

South Australia

# Lands for Public Purposes Acquisition Act 1914

An Act to provide for the acquisition by the Crown of lands for public purposes, and for purposes consequent thereon and incidental thereto.

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## Contents

- 1 Short title
- 2 Interpretation
- 3 Act not to apply to public parks
- 4 Governor may declare any purpose to be a public purpose
- 5 Appointment of promoter of undertaking and holder of lands
- 6 Power to acquire lands required for a public purpose
- 7 Incorporation of *Compulsory Acquisition of Land Act 1925*
- 8 Promoter of the undertaking to have powers of promoters under incorporated Acts
- 11 Proceedings to be adopted where land vests in His Majesty
- 17 Power to dispose of surplus land
- 18 Moneys to be paid out of funds voted by Parliament

## Legislative history

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### The Parliament of South Australia enacts as follows:

#### 1—Short title

This Act may be cited as the *Lands for Public Purposes Acquisition Act 1914*.

#### 2—Interpretation

In this Act, unless inconsistent with the context or some other meaning is clearly intended—

**convey** means convey, transfer, release, assign, or otherwise assure, according to the exigencies of the case;

**land** includes messuages, tenements, and hereditaments and houses and buildings, and also includes any estate or interest (legal or equitable) in land, and any easement, right, power, or privilege in, under, over, affecting, or in connection with land;

**owner** includes, with respect to any land, any person having any estate or interest (legal or equitable) in the land, or any easement, right, power, or privilege in, under, over, affecting, or in connection with the land, or by the *Compulsory Acquisition of Land Act 1925* enabled to sell and convey such estate, interest, easement, right, power, or privilege;

*proclamation* means proclamation made by the Governor and published in the Government Gazette;

*promoter of the undertaking* means the promoter of the undertaking appointed by the proclamation with regard to the particular public purpose;

*public purpose* means a purpose declared by the Governor, by proclamation under this Act, to be a public purpose.

### **3—Act not to apply to public parks**

This Act does not apply to any lands which—

- (a) are, or are situated within, a public park or park lands, or a place reserved or dedicated for the use and enjoyment of the inhabitants of the State, or any part thereof; and
- (b) are vested in, or are under the control of, any Municipal Corporation or Municipal or District Council.

### **4—Governor may declare any purpose to be a public purpose**

The Governor may by proclamation declare any of the following purposes to be a public purpose, namely—

- I the providing of offices and other buildings and premises for carrying on the Government of the said State or any Department or Departments of the Government of the said State;
- II any work or undertaking which the Government of the said State are by any Act or law empowered to carry out, but for which there is no power (except this Act) to acquire land;
- III any purpose which both Houses of Parliament, during the same or different sessions of any Parliament, resolve shall be a public purpose within the meaning of this Act,

and thereupon such purpose shall be deemed to be an undertaking within the meaning of the *Compulsory Acquisition of Land Act 1925* and the Acts amending that Act, as if it were an undertaking authorised by Act of Parliament.

### **5—Appointment of promoter of undertaking and holder of lands**

By the proclamation whereby a purpose is declared to be a public purpose, or by a subsequent proclamation, the Governor—

- (a) may appoint some person, or the holder for the time being of some specified office, to be, in respect of such public purpose, the promoter of the undertaking for the purposes of this Act; and
- (b) may nominate a person, or the holder for the time being of a specified office, being in the case of such holder a body corporate, to be the person to whom all land to be acquired under this Act for the said public purpose shall be conveyed, and in whom the same shall vest.

## 6—Power to acquire lands required for a public purpose

When the Governor has, by proclamation, declared any purpose to be a public purpose, the promoter of the undertaking may take and acquire, either by agreement or compulsorily, any land which is required for the said purpose: Provided that—

- (a) no land shall be taken or acquired under this Act unless the Governor has in writing directed that the same shall be so acquired; and
- (b) all land acquired under this Act shall be conveyed to and shall vest in the person or officer, if any, nominated in that behalf by proclamation, as provided by section 5, or, if no person or officer is so nominated, then to and in His Majesty the King.

## 7—Incorporation of *Compulsory Acquisition of Land Act 1925*

- (1) For the purposes of taking and acquiring land under this Act and for the purposes of all matters incidental to or connected with such taking and acquiring the *Compulsory Acquisition of Land Act 1925* is incorporated with this Act, but where any provision of that Act is inconsistent with any provision of this Act the provision of this Act shall prevail.
- (2) For the purposes of the said Act—

*the promoter* shall mean the promoter of the undertaking as defined by section 2 of this Act and *the special Act* shall mean this Act.

## 8—Promoter of the undertaking to have powers of promoters under incorporated Acts

Anything to be done or suffered, or which may be done or suffered, by the promoters of an undertaking or any number of them, by virtue of the enactments incorporated herewith, shall or may be done or suffered by the promoter of the undertaking as defined by section 2 of this Act.

