



ANNO SECUNDO

EDWARDI VII REGIS.

A.D. 1902.

No. 802.

*Repealed by No 830
of 1903 : but see
saving clause
section 5.*

An Act to amend the Crown Lands Acts.

[Assented to, November 13th, 1902.]

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

1. This Act may be cited as "The Crown Lands Amendment Act, 1902," and shall be incorporated and read with "The Crown Lands Act, 1888," and all the Acts incorporated therewith. Short title.

2. Sections 34, 36, and 44 of "The Crown Lands Amendment Act, 1890," sections 5 and 7 of "The Crown Lands Amendment Act, 1893," and section 5 of "The Crown Lands Closer Settlement and Blockholders' Loans Amendment Act, 1901," are hereby repealed, but such repeal shall not, unless otherwise expressly provided for by this Act, affect any right, interest, or liability already created, incurred, or existing, nor anything lawfully done or suffered under any Act hereby repealed. Repeal.

3. In this Act "agreement" shall mean an agreement for the purchase of lands held under any homestead lease. Definition.

4. This Act is divided into three Parts, as under— Division of Act.

PART I.—Surrender of Crown Lease for Agreement with Covenant to Purchase or a Perpetual Lease:

PART II.—The Land Board.

PART III.—Miscellaneous.

The Crown Lands Amendment Act.—1902.

PART I.

PART I.

SURRENDER OF CROWN LEASE FOR AGREEMENT WITH COVENANT TO PURCHASE OR A PERPETUAL LEASE.

Homestead lease may be surrendered for leases with right of purchase.

5. The lessee of any homestead or perpetual lease, having complied with the provisions contained in his lease for the payment of rent, may make written application to surrender such lease and to obtain in lieu thereof an agreement under this Act.

Land Board to fix value and to give notice to purchaser.

6. On receipt of any such application the Land Board shall, subject to the approval of the Commissioner, value the land and fix the amount of the purchase-money, which in the case of repurchased land shall be fixed at the aggregate price at which the land was repurchased and of the expenses of and incidental to the sub-division and allotment thereof, and immediately thereafter written notice of such amount shall be given to the lessee.

Lessee shall, within three months, refuse or consent to purchase.

7. The lessee shall, within three months after the posting of such notice, accept or refuse to purchase at the price notified to him, and in the event of his agreeing to purchase, he shall forward with the notification of his acceptance an amount equal to the first half-yearly instalment hereinafter referred to.

Agreement to contain covenant to purchase by instalments in thirty years.

8. In each agreement the purchaser shall, in addition to the usual covenants, conditions, and provisions contained in an agreement for the sale and purchase of Crown lands, covenant to purchase his block at the price fixed by the Land Board, and to pay the purchase-money and interest at not less than the rate of Four Pounds per centum per annum by sixty half-yearly instalments of Two Pounds Sixteen Shillings and Five Pence for every One Hundred Pounds of the purchase-money, which instalments shall be paid in advance: Provided that the purchaser shall have the option of completing the purchase of his block at any time after the expiration of six years, on paying all principal due under his agreement and all interest due up to the time of purchase.

Proviso to purchase after six years.

Agreement liable to forfeiture.

9. An agreement shall be liable to forfeiture should any instalment thereunder be in arrear for six months and remain unpaid for three months after the same shall have been demanded in manner provided by regulation; and upon any such forfeiture the right, interest, or claim, either at law or in equity, of the purchaser in and to the lands included in any forfeited agreement, and to any moneys paid on account of his purchase, shall cease and be absolutely determined, and such lands may be dealt with as the Commissioner may determine, but any surplus derived from any re-sale shall belong to the defaulting lessee.

On forfeiture, purchaser's interest determined.

Leases may be surrendered for perpetual leases.

Exception.

10. Any lessee under any Crown lease heretofore granted under any of the Crown Lands Acts may apply in writing to surrender his lease for a perpetual lease or an agreement with a covenant to purchase

The Crown Lands Amendment Act.—1902.

