



ANNO VICESIMO TERTIO

**ELIZABETHAE II REGINAE**

A.D. 1974

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**No. 25 of 1974**

An Act to amend the Crown Lands Act, 1929-1973.

[Assented to 11th April, 1974]

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 "Crown Lands Act Amendment Act, 1974".

(2) The Crown Lands Act, 1929-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1974".

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of  
principal Act,  
s. 4—  
Interpretation.

3. Section 4 of the principal Act is amended—

(a) by striking out paragraph (c) of the definition of "Crown lands" and inserting in lieu thereof the following paragraph:—

(c) lands subject to any agreement, lease or licence lawfully granted by or on behalf of the Crown (except a lease or licence granted in pursuance of the Mining Act, 1971, as amended);

(b) by striking out from the definition of "Crown lands" the passage "under agreement or lease" and inserting in lieu thereof the passage "under agreement, lease or licence";

(c) by inserting after the passage "the Crown" at the end of the definition of "Crown lands" the passage "(but does not include lands that have been forfeited, or have reverted to the Crown, or have been resumed or acquired by the Crown where the lands are comprised in a certificate grant or other muniment of title that has not been cancelled in pursuance of this Act)";

(d) by striking out the definition of "public map" and inserting in lieu thereof the following definition:—

“public map” means a map—

- (a) prepared under the direction of, and officially certified by, the Surveyor-General or Deputy Surveyor-General;
- (b) delineating any of the lands of the Crown;
- and
- (c) deposited in the Department of Lands at Adelaide;
- (e) by striking out from the definition of “suburban lands” the passage “twenty acres each situated within two miles” and inserting in lieu thereof the passage “10 hectares each situated within 4 kilometres”;
- and
- (f) by striking out the definition of “vermin” and inserting in lieu thereof the following definition:—
  - “vermin” means rabbits, wild dogs, foxes and any other animals declared by proclamation to be vermin for the purposes of this Act:.

4. Section 5 of the principal Act is amended by striking out from paragraph (c) the passage “one hundred and sixty acres” and inserting in lieu thereof the passage “65 hectares”.

Amendment of principal Act, s. 5—  
Governor's powers.

5. Section 9 of the principal Act is amended by striking out from paragraph (c) the passage “for one month”.

Amendment of principal Act, s. 9—  
Special powers of the Minister.

6. Section 19 of the principal Act is repealed and the following sections are enacted and inserted in its place:—

Repeal of s. 19 of principal Act and enactment of sections in its place—

19. (1) The board, or a person authorized in writing by the board, may—

Access to land, etc.

(a) after giving reasonable notice to the occupier of any land, enter upon the land and make any inspection, measurement or survey necessary or expedient for the purposes of this Act;

or

(b) put to the owner or occupier of the land, or any person thereupon, any questions necessary to obtain information in relation to the land required for the administration of this Act.

(2) A person shall not hinder or obstruct the board, or a person authorized in writing by the board, in the exercise of the powers conferred by subsection (1) of this section, or refuse or fail truthfully to answer a question lawfully put to him under that subsection.

Penalty: Fifty dollars.

19a. (1) The board, and any person authorized in writing by the board, shall have full and free access to all maps, plans, documents and books that are relevant to the determination of the value of any land, in the possession or power of any Department of Government or any council within the State.

Access to documents in possession of public authorities.

(2) A person shall not prevent or attempt to prevent the board, or a person authorized in writing by the board, from having access to any such maps, plans, documents or books.

Penalty: Fifty dollars.

Enactment of  
s. 21a of  
principal Act—

7. The following section is enacted and inserted in the principal Act immediately after section 21 thereof:—

Valuation for  
Ministers, etc.

21a. The Minister administering any Act, or Department of Government, may request the board to value any land for the purposes of that Act or Department and the board, upon receipt of that request, shall value the land or cause it to be valued as soon as practicable.

Amendment of  
principal Act,  
s. 27—  
Simultaneous  
applications.

8. Section 27 of the principal Act is amended by striking out from subsection (3) the passage "Subject to the provisions of section 28 as to personal residence, whenever" and inserting in lieu thereof the word "Whenever".

Amendment of  
principal Act,  
s. 35—  
Form and effect  
of perpetual  
lease.

