



ANNO TERTIO

GEORGII V REGIS.

A.D. 1912.

No. 1103.

An Act to amend "The Closer Settlement Acts, 1910 and 1911," and for other purposes.

[Assented to, December 14th, 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 Closer Settlement Act Further Amendment Act, 1912." Short titles.

(2) "The Closer Settlement Acts, 1910 and 1911" and this Act may be cited together as "The Closer Settlement Acts, 1910 to 1912." No. 1032 of 1910. No. 1049 of 1911.

2. This Act is incorporated with the other Acts mentioned in section 1, and with the Acts with which those Acts are incorporated, and all the said Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. (1) The definition of the term "owner" in section 3 of the principal Act is amended so as to read as follows:— Interpretation.

"Owner," when used with reference to—

1. A large estate, means the owner of a freehold estate in possession:
11. Other land, means the owner of a freehold estate in possession, except where the land is comprised in a Crown lease, in which case it means the lessee thereof.

(2) In

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(2) In “The Closer Settlement Acts, 1910 to 1912,” or any of those Acts,—

“Crown Lands Act” includes “The Crown Lands Act, 1903,” and any other Act formerly, or now, or hereafter in force under which power was or is given to grant or make any Crown lease:

“Crown lease” means and includes—

(a) Any agreement under any Crown Lands Act containing a covenant to purchase; and

(b) Any lease or agreement for a lease, and any licence, permit, right to occupy or use, or similar right or interest, or agreement thereof, whether the same is in perpetuity or for a term of years or otherwise, and whether containing or not containing a right to purchase, and under whatever Act or other authority the same may have been granted or made,

before or after the passing of this Act, granted or made by or on behalf of the Crown, or by or on behalf of any person or authority holding lands belonging to the Crown, or in whom or which lands belonging to the Crown were or are vested:

“Lessee” means the person to or with whom any Crown lease is granted or made, and includes his executors or administrators or assigns:

“Purchase-money” or “price” includes compensation for the resumption of a Crown lease or consideration to be paid for the surrender thereof:

“Sale” includes surrender of a Crown lease:

“Transfer” includes surrender of a Crown lease.

Lands (other than large estates) which are subject to Crown leases may be acquired.

4. (1) When any land—

(a) Is comprised in a Crown lease, and

(b) Might, if it were held for a freehold estate, be taken and acquired under “The Closer Settlement Acts, 1910 to 1912,” or any of those Acts, otherwise than as being a large estate,

such land may be taken and acquired by the Commissioner under the provisions of “The Closer Settlement Acts, 1910 to 1912” (read as provided by this Act), for the purposes for which lands may be taken and acquired under those Acts; and for the purpose of carrying out the acquisition thereof the Governor may accept the surrender of such lease or resume the land comprised therein.

The Acts to be construed accordingly.

(2) Every reference in “The Closer Settlement Acts, 1910 and 1911,” or either of those Acts, to the taking, acquiring, or acquisition of

of

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of land, other than a large estate, shall be read as including a reference to the acceptance on surrender of a Crown lease, or the resumption of the land comprised therein; and, for the purposes of anything to be done under the said Acts, or any of them, in a case where the land is comprised in a Crown lease, the provisions of the said Acts shall be read as varied in such a manner as may be appropriate for dealing with land comprised in a Crown lease.

(3) For the purposes of sections 10, 11, and 14 of "The Closer Settlement Act, 1910," land comprised in a Crown lease shall be regarded as land under the Real Property Act.

Sections 10, 11, and 14 of Closer Settlement Act to be read accordingly.

5. Section 15 of "The Closer Settlement Act, 1910" is amended by the addition at the end of subsection (2) thereof of the words "free and discharged from all leases, licences, contracts, trusts, obligations, estates, interests, charges, rates, and easements whatsoever."

Amendment of section 15—
Lands taken to be free from all leases, trusts, etc.

6. (1) Section 6 of "The Closer Settlement Act, 1910" is amended by inserting the words "or irrigation" after the word "reclamation" wherever it occurs therein, except in the case of the amendment made by section 3 of "The Closer Settlement Act Amendment Act, 1911," and by inserting after the word "cultivation" the words "or which adjoin and are within a distance of two miles from such excepted lands and belong to the same owner and are suitable for reclamation."

Amendment of section 6—
Lands adjacent to the Murray suitable for irrigation may be taken.

(2) Section 4 of "The Closer Settlement Act Amendment Act, 1911," is amended—

Consequent amendment of section 4 of amending Act No. 1049 of 1911.

- i. By inserting the words "or irrigation" after the word "reclamation" in subsection (1) and subdivision (b) of subsection (2) thereof; and
- ii. By inserting the words "or irrigable" after the word "reclaimed" in subdivision (e) of subsection (2) thereof.

7. All notices given and things done before the passing of this Act and purporting to be given or done pursuant to or under "The Closer Settlement Act, 1910," or "The Closer Settlement Acts, 1910 and 1911," shall be as valid, and shall have the same effect, as if this Act had been passed before the same were respectively given and done.

This Act to be retrospective.

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

DAY H. BOSANQUET, Governor.