



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 39 of 1985

An Act to amend the Crown Lands Act, 1929, the Irrigation Act, 1930, and the Marginal Lands Act, 1940; and to repeal the Agricultural Graduates Land Settlement Act, 1922, the Crown Lands Development Act, 1943, the Land Settlement (Development Leases) Act, 1949 and the Livestock (War Service Land Settlement) Act, 1947.

[Assented to 18 April 1985]

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 “Statutes Amendment and Repeal (Crown Lands) Act, 1985”. Short title.

2. The Crown Lands Act, 1929, is in this Act referred to as “the principal Act”. Short title of Crown Lands Act.

3. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

4. Section 2 of the principal Act is amended—

(a) by striking out the items:

PART II—Powers of the Governor (Sections 5-8a)

PART III—Powers of the Minister (Section 9)

and substituting the items:

PART II—Powers of the Governor and the Minister to Deal with Crown Lands and Dedicated Lands

PART III—Further Powers of the Minister;

(b) by striking out from the item commencing “PART XIII” the passage “Exchange of Lands—”;

Amendment of s. 2—
Arrangement of Act.

(c) by striking out the item:

DIVISION II—EXCHANGE OF LANDS;;

and

(d) by striking out the item:

PART XV—Special Provisions as to Lands Outside Goyder's
Line of Rainfall (Sections 247-248).

Amendment of
s. 4—
Interpretation

5. Section 4 of the principal Act is amended—

(a) by striking out paragraph (a) of the definition of “Crown lands” and substituting the following paragraph:

(a) dedicated lands;;

(b) by striking out from the definition of “Crown lands” the passage “reserved or”;

(c) by striking out from the definition of “Crown lands” the passage “by proclamation”;

(d) by striking out from the definition of “dedicated lands” the passage “by proclamation” and substituting the passage “by the Governor or the Minister”;

(e) by striking out the definition of “lease” and substituting the following definition:

“lease” means a perpetual lease or a miscellaneous lease;;

(f) by inserting after the definition of “lessee” the following definition:

“miscellaneous lease” means any lease other than a perpetual lease;;

(g) by striking out from the definition of “park lands” the passage “reserved or”;

(h) by inserting after the definition of “park lands” the following definition:

“perpetual lease” means a lease granted in perpetuity;;

and

(i) by striking out the definition of “reserved lands”.

Amendment of
s. 4a—
Adjacent lands.

6. Section 4a of the principal Act is amended by inserting in paragraph (b) after the word “road” the word “, railway”.

Insertion of new
ss. 4b and 4c.

7. The following sections are inserted after section 4a in Part I of the principal Act:

Transitional
provisions.

4b. (1) A lease, agreement to purchase or licence granted under an Act repealed by the Statutes Amendment and Repeal (Crown Lands) Act, 1985, and in force immediately prior to the commencement of that Act shall, upon that commencement, be deemed to be a lease, agreement or licence granted and in force under this Act.

(2) An easement granted under the Irrigation Act, 1930, and in force immediately prior to the commencement of the Statutes Amendment and Repeal (Crown Lands) Act, 1985, shall, upon that com-

mencement, be deemed to be an easement granted and in force under this Act.

(3) Any lands that were, immediately before the commencement of the Statutes Amendment and Repeal (Crown Lands) Act, 1985, reserved lands within the meaning of this Act as then in force shall, upon that commencement, be deemed for all purposes—

(a) to be dedicated lands;

and

(b) to have been dedicated for the purpose for which they were reserved.

(4) Nothing in the Statutes Amendment and Repeal (Crown Lands) Act, 1985, has the effect of repealing a proclamation of the Governor in force under this Act immediately before the commencement of that first mentioned Act.

(5) Where the Minister exercises, by notice in the *Gazette*, any of his powers under this Act in relation to lands in respect of which a proclamation made by the Governor under this Act is in force, the notice shall, if it is inconsistent in any respect with the terms of the proclamation, operate as a revocation of the proclamation to the extent of the inconsistency.

4c. (1) A grant, lease or other alienation of Crown lands by the Governor under any of the Crown Lands Acts or any other Act dealing with the disposal of lands of the Crown shall not be held to be invalid by reason of the fact that the Governor granted, leased or otherwise alienated the lands without the advice and consent of the Executive Council.

Grant, etc., of Crown lands by Governor without advice and consent of Executive Council.

(2) Where the Governor exercises a power to grant, lease or otherwise alienate Crown lands, whether under this Act or any other Act dealing with the disposal of lands of the Crown, he may exercise that power without first obtaining the advice and consent of Executive Council.

8. The heading "POWERS OF THE GOVERNOR" preceding section 5 of the principal Act is repealed and the following heading is substituted:

Repeal of heading preceding s. 5 and substitution of new heading.

