



ANNO SEXTO

GEORGII V REGIS.

A.D. 1915.

No. 1198.

An Act to amend "The Advances to Settlers on Crown Lands Act, 1914."

[Assented to, October 28th, 1915.]

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

1. (1) This Act may be cited alone as the "Advances to Settlers on Crown Lands Act Amendment Act, 1915." Short titles.

(2) The Advances to Settlers on Crown Lands Act, 1914 (hereinafter called "the principal Act"), and this Act may be cited together as the "Advances to Settlers on Crown Lands Acts, 1914 and 1915." No. 1166 of 1914.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read together as one Act. Incorporation with principal Act.

3. (1) Subsection (1) of section 20 of the principal Act is amended by inserting after the word "advances" in the third line the words "or the rate at which a rebate of interest shall be allowed under subsection (6) of section 21." Amendments of sections 20 and 21 of principal Act.

(2) Subsection (6) of section 21 of the principal Act is amended by substituting for the words "of One Pound per centum per annum" in the third and fourth lines thereof the words "fixed under section 20 which was in force at the time when the advance was made." Amount of rebate of interest.

Advances to Settlers on Crown Lands Act Amendment Act.—1915.

(3) The amendments made by this section shall have effect with regard to every advance the application for which has been approved by the Board since the twenty-second day of July, nineteen hundred and fifteen.

Amendment of section 21 of principal Act—
Repayment of advance.

4. Section 21 of the principal Act is further amended by substituting the word "seventy" for the word "fifty" in the second line of subsection (4) thereof.

Alteration of instalments in repayment of advances heretofore made.

5. (1) Any advance made before the passing of this Act shall be repayable, and shall be deemed to have been repayable as from the making thereof, by seventy, instead of by fifty, equal half-yearly instalments; and every mortgage made as a security for the repayment of such an advance shall be construed so as to give effect to this subsection.

(2) If any instalment by way of repayment of such an advance has been paid before the passing of this Act, the surplus of principal which, by reason of this section, is shown to be included in such instalment, shall not be refunded, but shall be credited against the principal included in instalments subsequently to be paid, until such surplus is exhausted.

Capitalization of overdue interest.

6. (1) The amount of any interest due and unpaid under a mortgage, made either before or after the passing of this Act, as security for the repayment of an advance may, at the option of the Board, be capitalized and added to the advance; and every such mortgage shall be deemed to provide for such capitalization and addition.

(2) When any addition is made under this section the amount added shall be repayable as a further advance: Provided that the instalments in repayment of such further advance—

(a) shall be payable at the same times as the instalments in repayment of the advance to which the addition is made, and

(b) shall be of such number that the last of them shall be payable at the same time as the last instalment in repayment of the advance to which the addition is made.

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

H. L. GALWAY, Governor.

CROWN LANDS ACT, 1915.

(No. 1199 of 1915).

ARRANGEMENT OF SECTIONS.

SECTION

PART I.—PRELIMINARY.

1. Short title.
2. Arrangement of Act.
3. Acts consolidated and repealed.
4. Interpretation.

PART II.—POWERS OF THE GOVERNOR.

5. Governor's powers.
6. Form of grants, leases, &c.
7. Lands granted after dedication may be exchanged.
8. Grant of land to reserve gold, silver, and other metals.

PART III.—POWERS OF THE COMMISSIONER.

9. Special powers of the Commissioner.

PART IV.—THE LAND BOARD.

DIVISION I.—CONSTITUTION.

10. The Land Board continued.
11. Constitution of the Board.
12. Appointment of members.
13. Term of office.
14. Chairman to be appointed by Commissioner.
15. Quorum, how constituted.
16. When Board meets.
17. Member of Board not to be interested in application.

DIVISION II.—POWERS OF BOARD IN ADDITION TO ALL OTHER POWERS.

18. General powers of the Board.
19. Power to Board to enter lands.
20. Valuations made by chairman or member to be effectual when confirmed by the Board.
21. Board may require evidence to be on oath or affirmation.

PART V.—PERPETUAL LEASES AND AGREEMENTS.

DIVISION I.—THE OFFERING OF CROWN LANDS.

22. May be offered on perpetual leases or agreements.

DIVISION II.—CLASSIFICATION OF LANDS AND APPLICATIONS.

23. Notice to be given of land being open.
24. Applications, how made.
25. Deposit.
26. All applications to be referred to the Board.
27. Simultaneous applications.
28. Lessee or purchaser to covenant to reside on land.
29. Board to report and successful applicants to be gazetted.
30. Commissioner may offer lands not taken up on reduced terms.
31. Limitation of holdings.
32. Municipal Corporations and District Councils may apply.

