

House of Assembly—No 156

As laid on the table and read a first time, 9 November 2005

South Australia

**Crown Lands (Prescribed Shack Sites)
Amendment Bill 2005**

A BILL FOR

An Act to amend the *Crown Lands Act 1929*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Crown Lands (Prescribed Shack Sites) Amendment Act 2005*.

5 2—Commencement

This Act will come into operation 2 months after the date of assent.

3—Amendment provisions

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

10 Part 2—Amendment of *Crown Lands Act 1929*

4—Insertion of section 78C

After section 78B insert:

78C—Special provisions relating to prescribed shack sites

- 15 (1) A person who, immediately before the commencement of this section, is the lessee of a prescribed shack site (the *original lessee*) may apply to the Minister to have the lease dealt with in accordance with this section.
- 20 (2) Subject to subsection (6), if an application is made by an original lessee under subsection (1), the Minister must cancel the lease and, with the consent of the relevant council, grant a new lease of the prescribed shack site to the relevant council.
- (3) A lease granted to the relevant council—
 - (a) must be for a term of not less than 99 years; and

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- (b) must not require the payment by the council of any rent or other fee in respect of the grant of the lease (and this will not affect the validity or enforceability of the lease); and
- (c) may contain such other terms and conditions as are necessary to give effect to this section.
- (4) The relevant council, on being granted a lease of a prescribed shack site under this section, must grant a sublease of the shack site to the original lessee.
- (5) A sublease granted to the original lessee must—
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- (a) be for a term of not less than 3 years; and
- (b) be renewable (on terms and conditions specified in the sublease); and
- (c) be capable of being transferred with the consent of the relevant council; and
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- (d) contain conditions relating to—
- (i) access to the shack site;
- (ii) infrastructure;
- (iii) management of environmental issues;
- (iv) effluent disposal;
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- (v) the built form of structures on the shack site;
- (vi) safety and security; and
- (e) contain such other terms and conditions as the relevant council thinks fit.
- (6) The Minister must not cancel a lease under subsection (2) unless the Minister is satisfied that—
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- (a) the relevant council and the original lessee have agreed the terms of the sublease to be granted to the original lessee; and
- (b) the relevant council has agreed to grant the sublease forthwith on the Minister taking action under that subsection.
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- (7) The original lessee is, despite the cancellation of the lease by the Minister under subsection (2), entitled to remain in occupation of the prescribed shack site pending the grant of the sublease.
- (8) The Governor may make regulations for the purposes of this section.
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- (9) Without limiting subsection (8), the regulations may—
- (a) empower a relevant council, to carry out specified works, or works of specified class, on land not belonging to the council to provide adequate infrastructure to, or improve the safety, security or environmental impacts of, any prescribed shack sites or otherwise for the purposes of such shack sites;
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(b) require the preparation by a relevant council of a management plan or management plans relating to prescribed shack sites;

(c) make any other provision for the protection or enhancement of prescribed shack sites.

(10) The regulations may not, however, impose any requirements on an original lessee.

(11) If no application is made under this section in relation to a prescribed shack site within 12 months after the commencement of this section, the lease of that shack site is taken to be cancelled and no compensation is payable by the Crown in respect of the cancellation.

(12) In this section—

Glenelg River shack site means an area—

(a) that was, immediately before the commencement of this section, leased from the Crown; and

(b) that encompasses subjacent land underlying, or land immediately adjacent to, the Glenelg River (or both); and

(c) on which, or on part of which, has been constructed a shack;

Port Milang shack site means any of the following areas that were, immediately before the commencement of this section, leased from the Crown:

(a) Section 186, Hundred of Alexandrina;

(b) Sections 213 to 326 (inclusive), Hundred of Alexandrina;

prescribed shack site means a Glenelg River shack site or a Port Milang shack site;

relevant council means—

(a) in relation to a Glenelg River shack site—the District Council of Grant; or

(b) in relation to a Port Milang shack site—Alexandrina Council.