POWERS OF THE GOVERNOR AND THE MINISTER TO DEAL WITH CROWN LANDS AND DEDICATED LANDS.

9. The following sections are inserted in Part II of the principal Act before section 5:

Insertion of new ss. 5aa and 5ab.

5aa. (1) The Governor may, subject to the provisions of this Act, and in the name and on behalf of the Crown—

Power of the Governor to grant Crown lands and to resume certain dedicated lands.

(a) grant the fee simple of any Crown lands to any person;

(b) grant to any person the fee simple of any dedicated lands in trust for the purposes for which the lands were dedicated;

(c) by proclamation resume and, if required, cancel the grant of any dedicated lands—

(i) where, in the opinion of the Minister, the lands are being used for a purpose other than one for which they were dedicated;

(ii) where, in the opinion of the Minister, the lands are no longer used or required for the purpose for which they were dedicated;

(iii) where, in the opinion of the Minister, no registered proprietor of the lands is able or willing to have the care, control and management of the lands;

or

(iv) where the registered proprietor of the lands requests, or consents to, resumption of the lands.;

or

(d) by proclamation free from the trusts and, if required, cancel the grant of any lands (other than dedicated lands) set apart for a particular purpose—

(i) where, in the opinion of the Minister, the lands are being used for a purpose other than the purpose for which they were set apart;

(ii) where, in the opinion of the Minister, the lands are no longer used or required for the purpose for which they were set apart;

(iii) where, in the opinion of the Minister, no registered proprietor of the lands is able or willing to have the care, control and management of the lands;

or

(iv) where the registered proprietor of the lands requests, or consents to, revocation of the trusts.

(2) Nothing in this Act empowers the Governor to grant a person the fee simple of any foreshore.

5ab. Where—

(a) the registered proprietor of dedicated lands seeks the resumption of the lands pursuant to section 5aa (1) (c) so that the lands may thereby be freed from the restrictions or trusts imposed by the dedication;

or

(b) the registered proprietor of lands set apart for a particular purpose and subject to trusts seeks to have the lands freed from those trusts pursuant to section 5aa (1) (d),

the Minister may require the registered proprietor of the lands to pay to the Crown, as a condition of the exercise by the Governor of his powers under that section, a premium fixed by the Minister.

10. Section 5 of the principal Act is amended—

(a) by striking out the word “Governor” first occurring and substituting the word “Minister”;

(b) by striking out paragraphs (a), (b) and (c) and substituting the following paragraphs:

Payment of premium where lands are freed from restrictions or trusts.

Amendment of s. 5—
Minister's powers to deal with Crown lands.

- (a) on behalf of the Crown, sell, lease or otherwise alienate (other than by way of a grant of fee simple) any Crown lands:
- (b) on behalf of the Crown, grant, in such terms and for such purposes as he thinks fit, an easement to any person over or in relation to any of the following lands:
- I. Crown lands or dedicated lands:
 - II. land held under licence from the Crown:
 - III. that part of the lands comprised in a lease or agreement to purchase (being a lease or agreement from the Crown under any of the Crown Lands Acts or any other Act dealing with the disposal of lands of the Crown) in relation to which the Crown or a Minister of the Crown has acquired or reserved certain rights for the purpose of granting easements:
- (c) accept the transfer of such an easement for the purpose of the extinguishment of the rights created by the easement and take such steps as may be necessary to extinguish those rights and add them to the tenure of the servient lands;
- (c) by striking out from paragraph (d) the word "proclamation" and substituting the passage "notice in the *Gazette*";
- (d) by striking out subparagraph XI. of paragraph (d) and substituting the following subparagraphs:
- XI. for the purposes of military defence:
 - XII. for forest reserves:
 - XIII. for travelling stock reserves:
 - XIV. for tramways, railways or railway stations:
 - XV. for airfields or airstrips:
 - XVI. for any other purpose he thinks fit, whether similar to the purposes referred to in the preceding subparagraphs or not,;
- (e) by striking out from paragraph (d) the passage "at any time after dedication, grant the fee-simple of any such lands (except foreshores and the lands mentioned in subdivision III of this paragraph, which are hereby declared to be inalienable in fee-simple from the Crown) to secure the use thereof for the purpose for which the same were dedicated, and may,";
- (f) by striking out from paragraph (d) the word "proclamation" last occurring and substituting the passage "notice in the *Gazette*, provided that the Minister has had prior consultation with the person (if any) who has the care, control and management of the land the subject of the proposed resumption";
- (g) by striking out paragraphs (e) and (e 1);
- (h) by striking out paragraph (f);
- (i) by striking out from paragraph (f1) the word "proclamation" and substituting the passage "notice in the *Gazette*";