## 11—Proceedings to be adopted where land vests in His Majesty

- (1) When any land acquired under this Act vests in His Majesty the King, the Governor may cause the grant or other muniment or muniments of title, and the instrument or document whereby the land is conveyed to His Majesty, to be lodged with the Registrar-General.
- (2) The Registrar-General shall make any entry in the Register Book or other book in the Lands Titles or General Registry Office necessary or proper to evidence the vesting of the land in His Majesty.
- (3) If any of such land is under the provisions of the *Real Property Act 1886* the Registrar-General shall, upon receiving the transfer or other instrument whereby the same is conveyed to His Majesty, make an entry on the folium relating thereto in the Register Book as follows: "Cancelled, the land [*or part of the land*] having been acquired by the Crown". Thereafter the land referred to in this subsection shall, for the purposes of the *Real Property Act 1886* and until again alienated from the Crown, be dealt with and regarded in all respects as if it had never been alienated from the Crown.

- (4) Upon receiving the grant of the land in any such case as mentioned in subsection (3) of this section, the Registrar-General shall cancel the same by endorsing thereon the words—"Cancelled, the within land [*or* part of the within land] having been acquired by the Crown"; and if the land is not the whole of the land comprised in the grant or certificate of title, the Registrar-General shall, without fee, issue a fresh certificate of title for the balance of the land so comprised.

### **17—Power to dispose of surplus land**

- (1) When it appears to the Governor that any land taken or acquired for any public purpose is no longer required for such purpose, such land may, with the consent of the Governor—
- (a) be used for any other public purpose; or
  - (b) be sold, exchanged for other land, or otherwise disposed of.
- (2) For the purpose of carrying out any sale, exchange, or disposition of such land, the person in whom the same is vested, or, if vested in His Majesty the King, the Governor, may execute any and every assurance, deed, instrument, and writing, and do all such other things as may be necessary or expedient; and it shall not be necessary for the person paying any moneys in respect of any such transaction to prove the consent of the Governor to such transaction, nor to inquire whether a proper case has arisen for the exercise of any power under this section.
- (3) Moneys received in consideration of the sale, exchange, or disposition of any such land shall be paid into the General Revenue of the said State, unless such land was paid for out of moneys voted by Parliament for some particular public purpose, in which case such moneys shall be paid to the Treasurer to the credit of the said public purpose.
- (4) Nothing in this section shall be deemed to interfere with any power of leasing any such lands by virtue of any enactment relating to Crown lands.
- (5) The Governor shall in the month of July in every year cause a report to be prepared stating—
- (a) particulars of all lands (if any) with regard to which, during the period ending on the preceding thirtieth day of June, any of the powers conferred by this section have been exercised; and
  - (b) how such lands have respectively been dealt with under this section; and
  - (c) the price or other consideration, and the other terms and conditions (if any), in each case.

Every such report shall be laid before both Houses of Parliament within fourteen days after it has been prepared if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

### **18—Moneys to be paid out of funds voted by Parliament**

The moneys required for the purposes of this Act shall be paid out of moneys voted by Parliament for the purposes of this Act, or out of moneys so voted for the public purpose for which the particular land is taken or acquired.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1914	1154	<i>The Lands for Public Purposes Acquisition Act 1914</i>	24.9.1914	24.9.1914
1935	2246	<i>Statute Law Revision Act 1935</i>	19.12.1935	19.12.1935
1966	77	<i>National Parks Act 1966</i>	1.12.1966	26.1.1967 ( <i>Gazette 26.1.1967 p210</i> )
1972	56	<i>National Parks and Wildlife Act 1972</i>	27.4.1972	3.7.1972 ( <i>Gazette 29.6.1972 p2689</i> )
1990	9	<i>Real Property Act Amendment Act 1990</i>	12.4.1990	Sch—21.5.1990 ( <i>Gazette 17.5.1990 p1358</i> )
<b>2016</b>	<b>29</b>	<b><i>Real Property (Electronic Conveyancing) Amendment Act 2016</i></b>	<b>16.6.2016</b>	<b>Sch 2—4.7.2016 (<i>Gazette 30.6.2016 p2761</i>)</b>

### Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 5 of The Public General Acts of South Australia 1837-1975 at page 570.

New entries appear in bold.

Provision	How varied	Commencement
s 11		
s 11(1)	<b>amended by 29/2016 Sch 2</b>	<b>4.7.2016</b>
s 11(3)	amended by 9/1990 s 42 (Sch)	21.5.1990
s 11(4)	amended by 9/1990 s 42 (Sch)	21.5.1990
	<b>amended by 29/2016 Sch 2</b>	<b>4.7.2016</b>

### Historical versions

Reprint No 1—21.5.1990