

South Australia

Crown Land Management Regulations 2010

under the *Crown Land Management Act 2009*

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1—Short title

These regulations may be cited as the *Crown Land Management Regulations 2010*.

2—Commencement

These regulations will come into operation on the day on which the *Crown Land Management Act 2009* comes into operation.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Crown Land Management Act 2009*;

Adelaide City Council means The Corporation of the City of Adelaide;

Adelaide Park Lands has the same meaning as in the *Adelaide Park Lands Act 2005*.

4—Prescribed circumstances—section 25(1)(e)

The following circumstances are prescribed for the purposes of section 25(1)(e) of the Act:

- (a) where land is disposed of to a person who—
 - (i) is, or has previously been, a licensee of the land; and
 - (ii) has, in the opinion of the Minister, constructed or made significant improvements on the land;

- (b) where land is disposed of in order to comply with an obligation that the Crown, or a Crown agency, has assumed under a statutory indenture, or other statutory agreement, if the obligation existed (whether in the same or substantially similar terms) at the commencement of section 25 of the Act.

5—Prescribed land—section 27(1)(b)(ii)

For the purposes of section 27(1)(b)(ii) of the Act, land included in the Adelaide Park Lands and under the care, control and management of the Adelaide City Council (other than land in relation to which a power to grant easements otherwise exists under the Act or the *Real Property Act 1886*) is prescribed.

6—Prescribed period—section 61(1)(a)

For the purposes of section 61(1)(a) of the Act, a period of 3 weeks is prescribed.

7—Fees

The fees set out in Schedule 1 are payable to the Minister.

Schedule 1—Fees

Part 1—Application fees

1	Application for consent—	
	(a) to transfer, assign, mortgage, encumber or sublet a lease (or part of a lease), agreement or land grant	\$338.00
	(b) to transfer, assign or sublet a licence	\$338.00
2	Application to surrender a lease for other tenure	\$357.00
3	Application to convert a licence to other tenure	\$357.00
4	Application for a duplicate or amended consent to transfer, assign, mortgage, encumber or sublet a lease, agreement or land grant	\$24.20

Part 2—Document fees

6	For preparing—	
	(a) a land grant, or alteration of a land grant	\$225.00
	(b) a lease or agreement	\$444.00
	(c) a surrender of a lease or agreement	\$267.00
	(d) a surrender of part of a lease or agreement	\$444.00
	(e) a certificate where a lease or agreement is altered, renewed or revived	\$225.00
	(f) a determination of a lease or agreement on completion of purchase	\$267.00
	(g) a resumption of a lease or agreement	\$267.00
	(h) a resumption of part of a lease or agreement	\$444.00
	(i) a request by the Minister to alter or cancel a land grant or certificate of title on behalf of another party	\$225.00
	(j) a grant of easement or an extinguishment of a grant of easement	\$225.00
	(k) a mortgage or discharge of mortgage	\$225.00

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| 7 | For correcting, by registration, an error in the name or other particulars supplied by or on behalf of a lessee, purchaser or other party | \$225.00 |
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Part 3—Miscellaneous fees

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| 8 | For processing a transaction (other than a transaction in respect of which an application fee has been paid) under the Act at the request of any person for the benefit of that person or some other person nominated by that person | \$338.00 |
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Note—

Document fees are payable in addition to the fee for processing a transaction.

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| 9 | For production in the Lands Titles Office of land grants, certificates of title, leases and agreements held as security irrespective of the number of documents involved in the 1 transaction | \$133.00 |
| 10 | For preparing or checking definitions for notices under the Act— | |
| | (a) minimum fee | \$233.00 |
| | (b) additional fee where the time spent in preparing or checking definitions exceeds 2½ hours | \$92.00
per hour |

Notes—

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| 1 | Lands Titles Office fees and stamp duty are not included in the fees in this Schedule but will, in appropriate circumstances, be payable. |
| 2 | This Schedule of fees also applies in relation to the <i>Irrigation (Land Tenure) Act 1930</i> . The <i>Irrigation (Land Tenure) Act 1930</i> is, under section 3 of that Act, incorporated with the <i>Crown Land Management Act 2009</i> . |

Schedule 2—Revocation and transitional provision**1—Revocation of *Crown Lands Regulations 1996***

The *Crown Lands Regulations 1996* are revoked.

2—Transitional

For the avoidance of doubt (and in accordance with section 81(2)(e) of the Act), nothing in the Act derogates from or affects any entitlement under a statutory indenture or other statutory agreement, existing immediately before the commencement of the Act, to the grant or transfer by the Crown or a Crown agency of an estate or interest in, or a right in respect of, land.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 18 February 2010

No 19 of 2010

EHCS09/0032