SECTION

DIVISION III.—PERPETUAL LEASES.

33. Rent under perpetual leases.
34. Lessee to execute lease or forfeit.
35. Form and effect of perpetual lease.
36. Commissioner to determine whether covenant to clear complied with.
37. Perpetual leases, not subject to revaluation, to be liable to land tax.

Perpetual Leases subject to Revaluation.

38. How subsequent rent fixed.
39. Improvements not to be considered on revaluation.
40. Notice of revaluation to be given.
41. Lessee not accepting revaluation to forfeit at expiry of the current fourteen years of his lease.

DIVISION IV.—AGREEMENTS (UNDER THIS PART).

42. Agreement to contain covenant to purchase by instalments.
43. Personal residence.
44. Form of agreement.
45. Commissioner to determine whether covenant to clear complied with.
46. Agreement liable to forfeiture for breach of covenant.
47. Sliding scale applied to existing agreements and leases in certain cases.

PART VI.—PROVISIONS APPLICABLE TO PERPETUAL LEASES AND AGREEMENTS.

48. Rent or instalment of purchase-money not to be less than five shillings.
49. Rates of instalments and rent under agreements and leases, where Commissioner directs that this section shall apply.
50. Provision for bringing agreements and leases under section 25 of Act No. 1109 of 1912, under section 49 of this Act.
51. Power in certain cases to surrender existing agreement or lease for agreement or lease under section 49.
52. Power to cancel existing allotments in certain hundreds, and to make agreements or lease under section 49.
53. Power to reduce purchase-money or rent under certain agreements and leases.
54. Lands suitable for pastoral purposes only.
55. Lease or agreement to be prepared in triplicate.
56. Power to resume land for roads, tramways, railways, mining or public purposes.
57. Reservation of minerals, precious stones, &c.
58. Commissioner may search for minerals.
59. Mining lessee or licensee to compensate for damage done in searching for, mining, or removing minerals.
60. Any reduction under Act No. 705 of 1898 to be credited against the specific lease or credit agreement on which the reduction was made.
61. Subletting.
62. Fines on non-payment under lease or agreement.
63. Crown lease or agreement may be forfeited if rent or instalments in arrear for six months, or covenant broken.
64. Instead

SECTION

64. Instead of forfeiture a penalty may be imposed.
65. Defaulting purchaser's or lessee's interest in land may be sold by auction.
66. Purchaser of defaulter's interest under section 65 to be liable for future rents and breaches of covenant.
67. The Commissioner may execute a transfer of all interest under any agreement or lease sold in lieu of forfeiture.
68. Notice, how served.
69. Holders not to impound in certain cases.
70. Statute of limitation no bar to action.

PART VII.—LEASES OTHER THAN PERPETUAL.

DIVISION I.—LEASES WITH RIGHT OF PURCHASE GRANTED UNDER REPEALED ACTS.

71. Rent.
72. Price of purchase.
73. Improvements not to be considered on revaluation.
74. Notice of revaluation of rent to be given to lessee.
75. Lessee not accepting or refusing to forfeit right to renewal of lease.
76. On refusal to accept, land to be offered at rent fixed by Board.
77. Terms fixed on revaluation may be accepted if land not taken when offered.

DIVISION II.—MISCELLANEOUS LEASES.

(A) *Grazing and Cultivation.*

78. Certain miscellaneous leases declared to be lawfully granted.
79. Lessees under certain miscellaneous leases for grazing purposes may cultivate.

(B) *Guano and Other Deposits.*

80. Leases to discoverers.

(C) *Lands Resumed for Water.*

81. Commissioner may resume place where water found, and one square mile contiguous thereto.
82. Lease of resumed lands.

(D) *Various Purposes.*

83. Miscellaneous leases may be granted.
84. Leases to be offered at auction.

DIVISION III.—VARIOUS.

(A) *Educational Lands.*

85. Education lands to be dealt with by Board.

(B) *Forest Reserves.*

86. Forest leases to be adjudicated upon by Board.
87. Lessee of certain forest lands may surrender lease for perpetual lease or agreement.

PART VIII.—VILLAGE SETTLEMENTS.

DIVISION I.—INTERPRETATION AND APPLICATION.

88. Interpretation.
89. This Part to apply so far as repealed Acts not exhausted.
90. Passing of this Act not to affect operation of Irrigation and Reclaimed Lands Acts.

DIVISION II.—CONSTITUTION OF ASSOCIATIONS AND DISTRICTS.

92. Certain Associations to continue.
91. Companies Act not to apply.
93. Lands to be set apart and subdivided.
94. Districts of Associations.
95. Determination of Districts and leases.

DIVISION III.—VALUATIONS.

96. Valuations.
97. Basis of valuation.
98. Excess of debts over valuations to be written off.
99. Sums so written off to be provided in Estimates.

SECTION

DIVISION IV.—LEASES.

100. Leases.
101. Rent of horticultural and commonage lands.
102. Value of improvements on each horticultural block, and interest thereon, a charge on that block, payable by forty-two annual instalments.
103. Value of irrigation works and of improvements on commonage lands and interest a charge on the property of Association, repayable in forty-two annual instalments.
104. Provisions respecting lease of horticultural and commonage lands.
105. Execution of leases.
106. Lessee's interest may be forfeited.

DIVISION V.—IRRIGATION WORKS.

107. Irrigation works, in whom vested.
108. Water in irrigation works vested in Associations.
109. Associations to manage irrigation works subject to Commissioner.

DIVISION VI.—MANAGEMENT OF THE ASSOCIATION.

110. Management.
111. Powers of Commissioner.
112. Prior rules continued and rules to be prepared.
113. Members' past credits written off.
114. No further advance to Association.
115. Lessee not to remove, destroy, or injure improvements while moneys owing.
116. Appointment of Inspector.
117. Management of commonage lands.
118. Commonage lands accounts.
119. Arbitration.
120. Service of proceedings on Association.
121. Annual instalments of charge and irrigation expenses recoverable by distress.
122. Association may, with Commissioner's consent, dispose of goods, &c., notwithstanding charge thereon.
123. Documents furnished to Commissioner open to public inspection.

PART IX.—HOMESTEAD BLOCKS.

DIVISION I.—ACQUIREMENT AND REOFFERING OF LANDS.

124. Lands may be acquired for blocks.
125. Value of blocks.
126. Who may hold a block.
127. Terms and conditions of lease.
128. Land not taken up as homestead blocks may be let on lease or sold.

DIVISION II.—LEASES AND AGREEMENTS.

129. Lease or agreement may be granted of more than one block.
130. Receipts for rents or instalments to constitute holding title.

DIVISION III.—PROTECTED HOMESTEAD BLOCKS.

131. Commissioner may, at blockholder's request, make certain indorsement on lease or agreement, and land grant.
132. Indorsement to protect blockholder's interest from encumbrance or seizure, or sale for debt, &c.

DIVISION IV.—SPECIAL PROVISIONS.

133. Allowance if block cultivated.
134. Husband and wife.
135. Personal residence condition, how may be performed.
136. When blockholder may assign or sublet.

DIVISION V.—AGREEMENT OR LEASE ON SURRENDER.

137. Homestead lease may be surrendered for agreement.

DIVISION

SECTION

DIVISION VI.—LOANS TO BLOCKHOLDERS.

138. Interpretation.
139. Constitution of "Blockholders' Loan Fund."
140. Principal moneys repaid to form part of fund, but interest to be paid into Revenue.
141. Commissioner to keep accounts.
142. Advances.
143. Conditions of advances.
144. Applications.
145. Agreement to be executed by blockholder.
146. Moneys, how repaid.
147. Breach of agreement to render holding liable to forfeiture.
148. Reductions of interest on loans to blockholders.
149. Extension of time for repayment.
150. Blockholders not to remove, destroy, or injure improvements while moneys owing in respect of advances.
151. Mortgages, &c., subsequent to advances to be void.
152. Existing advances may be brought under this Act.

PART X.—CLOSER SETTLEMENT.

DIVISION I.—POWER TO ACQUIRE LANDS.

153. Acquisition of land by repurchase.
154. Acquisition of land compulsorily.
155. Registrar-General to make necessary entries and cancel certificates of title.

DIVISION II.—COMPULSORY ACQUISITION OF LANDS.