- (j) by striking out from paragraph (f1) the passage “or reserved lands”;
- (k) by inserting in paragraph (f1) after the passage “any association” the passage “, subject to such prohibitions, restrictions or conditions relating to the use or development of the lands as the Minister thinks fit and specifies in the notice”;
- (l) by striking out paragraph (f2) and substituting the following paragraph:
 (f2) by notice in the *Gazette* revoke or vary any notice given under paragraph (f1);;
- (m) by striking out from paragraph (g) the word “proclamation” and substituting the passage “notice in the *Gazette*”;
- (n) by striking out from paragraph (g) the passage “Every such proclamation shall state the day from which the same is to take effect, and no proclamation constituting any new counties or hundreds shall be published unless a list and plans of the counties or hundreds intended to be constituted have been laid before Parliament for thirty days.”;
- (o) by striking out from paragraphs (h), (hh), (i) and (ii) the word “proclamation” wherever it occurs and substituting, in each case, the passage “notice in the *Gazette*”;
- and
- (p) by striking out paragraph (j).

Insertion of new
s. 5a.

11. The following section is inserted after section 5 of the principal Act:

Effect of
extinguishment of
easement rights.

5a. Upon the Minister accepting the transfer of an easement pursuant to this Act and the extinguished easement rights being added to the tenure of the servient lands, any mortgage, charge, encumbrance or other interest to which the tenure, or a part of the tenure, is subject shall, by virtue of this section, extend over the tenure, or the part of the tenure, as enlarged by those rights.

Amendment of
s. 6—
Form of grants,
leases, etc.

12. Section 6 of the principal Act is amended—

- (a) by striking out the passage “reservations and”;
- and
- (b) by striking out the word “Governor” and substituting the word “Minister”.

Repeal of s. 6a
and substitution
of new section.

13. Section 6a of the principal Act is repealed and the following section is substituted:

Form of grants.

6a. All grants issued under this Act or any other Act dealing with the disposal of lands of the Crown shall be signed by the Governor, the Minister and the Registrar-General and shall have the seal of the State affixed to them.

Amendment of
s. 6b—
Effect of
conveyance of
Crown land to
the
Commonwealth.

14. Section 6b of the principal Act is amended by inserting in subsection (1) after the passage “executed by the Governor” the passage “, or by the Minister, as the case may require.”.

15. Sections 7 and 8a of the principal Act are repealed. Repeal of ss. 7 and 8a.
16. The heading preceding section 9 of the principal Act is amended by inserting before the word "POWERS" the word "FURTHER". Amendment of heading preceding s. 9.
17. Section 9 of the principal Act is amended— Amendment of s. 9—
Further powers of the Minister.
- (a) by striking out from paragraph (d) the word "reserve" and substituting the word "dedicate";
- (b) by striking out paragraphs (f) and (g) and substituting the following paragraphs:
- (f) waive compliance, in part or in full, with any covenant or condition of a grant, agreement, mortgage to the Minister, lease or licence, subject to such conditions as the Minister thinks fit:
- (g) extend the time in which the owner, purchaser, mortgagor, lessee or licensee of lands must perform a condition of his grant, agreement, mortgage to the Minister, lease or licence for such period, and subject to such conditions (including a condition requiring payment of a fee) as the Minister thinks fit:
- (ga) reduce the purchase price, rent, interest or any other amount fixed or payable under any agreement, lease or licence, subject to such conditions as the Minister thinks fit:
- (gb) waive or defer payment of any sum due under any agreement, mortgage to the Minister, lease or licence, subject to such conditions as the Minister thinks fit:
- (gc) vary the terms or conditions of any agreement, mortgage to the Minister, lease or licence so as to give effect to the exercise by him of any of the powers referred to in this section.;
- (c) by striking out paragraph (la) and substituting the following paragraph:
- (la) develop and improve Crown lands for any agricultural, pastoral, residential, commercial or industrial purpose, or for any other purpose whatsoever.;
- (d) by inserting in subparagraph (i) of paragraph (lb) after the word "reticulation" the passage "or supply";
- (e) by inserting in subparagraph (ii) of paragraph (lb) after the word "sewers" the passage "or other drains";
- (f) by inserting after subparagraph (iii) of paragraph (lb) the following subparagraph:
- (iiia) the erection of buildings, structures or fences.;
- (g) by striking out paragraph (u);
- and
- (h) by striking out from paragraph (v) the passage "leased or held under any agreement, or any reserved or dedicated lands" and substituting the passage "held under lease, agreement or licence,

any lands the grant of the fee simple of which is subject to conditions, or any dedicated lands”.

Insertion of new
s. 9a.

