

Legislative Council—No 138

As received from the House of Assembly and read a first time, 14 November 2019

South Australia

**Crown Land Management (Section 78B Leases)
Amendment Bill 2019**

A BILL FOR

An Act to amend the *Crown Land Management Act 2009*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Crown Land Management (Section 78B Leases) Amendment Act 2019*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Crown Land Management Act 2009*

4—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *saleable improvements* insert:

- 15 *section 78B lease* means a lease granted under section 78B of the *Crown Lands Act 1929* that has been continued as a lease under this Act in accordance with Schedule 1 clause 13;

5—Amendment of section 24—Minister may dispose of Crown land to which Division applies

- 20 Section 24(2)(c)—after "perpetual lease" insert:
or section 78B lease

6—Amendment of section 25—Disposal by transfer or grant of fee simple

Section 25(1)—after paragraph (cb) insert:

- (cba) the land is disposed of, in fulfilment of a condition on surrender of a section 78B lease, to a former lessee or a person nominated by a former lessee; or

7—Amendment of section 37A—Consent process for surrender of certain leases

Section 37A(1) and (2)—delete subsections (1) and (2) and substitute:

- (1) If a lessee under a perpetual lease or a section 78B lease seeks to surrender the lease on condition that—

- (a) the land is disposed of by transfer or grant of the fee simple to the lessee or a person nominated by the lessee; or
(b) a new lease of the land is granted to the lessee or a person nominated by the lessee,

the lessee must first apply to the Minister, in such manner as the Minister thinks fit, for consent to the surrender in accordance with this section.

- (2) On receipt of an application under this section, the Minister must—

- (a) —

- (i) in the case of an application for consent to surrender a lease on condition that the land is disposed of by transfer or grant of the fee simple—determine whether or not to consent to the surrender and the terms on which the land may be disposed of (including the amount for which the fee simple of the land may be purchased and any other requirements of the Minister relating to the disposal); or

- (ii) in the case of an application for consent to surrender a lease on condition that a new lease of the land is granted—determine whether or not to consent to the surrender and issue a new lease of the land; and

- (b) give written notice of that determination to the applicant.

8—Insertion of section 74A

After section 74 insert:

74A—Removal and disposal of unauthorised fixtures on Crown land

- (1) The Minister may cause any unauthorised fixture on Crown land to be removed and disposed of in such manner as the Minister thinks fit.

(2) Any costs incurred by the Minister under subsection (1) in removing and disposing of an unauthorised fixture may be recovered by the Minister as a debt from the person who erected the fixture.

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(3) If an unauthorised fixture is on Crown land that is under the care, control and management of a Crown agency or a person other than the Minister, the Minister may only take action under this section with the consent of the Crown agency or other person.

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(4) For the purposes of this section, it will be presumed, in the absence of evidence to the contrary, that an unauthorised fixture on Crown land was erected by the person in occupation of the land at the time the fixture was erected.

(5) In this section—

unauthorised fixture means any building, structure or other fixture on land erected without lawful authority or excuse.

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9—Amendment of Schedule 1—Transitional provisions

Schedule, clause 14—delete the clause