

South Australia

Marginal Lands Act 1940

An Act to confer powers upon the Minister of Lands in relation to the settlement of marginal lands.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Marginal Lands Act 1940*.

2—Interpretation

In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

Land Board means the Land Board constituted under the *Crown Lands Act 1929*, as amended;

marginal land means any land which has been used principally for wheatgrowing, but which, in the Minister's opinion, because of inadequate rainfall with or without other causes, is unsuitable for wheatgrowing as the principal operation carried on thereon;

Minister means Minister of Lands or other Minister as defined in the *Acts Interpretation Act 1915*, as amended.

3—Powers of Minister

For the purpose of promoting the more profitable and successful working and development of marginal land, the Minister may do all or any of the following things, namely:

- (i) purchase any real or personal property and sell, lease, hire or otherwise dispose of any property so purchased;
- (ii) enter into and carry out any contract or transaction of any kind.

Any money required in connection with any such purchase contract or transaction shall be paid out of money granted to the State by the Commonwealth for the purpose. This Act without any other appropriation shall be sufficient authority for making any payment required for purposes of this Act.

4—Provisions as to land purchased by Crown

- (1) If the Minister purchases any land for the purposes of this Act he may direct that the vendor shall transfer the land to His Majesty the King, and may accept such transfer on behalf of His Majesty.
- (2) If any land is so transferred to His Majesty the Minister may direct the Registrar-General to cancel the title thereto and the Registrar-General shall obey any such direction.
- (3) Any land purchased by the Minister under this Act may be allotted on lease to such persons as the Minister on the recommendation of the Land Board approves. Any such lease may be granted by the Minister on behalf of the Crown and shall be in such form and contain such terms covenants and conditions as are recommended by the Land Board and approved by the Minister. Such terms covenants and conditions need not be in accordance with the provisions of the *Crown Lands Act 1929*, as amended.
- (4) The following sections of the *Crown Lands Act 1929*, as amended, namely, sections 37, 47, 52, 53, 54, 55, 58, 59, 60, 64, 65, 66, 66A, 204B, 205, 206, 207A, 208A, 209, 222, 223, 224, 225, 226, 227, 227A, 241, 242, 243, 249, 252, 259, 262B, 265A, 266, 268, 269, 270, 271A, 271B, 275, 276, 277, 295A, shall apply to leases granted under this Act in the same way and to the same extent as they apply to leases under the said Act, unless the Minister directs that any such section shall not apply in any case.
- (5) The Minister on the recommendation of the Land Board may—
 - (a) with the consent of the lessee named in any lease granted under this Act modify any term covenant or condition of that lease;
 - (b) exempt any such lessee from the obligation to comply with any term covenant or condition of his lease;
 - (c) waive any breach of any term covenant or condition of any lease;
 - (d) accept the surrender of any lease and allot any land comprised therein to the surrenderor or any other person on lease.

5—Effect of grant of specific powers

The mention of any specific powers in this Act shall not restrict the general power of the Minister to enter into and carry out any transactions of any kind for the purposes mentioned in section 3 of this Act.

6—Regulations

The Governor may make any regulations which he deems necessary or convenient—

- (a) for carrying this Act into effect; and
- (b) for facilitating and improving the settlement, development and working of marginal lands; and
- (c) for diversifying and increasing production on marginal lands; and

- (d) for prescribing fines recoverable summarily and not exceeding one hundred dollars for breach of any regulation.

7—Report

The Minister shall make an annual report to Parliament on his proceedings under this Act.

Legislative history

Notes

- 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.

Repeal of Act

The *Marginal Lands Act 1940* was repealed by Sch 1 cl 6(d) of the *Crown Land Management Act 2009* on 1.6.2010.

Principal Act and amendments

Year	No	Title	Assent	Commencement
1940	44	<i>Marginal Lands Act 1940</i>	28.11.1940	28.11.1940
1973	77	<i>Statute Law Revision Act 1973</i>	6.12.1973	6.12.1973
1974	42	<i>Statute Law Revision Act 1974</i>	11.4.1974	11.4.1974
1985	39	<i>Statutes Amendment and Repeal (Crown Lands) Act 1985</i>	18.4.1985	15.7.1985 (<i>Gazette 4.7.1985 p4</i>)

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 6 of The Public General Acts of South Australia 1837-1975 at page 768.

Provision	How varied	Commencement
s 4		
s 4(4)	amended by 39/1985 s 74	15.7.1985