18. The following section is inserted after section 9 in Part III of the principal Act:

Delegation by
Minister and
Director.

9a. (1) The Minister may, by instrument in writing, delegate to the Director of Lands any of his powers, functions, duties or responsibilities under this Act (except for Part II) or under any other Act dealing with the disposal of lands of the Crown.

(2) The Director of Lands may, with the approval of the Minister and by instrument in writing, delegate to any officer of the Department of Lands any of the powers, functions, duties and responsibilities vested in, imposed upon, or delegated to, the Director under this Act.

(3) A delegation under this section is revocable at will and does not prevent the exercise or performance of any power, function, duty or responsibility by the Minister or the Director of Lands.

Insertion of new
s. 18a.

19. The following section is inserted after section 18 of the principal Act:

Power of
delegation for
board.

18a. (1) The board may, with the approval of the Minister, delegate any of its powers, functions, duties or responsibilities under this Act or any other Act to a member of the board, or to an officer of the Department of Lands.

(2) A delegation under this section is revocable at will and does not derogate from the power of the board to act itself in any matter.

Repeal of s. 29.

20. Section 29 of the principal Act is repealed.

Amendment of
s. 35—
Form of perpetual
leases.

21. Section 35 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “modifications thereof” the passage “, deletions therefrom”;

(b) by striking out from subsection (1) the word “Governor” wherever it occurs and substituting, in each case, the word “Minister”;

(c) by striking out from subsection (2) the passage “the Governor proposes to grant a perpetual lease” and substituting the passage “it is proposed that a perpetual lease be granted”;

and

(d) by striking out from subsection (2) the word “Governor” lastly occurring and substituting the word “Minister”.

Amendment of
s. 44—
Form of
agreements.

22. Section 44 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “modifications thereof” the passage “, deletions therefrom”;

and

(b) by striking out from subsection (1) the word “Governor” wherever it occurs and substituting, in each case, the word “Minister”.

Repeal of s. 47
and substitution
of new section.

23. Section 47 of the principal Act is repealed and the following section is substituted:

47. (1) Notwithstanding any provision to the contrary in this Act or any other Act—

(a) the annual rent under a lease granted after the commencement of the Statutes Amendment and Repeal (Crown Lands) Act, 1985;

or

(b) an instalment under an agreement entered into after that commencement,

shall not be less than the sum of twenty-five dollars, or such other amount as the Minister may from time to time fix by notice in the *Gazette*.

(2) Subsection (1) (a) applies to a lease under any of the Crown Lands Acts or any other Act dealing with the disposal of lands of the Crown.

24. Section 50 of the principal Act is repealed.

Repeal of s. 50.

25. Section 50a of the principal Act is amended by inserting in subsection (2) after paragraph (a) the following paragraph:

Amendment of s. 50a—
Power to extend agreement.

(ab) may, where the extension is sought by the purchaser, recommend that the rate of interest payable under the agreement be increased to a specified rate not exceeding the rate of interest then being fixed in respect of new agreements:

26. Section 50b of the principal Act is repealed.

Repeal of s. 50b.

27. Section 57 of the principal Act is repealed.

Repeal of s. 57.

28. Section 58 of the principal Act is amended—

Amendment of s. 58—
Penalty to be added to overdue amount under lease or agreement.

(a) by striking out from subsection (2) the passage “this section” and substituting the passage “subsection (1)”;

(b) by inserting after subsection (2) the following subsections:

(2a) Notwithstanding any provision to the contrary in this Act or any other Act, or in a lease or agreement, where an amount becomes payable under a lease or agreement after the commencement of the Statutes Amendment and Repeal (Crown Lands) Act, 1985, and remains unpaid for thirty days after the day upon which it became payable, a penalty shall be added to that amount forthwith, and to the amount (including any penalty added pursuant to this section) that remains unpaid upon the expiration of each year thereafter.

(2b) The penalty to be added to an unpaid amount pursuant to subsection (2a) shall be—

(a) the prescribed percentage of that amount, being a percentage fixed by the Minister from time to time by notice in the *Gazette*;

or

(b) the prescribed minimum penalty, being a minimum penalty fixed by the Minister from time to time by notice in the *Gazette*,

whichever is the greater.;

- (c) by striking out from subsection (3) the passage "such rent, principal or interest" and substituting the passage "amount due and payable under a lease or agreement";
- (d) by striking out from subsection (3) the passage "the interest thereon" and substituting the passage "any interest or penalty";
- (e) by striking out subsection (4) and substituting the following subsection:

(4) The Minister may, in any case that seems to him to be appropriate, remit the whole, or part, of any interest or penalty added to an unpaid amount pursuant to this section.;

and

- (f) by striking out from subsection (5) the passage "Act incorporated with any such Act, except leases and agreements granted under Part X of this Act" and substituting the passage "other Act dealing with the disposal of lands of the Crown".

