



ANNO QUARTO

GEORGI VI REGIS.

A.D. 1940.

No. 44 of 1940.

An Act to confer powers upon the Commissioner of Crown Lands in relation to the settlement of marginal lands.

[Assented to 28th November, 1940.]

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

Short title. **1.** This Act may be cited as the "Marginal Lands Act, 1940".

Interpretation. **2.** In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

“Commissioner” means the Minister of the Crown for the time being holding the office of Commissioner of Crown Lands or any Minister for the time being acting in that office :

“Land Board” means the Land Board constituted under the Crown Lands Act, 1929-1940 :

“marginal land” means any land which has been used principally for wheatgrowing, but which, in the Commissioner’s opinion, because of inadequate rainfall with or without other causes, is unsuitable for wheatgrowing as the principal operation carried on thereon.

Powers of Commissioner. **3.** For the purpose of promoting the more profitable and successful working and development of marginal land, the Commissioner may do all or any of the following things, namely :—

- (i.) purchase any real or personal property and sell, lease, hire or otherwise dispose of any property so purchased :
- (ii.) enter into and carry out any contract or transaction of any kind.

Any money required in connection with any such purchase contract or transaction shall be paid out of money granted to the State by the Commonwealth for the purpose. This Act without any other appropriation shall be sufficient authority for making any payment required for purposes of this Act.

4. (1) If the Commissioner purchases any land for the purposes of this Act he may direct that the vendor shall transfer the land to His Majesty the King, and may accept such transfer on behalf of His Majesty.

Provisions as to land purchased by Crown.

(2) If any land is so transferred to His Majesty the Commissioner may direct the Registrar-General to cancel the title thereto and the Registrar-General shall obey any such direction.

(3) Any land purchased by the Commissioner under this Act may be allotted on lease to such persons as the Commissioner on the recommendation of the Land Board approves. Any such lease may be granted by the Commissioner 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 Commissioner. Such terms covenants and conditions need not be in accordance with the provisions of the Crown Lands Act, 1929-1940.

(4) The following sections of the Crown Lands Act, 1929-1940, namely, sections 37, 52, 53, 54, 55, 56, 58, 59, 60, 64, 65, 66, 204b, 205, 207a, 208a, 209, 222, 223, 224, 225, 226, 227, 227a, 241, 242, 243, 249, 252, 259, 262b, 265a, 266, 268, 269, 270, 271a, 271b, 275, 276, 277, 295a, shall apply to leases granted under this Act in the same way and to the same extent as they apply to leases under the said Act, unless the Commissioner directs that any such section shall not apply in any case.

(5) The Commissioner 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 lease.

Effect of
grant of
specific
powers.

5. The mention of any specific powers in this Act shall not restrict the general power of the Commissioner to enter into and carry out any transactions of any kind for the purposes mentioned in section 3 of this Act.

Regulations.

6. The Governor may make any regulations which he deems necessary or convenient—

- (a) for carrying this Act into effect :
- (b) for facilitating and improving the settlement, development and working of marginal lands :
- (c) for diversifying and increasing production on marginal lands ; and
- (d) for prescribing fines recoverable summarily and not exceeding fifty pounds for breach of any regulation.

Report.

7. The Commissioner shall make an annual report to Parliament on his proceedings under this Act.

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

C. M. BARCLAY-HARVEY, Governor.