9. Section 35 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) Without limiting the generality of subsection (1) of this section, where the Governor proposes to grant a perpetual lease to—

(a) a charitable or religious body;

(b) a body formed to promote sport or any other social or community activity;

or

(c) a body formed to promote any other public purpose,

the Governor may, in the exercise of the powers conferred by subsection (1) of this section, make a modification in the terms of the lease providing for a more limited right to compensation in the event of resumption of land comprised in the lease than is prescribed in the third schedule.

Amendment of  
principal Act,  
s. 41d—  
Purchase of  
fee simple of  
Whyalla town  
lands.

10. Section 41d of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (5);

and

(b) by striking out paragraph (b) of subsection (5) and inserting in lieu thereof the following paragraph:—

(b) that the grantee or his successor in title shall within such time as is specified in the condition erect on the land such premises as are specified in the condition;

Amendment of  
principal Act,  
s. 44—  
Form of  
agreement.

11. Section 44 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) In filling up the blank spaces in the form of covenant to clear land in the fifth schedule, the following directions shall be followed:—

In the first and second spaces there shall be inserted an area equal to twenty per centum of the area which is to be cleared, as specified in the notice in the *Government Gazette* declaring that the lands in question may be applied for on agreement.

In the third space there shall be inserted an area equal to ten per centum of the area so specified.

In the fourth space there shall be inserted an area equal to the total area so specified.

12. Section 47 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 47 of principal Act and enactment of section in its place—

47. Notwithstanding any other provision of this Act—

(a) the annual rent under a lease granted on or after the first day of July, 1974;

or

(b) an instalment under an agreement entered into on or after the first day of July, 1974,

shall in no case be less than five dollars.

Minimum rent or instalment.

13. Section 50 of the principal Act is amended by inserting in paragraph (b) of subsection (6) after the passage “against the liability to future payments” the passage “or, if the Minister so directs shall be refunded”.

Amendment of principal Act, s. 50—  
Power to reduce purchase money or rent under certain agreements and leases.

14. Section 53 of the principal Act is amended by inserting after subsection (2b) the following subsection:—

Amendment of principal Act, s. 53—  
Power to resume.

(2c) In assessing compensation under this section, the Land and Valuation Court shall give effect to any provisions of the lease relating to compensation.

15. Section 54 of the principal Act is repealed.

Repeal of s. 54 of principal Act.

16. Section 55 of the principal Act is repealed.

Repeal of s. 55 of principal Act.

17. Section 64 of the principal Act is amended—

Amendment of principal Act, s. 64—  
Service of notices.

(a) by inserting after the word “lessee” where it occurs for the first and second time the word “, licensee,”;

(b) by inserting after the word “lessee” in paragraph (a) the word “, licensee,”;

and

(c) by inserting after the word “lessee’s” wherever it occurs in paragraphs (b) and (c) the word “, licensee’s,”.

18. Section 66a of the principal Act is amended by striking out from subsection (1) the passage “two thousand dollars” and inserting in lieu thereof the passage “four thousand dollars”.

Amendment of principal Act, s. 66a—  
Power to add small areas to leases and agreements.

19. Section 66b of the principal Act is amended—

(a) by striking out from subsection (1) the passage “two thousand dollars” and inserting in lieu thereof the passage “four thousand dollars”;

and

(b) by striking out from subsection (4) the passage “Where any consolidation is effected as provided for in subsection (2) of this section any parcel of land so consolidated shall for the purposes of the public records of the State” and inserting in lieu thereof the passage “For the purposes of the public records of the State, where any consolidation is effected under subsection (2) of this section, any parcel of land so consolidated shall, if the Minister so determines,”.

Amendment of principal Act, s. 66b—  
Power to sell for cash parcel of land valued at less than \$2 000 to adjacent registered proprietor and to consolidate certificates of title in respect thereto.

Amendment of principal Act, s. 74—  
Leases to discoverers.

20. Section 74 of the principal Act is amended by striking out the passage “six hundred and forty acres” and inserting in lieu thereof the passage “250 hectares”.

Amendment of principal Act, s. 75—  
Power of Minister to resume land where water has been found.

21. Section 75 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “one square mile” and inserting in lieu thereof the passage “250 hectares”;

and

(b) by striking out from subsection (1) the passage “five square miles” and inserting in lieu thereof the passage “1 250 hectares”.

Amendment of principal Act, s. 87—  
Lands to be set apart and subdivided.

