1886.

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Rent under perpetual leases reduced for first three years.

4. The Board, in fixing the rents to be paid under any perpetual lease to be hereafter granted, except a lease granted by virtue of section 8 of this Act, shall, as nearly as practicable, fix the same for the first three years according to the following scale:—

For the first year, one-fifth of the amount which but for this section would be payable annually ;

For the second year, one-third of the said amount ; and

For the third year, two-thirds of the said amount.

No holder under right of purchase lease or agreement entitled to complete purchase until conditions have been complied with.

5. After the passing of this Act, no person holding a lease with a right of purchase or an agreement, whenever granted, shall be entitled to complete the purchase unless the conditions of the lease or agreement have been fully complied with.

Repeal of section 7 of Act No. 1019 of 1910.

6. Section 7 of "The Crown Lands Act Further Amendment Act, 1910," is hereby repealed, but any reduction and adjustments heretofore granted and made thereunder shall, subject to sections 8 and 9 of this Act, continue as if the said section were still in force.

To what lands certain sections are to apply.

7. Sections 8, 9, 10, 11, and 12 of this Act shall apply only to lands situated in the estates known or formerly known as Yallum, Binnum, Hynam, and Kybybolite, and to such other lands as are by Proclamation declared to be subject to the said sections after a resolution by both Houses of Parliament approving of the making of such Proclamation.

Surrender of agreement as to closer settlement land for perpetual lease.

8. (1) Subject to section 7 of this Act, the holder of any block under an agreement entered into under Part X. of the principal Act may, with the consent of the Commissioner, surrender such agreement for a perpetual lease of such block.

Rents.

(2) The rents to be reserved by any such lease shall be fixed by the Board, and for the first seven years shall be such amount as they, in their discretion, fix before the granting of the lease.

(3) From the end of the first seven years of the lease until the end of the first twenty-one years thereof, the rent shall be such amount as is fixed by the Board by revaluation, and from the end of the said twenty-one years shall be such amount as is finally fixed by the Board by further revaluation: Provided that at any time after the end of the first seven years the lessee may, on application to the Commissioner, have his rent finally fixed by the Board by revaluation; and the rent shall be as so fixed from the end of the year of the lease current at the time of the fixing thereof.

(4) The provisions of the principal Act as to perpetual leases subject to revaluation shall, *mutatis mutandis* and so far as is consistent with this section, apply to leases granted under this section: Provided that leases so granted shall be liable to land tax from the commencement thereof.

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(5) Section 4 of this Act shall not apply to perpetual leases granted by virtue of this section.

9. (1) Subject to section 7 of this Act, the holder of any block under an agreement entered into under Part X. of the principal Act may, instead of applying under section 8 of this Act, apply to the Commissioner for a reduction of the purchase-money payable under his agreement.

Reduction of purchase-money under agreements as to certain lands.
Cf. Act 1019, 1910 s. 7.

(2) Any such application shall be referred by the Commissioner to the Surveyor-General and the Board for inquiry and report, and to recommend what (if any) reduction of purchase-money should be made.

(3) If the Surveyor-General and the Board report that it is proved to their satisfaction—

(a) That the purchase-money payable under the agreement was, at the date thereof, in excess of the actual value of the land comprised therein, and

(b) That the enforcement of the agreement would inflict hardship upon the holder,

the Commissioner may grant a reduction of the purchase-money, not exceeding the reduction recommended by the Surveyor-General and the Board, as from the next date thereafter when an instalment under the agreement falls due.

(4) In any case where a reduction is granted under this section the Commissioner shall adjust the amounts of the instalments of purchase-money and interest payable under the agreement so as to give effect to such reduction; and the adjustment so made shall be binding on the holder, and the agreement shall be read so as to give effect thereto.

(5) If any holder of an agreement, the interest under which has been reduced under section 7 of "The Crown Lands Act Amendment Act, 1910," obtains a reduction under this section, the reduction under the said section 7 and the adjustments consequent thereon shall cease as from the date when the reduction made under this section begins to run.

