



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 56 of 1973

An Act to amend the Murray New Town (Land Acquisition) Act, 1972.

[Assented to 22nd November, 1973]

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

Short titles.

1. (1) This Act may be cited as the "Murray New Town (Land Acquisition) Act Amendment Act, 1973".

(2) The Murray New Town (Land Acquisition) Act, 1972, as amended by this Act, may be cited as the "Monarto (Land Acquisition) Act, 1972-1973".

(3) The Murray New Town (Land Acquisition) Act, 1972, is hereinafter referred to as "the principal Act".

**Commence-
ment.**

2. This Act shall come into operation on a day to be fixed by proclamation.

**Amendment of
long title to
principal Act.**

3. The long title to the principal Act is amended—

(a) by striking out the passage "State Planning Authority" and inserting in lieu thereof the passage "Monarto Development Commission";

(b) by striking out the passage "ten thousand" and inserting in lieu thereof the passage "sixteen thousand";

and

(c) by striking out the passage "a new town" and inserting in lieu thereof the passage "the city of Monarto".

4. Section 2 of the principal Act is amended by inserting after the definition of "the Board" the following definitions:—

Amendment of
principal Act,
s. 2—
Definitions.

"the Commission" means the Monarto Development Commission established by subsection (1) of section 5 of the Monarto Development Commission Act, 1973:

"the Committee" means the committee established under section 8a of this Act:.

5. Section 4 of the principal Act is amended—

Amendment of
principal Act,
s. 4—
Acquisition of
land.

(a) by striking out from subsection (1) the word "Authority" and inserting in lieu thereof the word "Commission";

(b) by striking out from subsection (1) the passage "a new town" and inserting in lieu thereof the passage "the city of Monarto";

(c) by striking out from subsection (1a) the word "Authority" and inserting in lieu thereof the word "Commission";

(d) by striking out from subsection (1a) the passage "a new town on the designated site" and inserting in lieu thereof the passage "the city of Monarto";

and

(e) by inserting immediately after subsection (2) the following subsection:—

(3) Notwithstanding the amendments effected to this section by the Murray New Town (Land Acquisition) Act Amendment Act, 1973, where proceedings under this section for the acquisition of land by the Authority were pending immediately before the day of commencement of that Act, those proceedings may continue and that acquisition may be completed in all respects as if that Act had not been enacted.

6. Section 5 of the principal Act is repealed and the following sections are enacted and inserted in its place:—

Repeal of s. 5
of principal Act
and enactment
of sections in
its place.

5. (1) On and after the appointed day as defined for the purposes of Part III of the Monarto Development Commission Act, 1973, in addition to and without derogating from the powers conferred on the Commission by the operation of that Act and referred to in Part VI of the Planning and Development Act, 1966-1972, the Commission may refuse approval to a plan of subdivision or a plan of re-subdivision of any land that lies wholly or partly within the designated site if in the opinion of the Commission the approval of the plan would be prejudicial to the establishment of the city of Monarto within the boundaries of the designated site.

Control of land
subdivision and
powers of
Commission.

(2) The Planning and Development Act, 1966-1972, shall apply to and in relation to a decision of the Commission under subsection (1) of this section in all respects as if that decision were a decision of a council under that Act.

Control of land
subdivision
further powers
of Director.

5a. (1) In addition to and without derogating from the powers conferred on the Director by Part VI of the Planning and Development Act, 1966-1972—

(a) before the appointed day as defined for the purposes of Part III of the Monarto Development Commission Act, 1973, the Director may refuse approval to a plan of subdivision or a plan of re-subdivision of any land that lies wholly or partly within the designated site if in the opinion of the Director the approval of the plan would be prejudicial to the establishment of the city of Monarto within the boundaries of the designated site;

and

(b) at any time, the Director may refuse approval to a plan of subdivision or re-subdivision of any land that lies wholly or partly within the adjoining area if in the opinion of the Director the approval of the plan would be prejudicial to the establishment of the city of Monarto within the boundaries of the designated site.