PART I.

chase under the provisions of this Act: Provided that this section shall apply only to any lease which is solely used for pastoral or agricultural purposes, or both, or which, in the opinion of the Commissioner, may not be required for sub-division or for public purposes.

PART II.

PART II.

THE LAND BOARD.

11. It shall be lawful for the Governor to appoint a Board, consisting of four civil servants, to be called "The Land Board." Governor may appoint Board, consisting of four civil servants.

12. It shall be the duty of such Board to meet whenever required, and forthwith deal with all applications and other matters which may be referred to it by the Commissioner; and such Board shall have and perform all or any of the powers, duties, and authorities vested in or conferred or devolving upon any Land Board under the Crown Lands Acts or any Closer Settlement Act. Powers and duties of Board.

13. Members shall hold office for twelve months from date of appointment, and shall be eligible for re-appointment. Term of office.

14. Any three members shall form a quorum, and may exercise all the powers and authorities vested in the Board. The chairman shall have a casting as well as a deliberative vote only when all the members are present. Quorum, how constituted.

15. The member nominated by the Commissioner in that behalf shall be chairman, but in his absence from any meeting the members present shall elect one of their number to be chairman for that meeting. Chairman to be appointed by Commissioner.

16. Valuations made by the chairman, or by any member or members nominated by the Board, when confirmed by the Board, shall be deemed to be a valuation by the Board under any of the Crown Lands Acts where valuations by the Land Board are mentioned, and shall be valid and effectual for all purposes. Valuations made by chairman to be effectual when confirmed by the Board.

17. Notwithstanding the provisions of any Act to the contrary, the chairman or any member or members nominated by the Land Board is hereby authorised and empowered when obtaining evidence preliminary to the allotment or transfer of any lands to administer the prescribed oath or affirmation to any person, and the evidence given by such person shall be taken down in writing and signed by him, and countersigned by the chairman or member or members taking the same. Oath or affirmation may be administered by chairman or member.

The Crown Lands Amendment Act.—1902.

PART III.

PART III.

MISCELLANEOUS.

Land unsuitable for agriculture to be deemed pastoral land.

18. When it is shown to the satisfaction of the Commissioner that the land in any leasehold block held under the Crown is, by reason of the want of a sufficient rainfall, unsuitable for agriculture, such land shall be deemed to be only suitable for pastoral purposes, and the Surveyor-General shall class such land and fix the rent according to the capability of the said land for carrying and feeding sheep or cattle.

Amendment of sections 24 and 48 of Act 444, 1838.

19. The words "such price not being less than Five Shillings per acre" in section 24, and the Proviso in section 48, of Act 444 of 1838, are hereby repealed.

Amendment of section 4 of Act 777 of 1901.

20. Section 4 of Act 777 of 1901 is hereby amended by striking out the word "two" in the third line and inserting the word "three" in lieu thereof.

Sub-letting.

21. Any person who has a lease containing a right of purchase, or a covenant to purchase, or who has a perpetual lease, may, with the consent of the Commissioner of Crown Lands, at the end of six years from the date of his lease sub-let the whole or any part of the land included in his lease for a period not exceeding three years, and on such terms as he may think fit within the terms of the lease.

Amendment of sections 5 and 7 of Act No. 705 of 1898.

22. The limitation of a carrying capacity of five thousand sheep contained in section 5, sub-section II., and section 7 of Act No. 705 of 1898, shall not apply to lands outside Goyder's line of rainfall, and as to such lands the limitation shall be increased to a carrying capacity of ten thousand sheep.

Member of Land Board to be member of "the Drainage Assessment Board."

23. The words "the Chairman of the South-Eastern Land Board" are hereby repealed in section 8 of the "South-Eastern Drainage Amendment Act, 1900," and the words "a member of the Land Board to be appointed by the Commissioner" are substituted in lieu and place thereof.

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

S. J. WAY, Lieutenant-Governor.