Amendment of
s. 59—
Forfeiture of lease
or agreement.

29. Section 59 of the principal Act is amended by striking out from subsection (1) the passage "agreement or loan" and substituting the passage "lease or".

Amendment of
s. 66a—
Power to add
parcels of land to
leases and
agreements.

30. Section 66a of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsection:

(1) Where a parcel of Crown land—

(a) is adjacent to the land comprised in a lease or agreement;

or

(b) is, in the opinion of the Minister, so situated that it may conveniently be worked in conjunction with the land comprised in a lease or agreement,

and, in the opinion of the Minister, there is no sufficient reason for inviting applications for the land, the Minister may, on the recommendation of the board—

(c) allot the parcel of land to the lessee or purchaser under the lease or agreement on such terms as are recommended by the board and accepted by the lessee or purchaser;

and

(d) by a certificate of alteration, alter the lease or agreement to include the parcel of land and make any consequential alterations or additions to the terms, covenants or conditions of the lease or agreement.

Amendment of
s. 66b—
Power to add
parcels of land to
existing
certificates of
title.

31. Section 66b of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) Where a parcel of Crown land—

(a) is adjacent to the land comprised in a land grant or certificate of title;

or

(b) is, in the opinion of the Minister, so situated that it may conveniently be worked in conjunction with the land comprised in a land grant or certificate of title,

and, in the opinion of the Minister, there is no sufficient reason for making a general offer of the land for sale, the Minister may, on the recommendation of the board, sell the parcel of land for cash to the registered proprietor of the land comprised in the land grant or certificate of title at such price as is recommended by the board and accepted by the registered proprietor.;

(b) by striking out from paragraph (ii) of subsection (2) the word "adjacent";

(c) by striking out from paragraph (iii) of subsection (2) the word "adjacent";

and

(d) by striking out from subsection (4) the passage "any consolidation is effected under subsection (2) of this section, any" and substituting the passage "a consolidation of adjacent lands is effected under this section, the".

32. Sections 74, 75 and 76 of the principal Act are repealed.

Repeal of ss. 74,
75 and 76.

33. Section 77 of the principal Act is amended—

Amendment of
s. 77—
Miscellaneous
leases.

(a) by inserting in subsection (1) after the passage "Government purposes," the passage "of any dedicated lands under the care, control and management of the Minister,";

and

(b) by striking out from subsection (1) the passage "any term not exceeding twenty-one years from the date thereof" and substituting the passage "such term".

34. Section 78a of the principal Act is repealed and the following sections are substituted:

Repeal of s. 78a
and substitution
of new sections.

78a. (1) The lessee under a miscellaneous lease granted under this Division may, not less than three months (or such shorter period as the Minister may allow) before the end of the term of the lease, apply in writing to the Minister for the renewal of the lease.

Renewal of
miscellaneous
lease by written
notice.

(2) Upon application being made by a lessee in accordance with subsection (1), the Minister may, by notice in writing to the lessee, renew the lease for such term as he thinks fit and may, by that notice, vary the terms and conditions of the lease (including the rent payable under the lease) or add or delete any conditions.

(3) The Minister may, if he thinks fit, entertain an application for the renewal of a miscellaneous lease notwithstanding that the application is made out of time or after the lease has expired.

(4) Upon a lease being renewed pursuant to this section, the lease as renewed shall be deemed to have been granted to the lessee under

this Act and the Minister shall cause the Registrar-General to endorse the register book accordingly.

Life leases for
certain shacks.

78b. (1) The Minister may, upon the expiry or surrender of—

(a) a miscellaneous lease for holiday accommodation purposes granted under this Act or the Irrigation Act, 1930, prior to the first day of January, 1984, for a term not exceeding ten years;

or

(b) a licence for a shack site granted under this Act or the Irrigation Act, 1930,

grant a lease under this section over the lands comprised in the expired or surrendered lease or licence.

(2) A lease under this section—

(a) may only be granted—

(i) to a person who was a lessee or licensee under the expired or surrendered lease or licence;

(ii) to an existing or surviving spouse or putative spouse of a person referred to in subparagraph (i) or of a lessee under a lease granted under this section, or to a person who is, in the opinion of the Minister, an existing or surviving spouse *de facto* of such a person or lessee;

or

(iii) to any other person whose use or enjoyment of the lands has been such that the Minister believes he should be granted a lease under this section;

and

(b) may contain such terms, conditions, covenants and reservations as the Minister thinks fit.

(3) Where a lease is granted under this section to a natural person, his interest in the lease is extinguished upon his death.