10. Section 159 of the principal Act (which provides for the letting or sale of repurchased lands remaining unallotted) is hereby amended by the addition thereto of the following words, namely:—
"or, with the like recommendation and approval, such land may, subject to section 7, of 'The Crown Lands Act Further Amendment Act, 1911,' be offered for sale under section 153 at a reduced purchase price fixed by the Board."

Section 159 of principal Act amended.

11. Subject

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Conditional increase of value of holding under Part X.

11. Subject to section 7, notwithstanding the provision of section 157 of the principal Act or any amendment thereof, an agreement may be made under Part X. of such Act with any person provided that he will not thereby become the holder of land exceeding Eight Thousand Pounds in unimproved value, if, in the opinion of the Surveyor-General and the Land Board, such an agreement is expedient to secure the beneficial allotment of any repurchased land.

Conditional increase of value of holding by transfer.

12. Subject to section 7, notwithstanding the provisions of section 158 of the principal Act or any amendment thereof, the Commissioner may consent to the transfer of any agreement under Part X. of such Act in favor of any lessee or owner of land who would thereby become the holder of land not exceeding Eight Thousand Pounds in unimproved value if, in the opinion of the Land Board, it would inflict a hardship on the holder of such agreement if such consent were refused in accordance with the provisions of the said section 158 or any amendment thereof.

Holder of agreement may pay part of purchase-money in advance.

13. (1) Notwithstanding any provision contained in the principal Act or any amendment thereof, the holder of an agreement under Part X. of the principal Act may, on the half-yearly date appointed by his agreement for the payment of instalments, pay in advance any part of the purchase-money due thereunder, and thereupon interest on the amount so paid shall cease: Provided that all such payments shall be in sums of Fifty Pounds or a multiple thereof.

(2) Upon any such payment being made the amounts of the instalments subsequently falling due shall be decreased ratably to the amount of such payment.

Repeal of section 66 of the principal Act.—Reduction of land tax.

14. Section 66 of the principal Act is hereby repealed, but such repeal shall not affect the operation of the said section consequent on any reduction of rent or purchase-money made before the passing of this Act.

Amendment of section 21 of the principal Act. Covenant to clear, &c.

15. Section 21 of the principal Act is amended by adding at the end of the sixth line thereof the following words:—“and the area of land included in each separate block which is to be cleared and rendered available for cultivation.”

Amendment of section 29.

16. Section 29 of the principal Act is amended by inserting the words “and the area thereof which is to be cleared and rendered available for cultivation” after the word “land” in the third line thereof.

Amendment of Fifth Schedule.

17. The Fifth Schedule to the principal Act is amended by inserting the following subclause after subclause II. of clause 2 thereof:—

“11a. Clear and render available for cultivation [. . .] acres of the land.”

18. The

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18. The Sixth Schedule to the principal Act is amended by inserting therein the following reference and extended meaning:—

Amendment of Sixth Schedule.

“ 2. (11a.) Covenant to clear ‘ The lessee will during the first two years clear and render available for cultivation not less than one-eighth of the area specified in that behalf in the lease, and will during each succeeding year clear and render available for cultivation not less than one-eighth of the area so specified, until three-quarters of the whole of the area so specified has been cleared and rendered available for cultivation, and will at all times keep available for cultivation the land so cleared.”

19. The Commissioner shall determine whether the covenant to clear, as the meaning thereof is set forth in section 18 of this Act, has been complied with in any case, and if his decision is disputed by the lessee the matter shall be determined by arbitration in manner provided by section 216 of the principal Act.

Commissioner to determine whether land properly cleared.

20. The form of affirmation provided by section 27 of the principal Act is amended so as to read as follows:—“ I, A.B, do declare and affirm that I will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked me.”

Amendment of section 27.
Form of affirmation.

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

DAY H. BOSANQUET, Governor.