

CROWN LANDS DEVELOPMENT ACT, 1943-1973**SUMMARY OF PROVISIONS****Section**

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CROWN LANDS DEVELOPMENT ACT, 1943-1973

being

Crown Lands Development Act, 1943, No. 20 of 1943 [Assented to 16th December, 1943];

as amended by

Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6th December, 1973].

An Act to empower the Minister of Lands to clear and improve Crown lands before allotment, and to provide for the allotment of land so cleared and improved and for other purposes.

Long title
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows:

1. This Act may be cited as the "Crown Lands Development Act, 1943-1973".

Short title.
Citation
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

2. In this Act, unless the context otherwise requires—

Interpretation.

* * * * *

Def. of
"Commis-
sioner" struck
out by 77, 1973,
s. 3 (1) (2nd
Sched.).

"Crown lands" means all lands in the State except—

- (a) lands reserved for or dedicated to any public purpose;
- (b) lands lawfully granted, or contracted to be granted, in fee simple by or on behalf of the Crown;
- (c) lands subject to any agreement, lease, or licence lawfully granted by or on behalf of the Crown;

and includes all lands which, having been granted or held under agreement or lease, have been surrendered or, having been reserved or dedicated, have been lawfully resumed by proclamation, and all lands which, having been lawfully held by any person for any estate or interest, have been lawfully forfeited to or resumed by, or by any means whatsoever have reverted to, or been acquired by, the Crown:

"Land Board" means the Land Board constituted under the Crown Lands Act, 1929, as amended¹:

Def. amended
by 77, 1973,
s. 3 (1) (2nd
Sched.).

"land subject to this Act" means Crown Lands which have been set apart for allotment under this Act, or are being or have been prepared for settlement under this Act, or are leased under this Act:

¹ Now Crown Lands Act, 1929-1975.

Def. inserted by
77, 1973, s. 3 (1)
(2nd Sched.).

"Minister" means Minister of Lands or other Minister as defined in the Acts Interpretation Act, 1915, as amended¹.

Power of
Minister to
prepare Crown
lands for
settlement.

S. 3 amended by
77, 1973, s. 3 (1)
(2nd Sched.).

3. The Minister may prepare any Crown Lands for settlement by doing all or any of the following things, namely:

- (a) clearing, draining and cultivating;
- (b) subdividing and fencing;
- (c) providing water supplies;
- (d) erecting any buildings or structures;

Para. (e)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(e) doing or providing any other thing which the Minister deems it necessary or expedient to do or provide.

Allotment.

Subsec. (1)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

4. (1) Any Crown lands prepared for settlement under this Act may be allotted on perpetual lease to such persons as the Minister on the recommendation of the Land Board approves.

Subsec. (2)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(2) 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 amended².

Subsec. (3)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(3) The following sections of the Crown Lands Act, 1929, as amended², namely, sections 19, 21, 37, 52, 53, 54³, 55³, 58, 59, 60, 64, 65, 66, 204b, 205, 207a, 208a, 209, 222, 223, 224, 225, 226, 227, 227a, 241, 242, 243, 244, 245, 246, 249, 252, 252a, 259, 262b, 265a, 266, 268, 269, 270³, 271a, 271b, 275, 276, 277, 295a, shall apply in relation to land subject to this Act and leases granted under this Act in the same way and to the same extent as they apply to land subject to the Crown Lands Act, 1929, as amended², and to leases granted under that Act.

Subsec. (4)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(4) 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 perpetual lease.

Subsec. (5)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(5) The Minister may in relation to any land subject to this Act or in relation to any lease granted under this Act exercise any of the powers conferred on him by paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (m), (o), (p), (q), (s), (t) of section 9 of the Crown Lands Act, 1929, as amended², as if the said land were land subject to that Act, or as if the said lease were granted under that Act.

Power of
Minister to
purchase land.

Subsec. (1)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

5. (1) The Minister on the recommendation of the Land Board may for the purposes of this Act purchase any land.

¹ Now Acts Interpretation Act, 1915-1975.

² Now Crown Lands Act, 1929-1975.

³ Ss. 54 and 55 of the Crown Lands Act, 1929-1973, were repealed by 25, 1974, ss. 15 and 16 and s. 270 of the Crown Lands Act, 1929-1974, was repealed by 13, 1975, s. 3.

(2) Any land purchased by the Minister as aforesaid shall be deemed to be Crown lands for the purposes of this Act.

Subsec. (2)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

6. (1) A lessee holding land under a lease granted pursuant to this Act may apply in writing to surrender his lease and purchase the fee simple of the land.

Purchase of the
fee simple of
leased land.

(2) Upon an application being made under this section the Land Board shall fix the sum at which the fee simple of the land may be purchased and the Minister shall give notice thereof in writing to the applicant. The said sum shall be not less than the unimproved value of the land at the time when the land was first allotted under this Act, plus the cost to the Minister of all work done and improvements effected by him upon the land.

Subsec. (2)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(3) The applicant shall within three months after the giving of the notice under subsection (2) of this section notify the Minister whether he accepts or refuses the terms offered. If he accepts and if within one month after the Minister receives notice of his acceptance he surrenders his lease and pays the purchase money and all proper fees he shall be entitled to receive a land grant for the land: Provided that the Minister may extend any time prescribed by this subsection.

Subsec. (3)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(4) A lessee shall not be entitled to purchase any land under this section until after the expiration of ten years from the time when that land was originally leased to him or to his predecessor in title, nor unless the Minister is satisfied either that all the conditions of the lease have been fulfilled or that strict compliance with the conditions of the lease should be dispensed with.

Subsec. (4)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

7. The Minister may enter into and carry out contracts with any person for the execution by that person of any work required to be done for the purposes of this Act.

Contracts.
S. 7 amended by
77, 1973, s. 3 (1)
(2nd Sched.).

8. The money required for the purposes of this Act shall be paid out of money provided by Parliament for those purposes.

Financial
provision.

9. The Governor may make any regulations which he deems it necessary or convenient to make for the purpose of carrying this Act into effect and may by any regulation prescribe fines recoverable summarily and not exceeding one hundred dollars for breach of any regulation.

Regulations.
S. 9 amended by
77, 1973, s. 3 (1)
(2nd Sched.).