22. Section 87 of the principal Act is amended by striking out from subparagraph I of subsection (2) the passage “ten acres” and inserting in lieu thereof the passage “5 hectares”.

Amendment of principal Act, s. 102—  
Vesting of irrigation works in the Association.

23. Section 102 of the principal Act is amended by inserting after subsection (2) the following subsection:—

(3) The irrigation works shall be exempt from any rate, tax or impost declared or imposed by statute.

Amendment of principal Act, s. 156—  
Preliminary notice of intention to inspect.

24. Section 156 of the principal Act is amended by striking out from subsection (2) the word “acreage” and inserting in lieu thereof the word “area”.

Amendment of principal Act, s. 174—  
Covenants to be contained in agreement.

25. Section 174 of the principal Act is amended by striking out from subsection (3) the passage “In the first, second, and third spaces there shall be inserted an area equal to one-eighth of the area so specified in the notice in the *Government Gazette*, and in the fourth space an area equal to the full area so specified” and inserting in lieu thereof the passage “In the first and second spaces there shall be inserted an area equal to twenty per centum of the area so specified in the notice in the *Government Gazette* and in the third space an area equal to ten per centum of the area so specified and in the fourth space an area equal to the full area so specified”.

Amendment of principal Act, s. 206—  
Surrender for new leases.

26. Section 206 of the principal Act is amended by inserting after subsection (2) the following subsection:—

(2a) Where the surrendered lease was originally granted before the commencement of this Act, the covenants and conditions of the new lease shall (except in regard to the term of the lease and the rent payable under the lease) be in accordance with the provisions of this Act.

Amendment of principal Act, s. 225—  
In what circumstances transfers may be allowed.

27. Section 225 of the principal Act is amended by striking out from paragraph II of subsection (1) the passage “until after the notice of the application has been published for two weeks in the *Government Gazette*” and inserting in lieu thereof the passage “before the expiration of one week from the date of publication of notice of the application in the *Government Gazette*”.

Amendment of principal Act, s. 228—  
What lands may be sold.

28. Section 228 of the principal Act is amended—

(a) by striking out from paragraph I the passage “one hundred acres” and inserting in lieu thereof the passage “40 hectares”;

and

(b) by striking out from paragraph v the passage "four hundred dollars" and inserting in lieu thereof the passage "four thousand dollars".

29. Section 228a of the principal Act is amended by striking out from subsection (1) the passage "Any town lands" and inserting in lieu thereof the passage "Any lands that may be sold by auction in pursuance of this Part".

Amendment of principal Act, s. 228a—  
Sale of town lands, etc., by auction.

30. Section 228b of the principal Act is amended by inserting after the passage "South Australian Housing Trust" the passage ", the State Planning Authority, the Monarto Development Commission,".

Amendment of principal Act, s. 228b—  
Power to grant Crown lands to certain bodies.

31. The following section is enacted and inserted in the principal Act immediately after section 228b thereof:—

Enactment of s. 228c of principal Act.

228c. Where a person holds a licence over lands under Part XIV of this Act and permanent improvements have been made to the satisfaction of the Minister, or the licensee satisfies the Minister that it is his intention to proceed forthwith to carry out such improvements to the land, the Governor may on payment of such sum as is recommended by the board and approved by the Minister, grant the fee simple in that land to the licensee.

Sale of lands to licensee.

32. Section 230 of the principal Act is amended by striking out the passage "for not less than four consecutive weeks".

Amendment of principal Act, s. 230—  
Lands to be gazetted before auction.

33. Section 232h of the principal Act is amended by striking out from paragraph (b) of subsection (1) the passage "in accordance with plans and specifications to be approved by the Minister" and inserting in lieu thereof the passage "and that the purchaser and his successor in title shall not, without the consent in writing of the Minister, erect on the land any other premises".

Amendment of principal Act, s. 232h—  
Conditions.

34. Section 234a of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 234a—  
Building conditions in town blocks.

(1) Whenever any town land is offered for sale under this Part, the Minister may, by notice in the *Government Gazette* offering the land for sale, declare that the land shall be sold subject to either or both of the following conditions:—

(a) a condition that the purchaser or his successors in title shall, within the time specified in the notice, make on the land improvements of a kind specified in the notice, and shall comply with any other requirements so specified;

and

(b) conditions regulating or restricting, in such manner as is specified in the notice, the purpose for which the land may be used.

35. The following section is enacted and inserted in the principal Act immediately after section 234a thereof:—

Enactment of s. 234b of principal Act.

234b. Whenever any land has been sold pursuant to the provisions of this Part, and is subsequently forfeited to the Crown by virtue of some breach of a condition subject to which it was sold, the Minister may, on the advice of the board, refund such portion of the purchase money that has been paid for the land as he considers just.

Refunded purchase moneys.

Amendment of principal Act s. 241—  
Power to grant sites for public and charitable purposes.

**36. Section 241 of the principal Act is amended—**

- (a) by striking out from paragraph (a) of subsection (1) the passage “two acres” and inserting in lieu thereof the passage “1 hectare”;
  - (b) by striking out from subparagraph I of paragraph (b) of subsection (1) the passage “one acre” and inserting in lieu thereof the passage “1 hectare”;
- and
- (c) by striking out from subparagraph II of paragraph (b) of subsection (1) the passage “five miles” and inserting in lieu thereof the passage “10 kilometres”.

Amendment of principal Act, s. 242—  
Purchase money for site to be paid on application.

**37. Section 242 of the principal Act is amended by striking out the passage “rate per acre” and inserting in lieu thereof the passage “rate per hectare”.**

Repeal of s. 246 of principal Act and enactment of section in its place.

**38. Section 246 of the principal Act is repealed and the following section is enacted and inserted in its place:—**

Term and conditions of licence.

246. (1) A licence shall be granted for a term specified therein, not exceeding one year, and upon payment of the fee determined by the Minister, may be renewed from time to time, at the discretion of the Minister, for a further term.

(2) A licence shall be subject to such restrictions and conditions as are imposed by the Minister.

Amendment of principal Act, s. 262aa—  
Power to dispose of lands formerly dedicated or reserved which have been resumed by the Crown.

**39. Section 262aa of the principal Act is amended by striking out from subsection (1) the passage “ten acres” and inserting in lieu thereof the passage “5 hectares”.**

Amendment of principal Act, s. 263—  
Provision for preservation of timber.

**40. Section 263 of the principal Act is amended—**

- (a) by striking out from subsection (1) the passage “five acres” and inserting in lieu thereof the passage “2 hectares”;
  - (b) by striking out from subsection (1) the passage “two hundred and fifty acres” and inserting in lieu thereof the passage “100 hectares”;
- and
- (c) by striking out from paragraph (b) of subsection (3) the passage “two hundred and fifty acres” and inserting in lieu thereof the passage “100 hectares”.

Amendment of principal Act, s. 268—  
Cancellation of muniments of title when grant cancelled or land reverts to Crown.

**41. Section 268 of the principal Act is amended by inserting after subsection (2) the following subsection:—**

(3) Where a certificate, grant, or other muniment or muniments of title have been cancelled under this section, and the land to which they relate is subsequently again alienated from the Crown, the Registrar-General may, upon the request of the Minister of Lands, by endorsement on the certificate, grant, or other muniment or muniments of title, revive that certificate, grant, or muniment of title.

**42. Section 273 of the principal Act is amended—**

- (a) by striking out from paragraph (b) of subsection (1) the passage “five miles” and inserting in lieu thereof the passage “8 kilometres”;

and

- (b) by striking out from subsection (2) the passage “five miles” and inserting in lieu thereof the passage “8 kilometres”.

Amendment of principal Act, s. 273—  
Delaying with travelling stock.

**43. Section 288 of the principal Act is amended by inserting after subsection (1) the following subsection:—**

(1a) Without limiting the generality of the purposes for which regulations may be made under this section, those regulations may provide for the survey of—

- (a) Crown lands;
- (b) lands reserved for, or dedicated to, any public purpose;
- and
- (c) land subject to any agreement, lease or licence lawfully granted by or on behalf of the Crown or the Minister.

Amendment of principal Act, s. 288—  
Regulations.

**44. Section 289 of the principal Act is amended by inserting in subsection (1) after the word “dispute” the word “by”.**

Amendment of principal Act, s. 289—  
Valuation for compensation to be determined by the Land and Valuation Court.