(4) Where a lease is granted under this section to a body corporate, the interest of the lessee in the lease is extinguished on the thirty-first day of December, 1999, or on the body corporate ceasing to exist, whichever first occurs.

Amendment of
s. 171—
How land
acquired is to be
dealt with.

35. Section 171 of the principal Act is amended—

(a) by striking out from paragraph I. the passage “reserves may be dedicated by proclamation in like manner as Crown lands are dedicated” and substituting the passage “any land may be dedicated for a purpose for which, and in the manner in which, Crown lands may be dedicated”;

and

(b) by striking out from paragraph II. the passage “or reservation for public purposes”.

36. Section 172 of the principal Act is amended by striking out from subsection (2) the passage “not exceeding twenty-one years”.

Amendment of s. 172—
Power to postpone allotment of closer settlement lands.

37. Section 192 of the principal Act is amended by inserting after subsection (2) of the following subsection:

Amendment of s. 192—
Action may be maintained in the name of the receiver.

(3) This section applies only to and in relation to any rent, instalment or interest that became payable before the commencement of the Statutes Amendment and Repeal (Crown Lands) Act, 1985.

38. Section 194 of the principal Act is repealed.

Repeal of s. 194.

39. Section 200 of the principal Act is repealed.

Repeal of s. 200.

40. Section 201 of the principal Act is amended—

Amendment of s. 201—
Power to grant privileges under section 199 may be granted notwithstanding rent in arrear.

(a) by striking out from subsection (1) the passage “, or under section 200 for a reduction of the purchase-money payable under an agreement,”;

and

(b) by striking out from subsection (2) the passage “, and in the case of the reduction of the purchase-money payable under the agreement, shall be deemed to be included in the agreement”.

41. Section 202 of the principal Act is repealed.

Repeal of s. 202.

42. Section 206 of the principal Act is amended—

Amendment of s. 206—
Surrender for new lease.

(a) by striking out from subsection (1) the passage “Governor may grant a” and substituting the passage “Minister may grant, in accordance with the provisions of this Act, a new”;

and

(b) by striking out subsections (2), (2a), (3) and (4) and substituting the following subsection:

(2) A lease granted under this section shall be a perpetual lease or a miscellaneous lease, according to the type of lease surrendered.

43. Section 211 of the principal Act is amended—

Amendment of s. 211—
Mode of obtaining perpetual lease or agreement.

(a) by striking out from subsection (1) the passage “Upon an application being made under section 210, the board, subject to the approval of the Minister, shall fix” and substituting the passage “Upon an application made under section 210 being approved by the Minister, the board shall recommend to the Minister, and the Minister shall fix,”;

and

(b) by striking out from subsection (2) the passage “subject to the approval of the Minister and”.

44. Section 212 of the principal Act is amended by striking out from subsection (2) the passage “Upon an application being made under this

Amendment of s. 212—
Power of lessee to surrender lease and purchase the fee simple.

section the board shall, subject to the approval of the Minister, fix” and substituting the passage “Upon an application under this section being approved by the Minister, the board shall recommend to the Minister, and the Minister shall fix,”.

Amendment of s. 222—
Surrender of agreement or lease of a small estate.

45. Section 222 of the principal Act is amended by striking out from subsection (1) the passage “the Governor”.

Repeal of ss. 225 and 226 and substitution of new sections.

46. Sections 225 and 226 of the principal Act are repealed and the following sections are substituted:

Leases and agreements may not be transferred, assigned or sublet without consent of the Minister.

225. No transfer, assignment or subletting of a lease or agreement shall have any force or effect unless the Minister has consented to the transfer, assignment or subletting.

Non-validity of agreements to transfer, etc., leases and agreements.

226. An agreement, whether oral or in writing, for the sale, transfer, assignment or subletting of a lease or agreement shall be null and void after the expiration of one year from the making of the agreement, unless before the expiration of that period the Minister consents in writing to the proposed sale, transfer, assignment or subletting.

Amendment of heading preceding s. 228.

47. The heading preceding section 228 of the principal Act is amended by striking out the passage “EXCHANGE OF LANDS,”.

Amendment of s. 228—
Certain lands may be sold by auction.

48. Section 228 of the principal Act is amended—

(a) by striking out from paragraph I. the word “Governor” and substituting the word “Minister”;

(b) by striking out from paragraph IV. the passage “Governor, by proclamation” and substituting the passage “Minister, by notice in the *Gazette*”;

and

(c) by striking out paragraph V. and substituting the following paragraph:

V. Any other Crown lands (including Crown lands within an irrigation area) that the Minister, upon the recommendation of the board, believes should be offered for sale by auction.

Repeal of s. 228aa.