(2) The Planning and Development Act, 1966-1972, shall apply to and in relation to a decision of the Director under subsection (1) of this section in all respects as if that decision were a decision of the Director under that Act.

Repeal of s. 6
of principal Act
and enactment
of sections in
its place.
Alterations to
existing use.

7. Section 6 of the principal Act is repealed and the following sections are enacted and inserted in its place:—

6. (1) Subject to subsection (2) of this section on and after the day of commencement of the Murray New Town (Land Acquisition) Act Amendment Act, 1973, a person shall not, in relation to any land within the boundaries of the designated site—

(a) change the existing use to which land or any buildings or structures thereon were being put immediately before that day;

or

(b) construct, convert or alter any building or structure thereon,

without the consent in writing of the Commission.

Penalty: Five hundred dollars.

(2) The construction, conversion or alteration of any building or structure on any land referred to in subsection (1) of this section which any person or body is required or authorized by any Act to carry out shall, for all purposes, be deemed to be a construction, conversion or alteration of the building or structure carried out with the consent in writing of the Commission pursuant to that subsection.

(3) The Commission may refuse to give its consent under this section in any case where it is satisfied that the giving of that consent would be prejudicial to the establishment of the city of Monarto within the boundaries of the designated site.

(4) A consent under this section may be given absolutely or subject to conditions imposed by the Commission and where any person purports to do or causes or permits an act of any kind to be done in pursuance of such a consent and such act is in breach of a condition to which the consent is subject, such act shall be deemed to have been done without the consent of the Commission and the consent may be revoked by the Commission and upon such revocation shall, for all purposes be deemed never to have been given by the Commission.

(5) Where pursuant to section 6 of the Murray New Town (Land Acquisition) Act, 1972, as in force at any time before the day of commencement of the Murray New Town (Land Acquisition) Act Amendment Act, 1973, a consent in writing of the Authority had been given or had been deemed to have been given in relation to land within the boundaries of the designated site this Act and the Land Acquisition Act, 1969, shall apply and have effect as if—

(a) this section was in operation when that consent was given;

(b) that consent had been given or had been deemed to have been given by the Commission;

and

(c) the conditions, if any, subject to which that consent was given had been imposed by the Commission.

(6) So much of the Planning and Development Act, 1966-1972, as relates to an appeal from a decision of the Authority shall, with such modifications as are prescribed, apply and have effect to and in relation to a decision of the Commission under this section as if that decision of the Commission were a decision of the Authority under that Act.

Control of use
in adjoining
area by
Authority.

6a. (1) Subject to subsection (2) of this section on and after the date of the proclamation a person shall not, in relation to any land within the adjoining area—

(a) change the existing use to which land or any buildings or structures thereon were being put immediately before that day;

or

(b) construct, convert or alter any building or structure thereon,

without the consent in writing of the Authority.

Penalty: Five hundred dollars.

(2) The construction, conversion or alteration of any building or structure on any land referred to in subsection (1) of this section which any person or body is required or authorized by any Act to carry out shall, for all purposes, be deemed to be a construction, conversion or alteration of the building or structure carried out with the consent in writing of the Authority pursuant to that subsection.

(3) The Authority may refuse to give its consent under this section in any case where it is satisfied—

(a) that the giving of that consent would be prejudicial to the establishment of the city of Monarto within the boundaries of the designated site;

or

(b) that the refusal of that consent would assist in the retention or provision of amenities within the adjoining area for the enjoyment of the future population of the city of Monarto.

(4) A consent under this section may be given absolutely or subject to conditions imposed by the Authority and where any person purports to do or causes or permits an act of any kind to be done in pursuance of such a consent and such act is in breach of a condition to which the consent is subject, such act shall be deemed to have been done without the consent of the Authority and the consent may be revoked by the Authority and upon such revocation shall, for all purposes, be deemed never to have been given by the Authority.

(5) The Planning and Development Act, 1966-1972, shall apply to and in relation to a decision of the Authority under this section in all respects as if that decision were a decision of the Authority under that Act.