**45. The third schedule to the principal Act is amended—**

- (a) by striking out the passage “His Majesty the King” and inserting in lieu thereof the passage “The Crown”;
- (b) by striking out paragraph I and the title “Reservations” to that paragraph;
- (c) by striking out from subparagraph III of paragraph 2 the word “acres” and inserting in lieu thereof the word “hectares”;

and

- (d) by inserting after subparagraph v of paragraph 2 the following subparagraph:—

va. Permit the Minister or any person authorized by him to enter upon the land for any reasonable purpose.

Amendment of third schedule of principal Act.

**46. The fourth schedule to the principal Act is amended—**

- (a) by striking out paragraph 1;
- (b) by striking out from paragraph 2 (iii) the passage “one-eighth” where it occurs for the first and second time and inserting in lieu thereof, in each case, the passage “twenty per centum”;

Amendment of fourth schedule of principal Act.



- (c) by striking out from paragraph 2 (iii) the passage "one-eighth" where it occurs for the third time and inserting in lieu thereof the passage "ten per centum";
  - (d) by striking out from paragraph 3 the passage "His Majesty" and inserting in lieu thereof the passage "The Crown";
- and
- (e) by striking out from paragraph 4 the passage "the King" and inserting in lieu thereof the passage "the Crown".

Amendment of  
fifth schedule  
of principal Act.

47. The fifth schedule to the principal Act is amended—

- (a) by striking out all words in paragraph 1 after the passage "the improvements thereon";
  - (b) by striking out from paragraph 6 the word "acres" wherever it occurs and inserting in lieu thereof, in each case, the word "hectares";
- and
- (c) by striking out paragraph 8 and inserting in lieu thereof the following paragraph:—

8. The Minister, and any person authorized by him, may enter upon the land for any reasonable purpose.

Amendment of  
ninth schedule  
of principal Act.

48. The ninth schedule to the principal Act is amended—

- (a) by striking out all words in paragraph 1 after the passage "the improvements thereon";
  - (b) by striking out from paragraph 8 the word "acres" wherever it occurs and inserting in lieu thereof in each case the word "hectares";
- and
- (c) by striking out paragraph 10 and inserting in lieu thereof the following paragraph:—

10. The Minister, and any person authorized by him, may enter upon the land for any reasonable purpose.

Amendment of  
twelfth schedule  
of principal Act.

49. The twelfth schedule to the principal Act is amended—

- (a) by striking out the passage "Her Majesty the Queen" and inserting in lieu thereof the passage "The Crown";
- (b) by striking out paragraph 1 and the heading "*Reservations*" to that paragraph;
- (c) by striking out from subparagraph v of paragraph 2 the word "acres" and inserting in lieu thereof the word "hectares";
- (d) by striking out from subparagraph vi of paragraph 2 the passage "one-eighth" wherever it occurs and inserting in lieu thereof, where it occurs for the first and second time the passage "twenty per centum" and where it occurs for the third time the passage "ten per centum";

(e) by striking out subparagraph ix of paragraph 2 and inserting in lieu thereof the following subparagraph:—

ix. Permit the Minister, or any person authorized by the Minister, to enter upon the land for any reasonable purpose.;

(f) by striking out from subparagraph x of paragraph 2 the passage “five acres of every two hundred and fifty acres” and inserting in lieu thereof the passage “2 hectares of every 100 hectares”;

(g) by striking out from subparagraph xv of paragraph 2 the word “Five” and inserting in lieu thereof the word “Ten”;

(h) by striking out subparagraph vii of paragraph 3;

and

(i) by striking out from subparagraph viii of paragraph 3 the passage “five acres of every two hundred and fifty acres” and inserting in lieu thereof the passage “2 hectares of every 100 hectares”.

50. The thirteenth schedule to the principal Act is amended—

Amendment of  
thirteenth  
schedule of  
principal Act.

(a) by striking out paragraph 1;

(b) by striking out from paragraph 2 (v) the passage “one-eighth” wherever it occurs and inserting in lieu thereof, where it occurs for the first and second time the passage “twenty per centum” and where it occurs for the third time the passage “ten per centum”;

(c) by striking out from paragraph 3 the passage “Her Majesty” and inserting in lieu thereof the passage “the Crown”;

and

(d) by striking out from paragraph 5 the passage “the Queen” and inserting in lieu thereof the passage “the Crown”.

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

M. L. OLIPHANT, Governor