49. Section 228aa of the principal Act is repealed.

Repeal of s. 228b and substitution of new section.

50. Section 228b of the principal Act is repealed and the following section is substituted:

Grant of Crown lands to certain Government or local government authorities.

228b. Notwithstanding any other provision of this Act, the Governor may, for no monetary consideration or for such monetary consideration as the board may determine, grant the fee simple of any Crown lands to any of the following:

(a) a Minister of the Crown, statutory authority or Crown instrumentality or agency of the Commonwealth;

(b) a Minister of the Crown, statutory authority or Crown instrumentality or agency of this State;

or

(c) a municipal or district council or a body corporate vested with the powers of a council.

51. Sections 238, 239 and 240 of the principal Act and the heading preceding section 238 are repealed.

Repeal of ss. 238, 239 and 240 and heading.

52. Section 244 of the principal Act is amended by striking out from paragraph II. the passage "or reserved".

Amendment of s. 244—
Licences may be granted.

53. Part XV of the principal Act is repealed.

Repeal of Part XV.

54. The following sections are inserted after section 249c of the principal Act:

Insertion of new ss. 249d and 249e.

249d. (1) Notwithstanding any provision to the contrary in this Act or any other Act, or in a lease, agreement to purchase or land grant, the consent of the Minister is not required to the encumbering or mortgaging of a lease or agreement to purchase, or of the lands comprised in a land grant, except where the Minister holds a mortgage over the lease, agreement or land grant.

Consent of Minister not required to encumbering or mortgaging of leases and agreements.

(2) Subsection (1) applies—

(a) to a lease, or an agreement to purchase, under any of the Crown Lands Acts or any other Act dealing with the disposal of lands of the Crown and to a land grant issued under this Act in respect of a town allotment;

and

(b) in relation to an encumbrance or mortgage executed before or after the Statutes Amendment and Repeal (Crown Lands) Act, 1985,

but not otherwise.

249e. (1) Upon a lease being transferred or assigned—

(a) the incoming lessee shall be jointly and severally liable with the outgoing lessee for any outstanding amounts due under the lease (including any interest or penalty added pursuant to this Act);

and

(b) if the incoming lessee fails to pay those amounts, he shall be deemed to be in breach of the covenant to pay rent.

(2) Subsection (1) applies to a lease under any of the Crown Lands Acts or any other Act dealing with the disposal of lands of the Crown.

Incoming lessee liable for outstanding amounts upon transfer of lease.

55. Section 250 of the principal Act is repealed and the following section is substituted:

Repeal of s. 250 and substitution of new section.

250. The Minister shall have the care, control and management of all dedicated lands that have neither been placed under the care,

Minister to have care, control and management of dedicated lands in certain circumstances.

control and management of some other person or authority, nor granted in fee simple to some other person.

Insertion of new
s. 251a.

56. The following section is inserted after section 251 of the principal Act:

Power of the
Minister to lend
on mortgage.

251a. (1) The Minister may lend to a person, for the purpose of purchasing the fee simple in lands pursuant to any provision of this Act or any other Act dealing with the disposal of lands of the Crown, such part of the purchase price as the Minister thinks fit, but not exceeding eighty per centum of that price.

(2) A loan under this section may only be made upon the security of a mortgage registered in favour of the Minister over the lands the subject of the purchase.

Amendment of
s. 254—
Powers of district
council rangers.

57. Section 254 of the principal Act is amended by striking out from subsection (1) the word “reserves” and substituting the passage “dedicated lands”.

Amendment of
s. 256—
Power to impound cattle
trespassing and to
destroy pigs.

58. Section 256 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “reserved for or”;
and

(b) by striking out from subsection (2) the passage “or reserves”.

Amendment of
s. 258—
Exemption of
leases, agreements
and licences from
stamp duty.

59. Section 258 of the principal Act is amended by striking out the passage “made under this Act” and substituting the passage “, lease or licence granted under this Act or any other Act dealing with the disposal of lands of the Crown”.

Amendment of
s. 260—
Power of
acquisition.

60. Section 260 of the principal Act is amended—

(a) by striking out paragraph (b) from subsection (1) and the word “or” preceding that paragraph and substituting the following paragraphs:

(b) for any agricultural, pastoral, residential, commercial or industrial purpose;

(c) for the development or closer settlement of the lands or for the exclusion of the lands from development;

or

(d) for any other purpose whatsoever;

and

(b) by striking out subsection (3) and substituting the following subsection:

(3) The Minister may cause the certificate of title for any land acquired under this section to be cancelled.

Amendment of
s. 261—
Power of Minister
to resume land
set apart as site
for town.

