

THE LANDS FOR PUBLIC PURPOSES ACQUISITION ACT, 1914-1935.

BEING

THE LANDS FOR PUBLIC PURPOSES ACQUISITION ACT, 1914
No. 1154 OF 1914 [ASSENTED TO 24TH SEPTEMBER, 1914.]

AS AMENDED BY

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935
[ASSENTED TO 19TH DECEMBER, 1935.]

An Act to provide for the acquisition by the Crown of
lands for public purposes, and for purposes conse-
quent thereon and incidental thereto.

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 Lands for Public Pur-
poses Acquisition Act, 1914-1935." Short title.

2. In this Act, unless inconsistent with the context or some
other meaning is clearly intended— Interpreta-
tion.

"convey" means convey, transfer, release, assign, or
otherwise assure, according to the exigencies of the
case:

"land" includes messuages, tenements, and heredita-
ments and houses and buildings, and also includes
any estate or interest (legal or equitable) in land,
and any easement, right, power, or privilege in,
under, over, affecting, or in connection with land:

"owner" includes, with respect to any land, any person
having any estate or interest (legal or equitable)
in the land, or any easement, right, power, or
privilege in, under, over, affecting, or in connection
with the land, or by the Compulsory Acquisition of
Land Act, 1925, enabled to sell and convey such
estate, interest, easement, right, power, or
privilege:

"proclamation" means proclamation made by the
Governor and published in the *Government Gazette*:

“promoter of the undertaking” means the promoter of the undertaking appointed by the proclamation with regard to the particular public purpose:

“public purpose” means a purpose declared by the Governor, by proclamation under this Act, to be a public purpose.

Act not to
apply to
public parks.

3. This Act does not apply to any lands which—

- (a) are, or are situated within, a public park or park lands, or a place reserved or dedicated for the use and enjoyment of the inhabitants of the State, or any part thereof, and
- (b) are vested in, or are under the control of, any Municipal Corporation or Municipal or District Council.

Governor
may declare
any purpose
to be a public
purpose.
No. 6 of
1847.

Amended by
S.L.R. Act,
1935.

4. The Governor may by proclamation declare any of the following purposes to be a public purpose, namely—

- i. the providing of offices and other buildings and premises for carrying on the Government of the said State or any Department or Departments of the Government of the said State:
- ii. any work or undertaking which the Government of the said State are by any Act or law empowered to carry out, but for which there is no power (except this Act) to acquire land:
- iii. any purpose which both Houses of Parliament, during the same or different sessions of any Parliament, resolve shall be a public purpose within the meaning of this Act;

and thereupon such purpose shall be deemed to be an undertaking within the meaning of the Compulsory Acquisition of Land Act, 1925, and the Acts amending that Act, as if it were an undertaking authorised by Act of Parliament.

Appointment
of promoter
of under-
taking and
holder of
lands.

5. By the proclamation whereby a purpose is declared to be a public purpose, or by a subsequent proclamation, the Governor—

- (a) may appoint some person, or the holder for the time being of some specified office, to be, in respect of such public purpose, the promoter of the undertaking for the purposes of this Act, and

(b) may nominate a person, or the holder for the time being of a specified office, being in the case of such holder a body corporate, to be the person to whom all land to be acquired under this Act for the said public purpose shall be conveyed, and in whom the same shall vest.

6. When the Governor has, by proclamation, declared any purpose to be a public purpose, the promoter of the undertaking may take and acquire, either by agreement or compulsorily, any land which is required for the said purpose: Provided that—

Power to acquire lands required for a public purpose.

Of. 6, 1847, s. 6, 18 *et seq.* Com. 13, 1906, s. 13.

(a) no land shall be taken or acquired under this Act unless the Governor has in writing directed that the same shall be so acquired; and

(b) all land acquired under this Act shall be conveyed to and shall vest in the person or officer, if any, nominated in that behalf by proclamation, as provided by section 5, or, if no person or officer is so nominated, then to and in His Majesty the King.

7. (1) For the purposes of taking and acquiring land under this Act and for the purposes of all matters incidental to or connected with such taking and acquiring the Compulsory Acquisition of Land Act, 1925, is incorporated with this Act, but where any provision of that Act is inconsistent with any provision of this Act the provision of this Act shall prevail.