156. Interpretation.
157. What lands to be deemed to be adjoining lands.
158. Act to apply notwithstanding Real Property Act.
159. Partial incorporation of the Lands Clauses Consolidation Act.
160. Lands (other than large estates) which are subject to Crown leases may be acquired.
161. Acquisition of large estates and lands adjacent to the River Murray.
162. Acquisition of lands required for working lands adjacent to River Murray.
163. Preliminary notice of intention to inspect.
164. Land may be entered upon for inspection.
165. Notice of intention to acquire.
166. Registrar-General to note in Register Book.
167. Notice to bind all persons interested.
168. Owner may reserve land not exceeding Twenty Thousand Pounds in value.
169. Owner may require whole estate to be taken.
170. Mode of acquiring the land.
171. Copy of proclamation to be furnished to Registrar-General.
172. Price to be determined by arbitration, failing agreement.
173. Price.
174. Award of arbitrators.
175. Service of notices.
176. This Division not to apply to town lands.

DIVISION III.—HOW ACQUIRED LANDS TO BE DEALT WITH.

177. Land acquired, how dealt with.
178. Allotment of closer settlement lands may be postponed.

DIVISION IV.—AGREEMENTS FOR SALE AND PURCHASE.

179. Covenants to be contained in the agreement.
180. Terms and covenants in certain cases.
181. Existing agreements may be extended to term not exceeding sixty-four years on recommendation of Land Board.
182. Personal residence.
183. Form of agreement.
184. Execution of agreement.
185. Application to be accompanied by instalment.
186. Limitation of value of holdings under agreement or by transfer or subletting.

SECTION

187. Lands unallotted may be let.
188. Lessees of certain perpetual leases may surrender for agreement under this Act.
189. Agreement as to lands purchased after 18th December, 1902, may be surrendered.
190. Holder of existing agreement may pay part of purchase-money in advance.
191. Reservations as to growing timber.
192. Closer Settlement Fund.
193. Statement to be laid before Parliament.

DIVISION V.—THE COLLECTION AND RECOVERY OF RENTS.

194. Receiver of Rents.
195. Action may be maintained in the name of the Receiver.
196. Extension of time for payment.
197. Commissioner may extend time for payment for improvements in certain cases.
198. Forfeiture.
199. Lease or agreement liable to forfeiture may be cancelled.
200. Returns of cancellations to be placed before Parliament.

DIVISION VI.—SPECIAL PROVISIONS WITH REGARD TO CERTAIN LANDS.

201. To what lands this Division to apply.
202. Surrender of agreement for perpetual lease.
203. Reduction of purchase-money under agreement instead of surrendering for perpetual lease.
204. Privileges under sections 202 and 203 may be granted through rent or instalments in arrear.
205. Option of other relief where that provided by section 202 or 203 not obtainable.
206. Conditional increase of limit of holding under Part X.
207. Conditional increase of limit of holding by transfer.

PART XI.—SURRENDERS.

208. Lessee may surrender his lease.
209. Surrender of new lease.
210. Lands under any tenure may be surrendered.
211. Surrenders of salt or gypsum lease.
212. Any lessee may surrender for perpetual lease or agreement.
213. Mode of obtaining perpetual lease or agreement.
214. Annual statement of surrenders disallowed.
215. Lessee under Agricultural College Endowment Act, 1886, may surrender lease for perpetual lease.
216. Agreement or lease obtained in lieu of homestead lease to be subject to conditions of homestead leases.
217. Moneys paid under scrub lease, how credited.
218. Trustees and executors, powers of.
219. Appeal from first decision of Board.
220. Lessee may apply to surrender from time to time.
221. Conditions of surrender.
222. Surrender of agreement for perpetual lease.
223. Surrender of agreement or lease of a small estate of a deceased person.
224. Surrender of several leases or agreements for one lease or agreement of the same class.
225. Mortgages of surrendered agreements and leases to continue in force.
226. Miscellaneous leases of Tumby Bay town lands may be exchanged for land grants.

PART XII.—TRANSFERS.

227. In what circumstances transfers may be allowed.
228. Agreements for dealings with leases or agreements not valid unless Commissioner consents thereto.

PART

SECTION

PART XIII.—SALES OF LANDS, EXCHANGES OF LANDS, GRANTING OF SITES FOR BUILDINGS.

DIVISION I.—SALES OF LANDS.

229. What lands may be sold.
 230. Commissioner may fix upset prices.
 231. Lands to be gazetted before auction.
 232. Purchase-money of lands sold for cash; how payable.
 233. Unselected or unsold Crown lands within hundreds to remain open.
 234. Purchase-moneys to be applied primarily to payment of public liabilities.

Special Conditions as to Town Lands.

235. Town lands may be sold subject to condition against alienation for six years.
 236. Limitation of number of town allotments that may be purchased.

Frauds at Auctions.