61. Section 261 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “no longer required as a site for a town” the passage “, the Minister”;

- (b) by striking out from paragraph (a) of subsection (1) the passage “the Minister may, with the consent of the Governor,” and substituting the word “may”;
- (c) by striking out paragraph (b) from subsection (1) and substituting the following paragraph:
- (b) may, by notice in the *Gazette*, declare those roads, or any of them, to be closed and declare that the land, or any part of it, is no longer set apart as a site for a town,;
- (d) by striking out from subsection (3) the passage “the Governor may by proclamation” and substituting the passage “he may, by notice”;
- (e) by striking out from subsection (3) the passage “the proclamation” twice occurring and substituting, in each case, the passage “the notice”;
- (f) by striking out from subsection (4) the word “proclamation” and substituting the word “notice”;
- (g) by striking out from subsection (5) the passage “proclamation made” and substituting the passage “notice given”;
- (h) by striking out from subsection (6) the passage “by proclamation”;
- and
- (i) by striking out from subsection (9) the passage “, as at the date of the proclamation, of the land acquired” and substituting the passage “of the land as at the date of acquisition,”.

62. Section 261a of the principal Act is amended—

- (a) by striking out from subsection (1) the word “proclamation” and substituting the word “notice”;
- and
- (b) by striking out from subsection (2) the word “proclamation” wherever it occurs and substituting, in each case, the word “notice”.

Amendment of
s. 261a—
Duty of Registrar-
General.

63. Section 262a of the principal Act is amended—

- (a) by striking out from subsection (1) the word “Governor” wherever it occurs and substituting, in each case, the word “Minister”;
- (b) by striking out from subsection (1) the passage “which after such acquisition has become Crown lands”;
- (c) by striking out from subsection (2) the word “Governor” and substituting the word “Minister”;
- and
- (d) by striking out from subsection (4) the word “Governor” and substituting the word “Minister”.

Amendment of
s. 262a—
Power to dispose
of surplus lands.

64. Section 262aa of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “or reserved”;

Amendment of
s. 262aa—
Power to dispose
of dedicated lands
which have been
resumed by
Crown.

(b) by striking out from subsection (1) the passage “paragraph (e) of section 5 of this Act” and substituting the passage “section 5aa (1) (c) (i) or (ii)”;

and

(c) by striking out from subsection (1) the passage “paragraph (e1) of section 5 of this Act” and substituting the passage “section 5aa (1) (d) (i) or (ii)”.

Amendment of
s. 273—
Delaying with
travelling stock.

65. Section 273 of the principal Act is amended by striking out from paragraph (a) of subsection (1) the passage “or reserved”.

Amendment of
s. 274—
Depasturing
cattle, etc.

66. Section 274 of the principal Act is amended by striking out from paragraph (a) the passage “or reserved”.

Amendment of
s. 275—
Injuring or
removing timber,
metals, etc.,
without licence.

67. Section 275 of the principal Act is amended by striking out from paragraph (a) of subsection (1) the passage “, dedicated or reserved” and substituting the passage “or dedicated”.

Amendment of
s. 277—
Injuring
monuments, etc.,
on Crown lands.

68. Section 277 of the principal Act is amended by striking out the passage “or reserved”.

Amendment of
s. 288—
Regulations.

69. Section 288 of the principal Act is amended—

(a) by striking out subparagraph (ii) of paragraph (a) of subsection (1a) and substituting the following subparagraph:

(ii) dedicated lands;

and

(b) by striking out subsections (2), (3) and (4).

Amendment of
s. 293—
Burden of proof.

70. Section 293 of the principal Act is amended by striking out from paragraph (a) the passage “reserved lands,”.

Amendment of
s. 294a—
Actions for
trespass in local
court.

71. Section 294a of the principal Act is amended by striking out from subsection (1) the passage “or reserved lands,”.

Repeal of sixth
schedule.

72. The sixth schedule to the principal Act is repealed.

Amendment of
Irrigation Act,
1930.

73. The Irrigation Act, 1930, is amended as follows:

(a) sections 41 and 41a are repealed;

and

(b) section 115 is repealed.

Amendment of
Marginal Lands
Act, 1940.

74. Section 4 of the Marginal Lands Act, 1940, is amended—

(a) by inserting in subsection (4) after the passage “sections 37,” the numerals “47,”;

(b) by inserting in subsection (4) after the numerals “66,” the numerals “66a,”;

and

(c) by inserting in subsection (4) after the numerals "205," the numerals "206,".

75. (1) The Agricultural Graduates Land Settlement Act, 1922, is repealed. Repeal of certain Acts.

(2) The Crown Lands Development Act, 1943, is repealed.

(3) The Land Settlement (Development Leases) Act, 1949, is repealed.

(4) The Livestock (War Service Land Settlement) Act, 1947, is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor