



ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

No. 8 of 1949.

An Act to enable the Minister of Lands to grant leases for the purpose of promoting land settlement, and for purposes incidental thereto.

[Assented to 13th October, 1949.]

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

1. This Act may be cited as the "Land Settlement (Development Leases) Act, 1949".

Short title.

2. (1) In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

Interpretation.

"approved person" means The Australian Mutual Provident Society and any other person or association of persons, corporate or unincorporate, approved by the Minister ;

"development lease" means a development lease granted under this Act ;

"Land Board" means the Land Board constituted under the Crown Lands Act, 1929-1944 ;

"Minister" means the Minister of Lands.

(2) Other words and expressions in this Act shall, unless the context otherwise requires, or some other meaning is clearly intended, have the same meanings as they have in the Crown Lands Act, 1929-1944.

Grant of
development
leases to
approved
persons.

3. (1) The Minister, on the recommendation of the Land Board, concurred in by the Parliamentary Committee on Land Settlement, may grant to any approved person a development lease comprising any land which at the time of the grant of the lease is—

(a) Crown land ;

(b) land surrendered by an approved person to the Crown for the purpose of obtaining a development lease.

(2) Every development lease shall be for a term of twenty-one years.

(3) The rent of a development lease granted under this section and the purchase-money (if any) to be paid by the lessee for improvements on the leased land shall be fixed by the Minister on the recommendation of the Land Board.

(4) A development lease shall not contain any provision enabling His Majesty the King or the Governor or any public authority to resume any land comprised in the lease except for one or more of the following purposes, namely, roads, railways, waterworks, stone quarries, park lands, public reserves, schools, police stations, Government offices and other like public buildings, the site of a town or building sites : Provided that this subsection shall not affect any power to forfeit the lease for breach of any term, covenant or condition thereof.

(5) Every development lease shall contain covenants with respect to the following matters :—

(a) the improvements to be constructed or carried out by the lessee at his own expense ;

(b) providing that the lessee shall subdivide the land and sell it in blocks to persons selected by the lessee after consultation with the Land Board ;

(c) requiring that the subdivision shall be carried out after consultation between the lessee, the Land Board, and the Surveyor-General ;

(d) providing that after such subdivision the Minister, on the recommendation of the Land Board, shall fix the rents to be paid under the perpetual leases to be granted to the purchasers selected by the lessee, and that the rent of each block shall be based on the unimproved value of that block as at the time of the granting of the development lease ;

(e) requiring the Minister to grant a perpetual lease to every person who buys a block from the lessee ;

(f) restricting the right of the lessee to transfer the lease.

(6) Every development lease shall contain such other terms, covenants and conditions as the Minister deems necessary.

(7) In selecting the purchasers to whom blocks of prepared land shall be sold the lessee shall give preference to ex-service-men, except where reasonable cause exists for not doing so.

4. If any land held on a miscellaneous lease is resumed for the purpose of leasing it on a development lease under this Act, the Minister shall pay to the lessee the value of any improvements on the land which the lessee has paid for or carried out or constructed, and any additional compensation recommended by the Land Board, less any money due to the Crown by the lessee under the lease.

Compensation where miscellaneous lease resumed.

5. (1) Where an approved person, after consultation with the Land Board, has sold a block of land formerly held by the approved person on a development lease the Minister will, on the application of the purchaser, cause to be granted to him a perpetual lease of the land which he has purchased.

Grant of perpetual leases to purchasers from the approved person.

(2) The rent to be paid under any such perpetual lease shall be the amount fixed by the Minister on the recommendation of the Land Board in accordance with the covenants of the development lease.

(3) Except as otherwise provided in this Act, the perpetual lease shall be in accordance with and be subject to the provisions of the Crown Lands Act, 1929-1944.

(4) Where a person has purchased from an approved person a block of land formerly held by the approved person under a development lease, and has executed a mortgage over that land in favour of the approved person to secure the unpaid amount of the purchase-money, the Minister shall grant his consent to that mortgage and to any transaction required for giving effect to the terms, covenants, and conditions of the mortgage.

6. (1) Any obligation or liability imposed on the Minister pursuant to a development lease entered into under this Act may be carried out or satisfied by the Minister notwithstanding any provision of the Crown Lands Act, 1929-1944.

Non-application of certain enactments.

(2) Section 31 of the Crown Lands Act, 1929-1944, shall not apply in relation to the granting of a development lease under this Act.

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(3) If an approved person applies for the transfer to him of any Crown lease and the Minister is satisfied that that person intends, in the event of the transfer taking place, to surrender that lease to the Crown for the purpose of obtaining a development lease of the land comprised therein, subsections (2), (3), and (6), of section 225 of the Crown Lands Act, 1929-1944, shall not apply in relation to the transfer applied for.

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

C. W. M. NORRIE, Governor.