237. Agreement preventing fair competition at auction to be void.
 238. Agreement to pay commission of more than two and a half per centum void.

DIVISION II.—EXCHANGE OF LANDS.

239. The Government may make exchange of land.
 240. Leased lands may be exchanged.
 241. Lands acquired by the Government to be dedicated for same purposes (if any) as lands alienated.

DIVISION III.—GRANTING OF SITES.

242. Sites for public and charitable purposes may be granted.
 243. Purchase-money for site to be paid on application.
 244. Lease or agreement to be read as excepting the granted land.

PART XIV.—LICENCES.

245. Licences may be granted.
 246. Commissioner may limit licences.
 247. Conditions of licences.

PART XV.—SPECIAL PROVISIONS AS TO LANDS OUTSIDE GOYDER'S LINE OF RAINFALL.

248. Transfer of leases outside Goyder's line.
 249. Allotment in case of holdings outside Goyder's line.

PART XVI.—MISCELLANEOUS.

250. Powers of forfeiture, acceptance of surrender, and resumption of agreements and leases to be exercised by Commissioner.
 251. Commissioner to have care and control of reserved and dedicated lands.
 252. Right of commonage.
 253. Disability of persons under eighteen to hold agreement, lease, or licence.
 254. Duties of Crown lands ranger.
 255. Powers of district council rangers.
 256. Crown lands ranger may make claim or entry.
 257. Power to impound cattle trespassing, and to destroy pigs.
 258. Unbranded wild cattle belong to the Crown.
 259. Agreement under Act exempt from stamp duty.
 260. Rent paid annually.
 261. The Commissioner may effect improvements, the cost of which shall be deemed to be advances.
 262. Commissioner may acquire lands for towns.
 263. Commissioner may resume land set apart as site for town.
 264. How moneys for purposes of sections 261, 262, and 263 to be provided.

SECTION

265. Provision for preservation of timber.
 266. Completion of purchase under lease with right of purchase or agreement obtained on surrender.
 267. Right of purchase not exercisable until conditions have been complied with or equivalent improvements made.
 268. Repeated notice of breach not necessary before forfeiture.
 269. Land grant to be noted as subject to mortgages upon the land.
 270. Cancellation of muniments of title when grant has been cancelled.
 271. Registrar-General to make necessary entries in Registers.
 272. Registrar-General may issue certified copy of lease or agreement.
 273. Proclamation valid for all purposes.
 274. Pekina Creek irrigation lands vested in the Crown.

PART XVII.—OFFENCES AND PENALTIES.

275. Unauthorised occupation of Crown property.
 276. Delaying with travelling stock.
 277. Depasturing cattle.
 278. Injuring or removing timber, metals, &c., without licence.
 279. Injuring or removing landmarks.
 280. Injuring monuments, records, &c., on Crown lands.
 281. Obstructing roads and ways.
 282. Leaving gates open.
 283. Obstructing authorised persons from carrying out powers.
 284. Any money or reward received under any illegal agreement to be forfeited, and recoverable by anyone suing for the same.
 285. Making illegal agreement.
 286. Offering to make agreement under threats.
 287. False statement as to commonage.
 288. Forgery and uttering a felony.
 289. Perjury.
 290. Fraud or false representation.

PART XVIII.—REGULATIONS.

291. Regulations.

PART XIX.—ARBITRATION, EVIDENCE, LEGAL PROCEDURE, ETC.

292. Valuation for compensation to be determined by arbitration.
 293. Declarations, how to be made.
 294. Parties compellable to give evidence, but not to be prosecuted in certain cases.
 295. *Gazette* evidence of facts stated therein.
 296. Burden of proof.
 297. Who may lay informations, and hearing of same.
 298. Penalties.
 299. Appeal to Local Court.
 300. Procedure on appeal.
 301. Case for opinion of Supreme Court.
 302. Treasurer may provide for costs of officers.
 303. Protection to persons acting in execution of this Act.

SCHEDULES.

SCHEDULE

- First.—Acts Repealed.
 Second.—What Crown lands may be offered on perpetual lease or agreement.
 Third.—Form of Crown lease (perpetual).
 Fourth.—Extended meaning of reservations, covenants, and conditions in the form in the Third Schedule.
 Fifth.—Terms and conditions in agreement.
 Sixth.—Conditions on lease of lands resumed for water.
 Seventh.—Schedule of lands to be reserved for forest purposes.
 Eighth.—Agreement by blockholder obtaining advance.
 Ninth.—Terms and conditions to be contained in agreement.