Incorporation of Compulsory Acquisition of Land Act, 1925.

Substituted by S.L.R. Act, 1935.

(2) For the purposes of the said Act “the promoter” shall mean the promoter of the undertaking as defined by section 2 of this Act and “the special Act” shall mean this Act.

8. Anything to be done or suffered, or which may be done or suffered, by the promoters of an undertaking or any number of them, by virtue of the enactments incorporated herewith, shall or may be done or suffered by the promoter of the undertaking as defined by section 2 of this Act.

Promoter of the undertaking to have powers of promoters under incorporated Acts.

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Secs. 9 and 10 repealed by S.L.R. Act, 1935.

11. (1) When any land acquired under this Act vests in His Majesty the King, the Governor may cause the grant, duplicate certificate of title, or other muniment or muniments of title, and the instrument or document whereby the

Proceedings to be adopted, where land vests in His Majesty. Com. 13, 1906, s. 16.

land is conveyed to His Majesty, to be lodged with the Registrar-General.

(2) The Registrar-General shall make any entry in the Register Book or other book in the Lands Titles or General Registry Office necessary or proper to evidence the vesting of the land in His Majesty.

No. 380 of
1886.

(3) If any of such land is under the provisions of The Real Property Act, 1886, the Registrar-General shall, upon receiving the transfer or other instrument whereby the same is conveyed to His Majesty, make an entry on the folium relating thereto in the Register Book as follows:—"Cancelled, the land [*or* part of the land] having been acquired by the Crown," and shall sign such entry. Thereafter the land referred to in this subsection shall, for the purposes of The Real Property Act, 1886, and until again alienated from the Crown, be dealt with and regarded in all respects as if it had never been alienated from the Crown.

(4) Upon receiving the grant or duplicate certificate of title of the land in any such case as mentioned in subsection (3) of this section, the Registrar-General shall cancel the same by indorsing thereon the words—"Cancelled, the within land [*or* part of the within land] having been acquired by the Crown," and shall sign such indorsement; and if the land is not the whole of the land comprised in the grant or certificate of title, the Registrar-General shall, without fee, issue a fresh certificate of title for the balance of the land so comprised.

Secs. 12 to 16
(inclusive)
repealed by
S.L.R. Act,
1935.

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Power to
dispose of
surplus land.
Com. 18,
1906, s. 63.

17. (1) When it appears to the Governor that any land taken or acquired for any public purpose is no longer required for such purpose, such land may, with the consent of the Governor—

(a) be used for any other public purpose, or

(b) be sold, exchanged for other land, or otherwise disposed of.

(2) For the purpose of carrying out any sale, exchange, or disposition of such land, the person in whom the same is vested, or, if vested in His Majesty the King, the Governor, may execute any and every assurance, deed, instrument, and writing, and do all such other things as may be necessary or expedient; and it shall not be necessary for the person

paying any moneys in respect of any such transaction to prove the consent of the Governor to such transaction, nor to inquire whether a proper case has arisen for the exercise of any power under this section.

(3) Moneys received in consideration of the sale, exchange, or disposition of any such land shall be paid into the General Revenue of the said State, unless such land was paid for out of moneys voted by Parliament for some particular public purpose, in which case such moneys shall be paid to the Treasurer to the credit of the said public purpose.

(4) Nothing in this section shall be deemed to interfere with any power of leasing any such lands by virtue of any enactment relating to Crown lands.

Amended by
S.L.R. Act,
1935.

(5) The Governor shall in the month of July in every year cause a report to be prepared stating—

- (a) particulars of all lands (if any) with regard to which, during the period ending on the preceding thirtieth day of June, any of the powers conferred by this section have been exercised,
- (b) how such lands have respectively been dealt with under this section, and
- (c) the price or other consideration, and the other terms and conditions (if any), in each case.

Every such report shall be laid before both Houses of Parliament within fourteen days after it has been prepared if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

18. The moneys required for the purposes of this Act shall be paid out of moneys voted by Parliament for the purposes of this Act, or out of moneys so voted for the public purpose for which the particular land is taken or acquired.

Moneys to be
paid out of
funds voted
by Parlia-
ment.