8. Section 7 of the principal Act is amended—

- (a) by striking out from subsection (3) the word “Authority”
and inserting in lieu thereof the word “Commission”;
and
(b) by inserting immediately after subsection (4) the following
subsection:—

(5) Where before the commencement of the Murray New Town (Land Acquisition) Act Amendment Act, 1973, a certificate had been granted by the Minister under subsection (1) of this section as then in force and the land the subject of that certificate had not been acquired by the Authority the Commission shall forthwith either by agreement or compulsorily acquire the land the subject of that certificate.

Amendment of
principal Act,
s. 7—
Immediate
acquisition
in cases of
hardship.

9. The following sections are enacted and inserted in the principal Act immediately after section 7 thereof:—

Enactment of
ss. 7a, 7b and
7c of principal
Act.

7a. (1) Notwithstanding the provisions of any other Act, and without limiting the operation or effect of any other provision of this Act, the Minister may from time to time by notice published in the *Gazette* close any road or part of a road within the designated site as shall not be required as a road for the city of Monarto.

Closure of
roads and
vesting of land
in Commission.

(2) Upon the closure of that road or part of a road the land that comprised that road or part, to the extent that it was not already vested in the Commission, shall by force of this section without payment by the Minister or Commission of any compensation or consideration therefor, vest in the Commission for an estate in fee simple freed from all encumbrances.

7b. Where pursuant to this Act, the Commission acquires any land which is held of the Crown pursuant to an agreement, lease or licence granted by or on behalf of the Crown then upon the acquisition of the estate in that land so acquired that land shall, by force of this section vest in the Commission for an estate in fee simple freed from all encumbrances.

Vesting of
certain lands
in Commission.

7c. All land that lies wholly or partly within the designated site—

Vesting of land
in designated
site held, etc.,
by Authority.

- (a) acquired by the Authority before the commencement
of the Murray New Town (Land Acquisition) Act
Amendment Act, 1973;

or

- (b) acquired by the Authority pursuant to subsection (3)
of section 4 of this Act,

shall, by force of this section, on the day of commencement or on the day on which it was so acquired, whichever is the later, vest in the Commission to the extent of the estate that was so vested in the Authority.

Action by
Registrar-
General.

7d. Where land has become vested in the Commission by virtue of this Act—

- (a) the Registrar-General shall, on the application of the Commission, do all things necessary to register the land under the provisions of the Real Property Act, 1886-1972, in the name of the Commission to the extent of the estate so vested in the Commission; and
- (b) if required by the Registrar-General, in any case where an application is made under this section, the Commission shall furnish the Registrar-General with a plan of the land to which the application relates certified by a licensed surveyor.

Amendment of
principal Act,
s. 8—
Attribution of
price for land.

10. Section 8 of the principal Act is amended—

- (a) by striking out the word "Valuer-General" and inserting in lieu thereof the word "Committee";
- (b) by inserting after the passage "fair price for the land" the passage " , excluding any house or building situated thereon, ";
- and
- (c) by inserting after the passage "shall be deemed to be the price paid" the passage "for the land, excluding any house or building situated thereon, ".

Enactment of
s. 8a of
principal Act.

11. The following section is enacted and inserted in the principal Act immediately after section 8 thereof:—

The Committee.

8a. (1) For the purposes of section 8 of this Act, there shall be a Committee constituted of—

- (a) the Valuer-General, who shall be chairman;
- (b) one member, who shall be a person nominated by the Minister;
- and
- (c) one member who shall be a licensed valuer, as defined in the Land Valuers Licensing Act, 1969, nominated by the Commonwealth Institute of Valuers Incorporated South Australian Division (in this section referred to as "the Institute").

(2) Whenever a nomination is required from the Institute for the appointment of a member of the Committee, the Minister may, by written notice addressed to the Institute served personally or by post upon it, request it to make the nomination within twenty-one clear days of the date of the notice or such longer period as is specified in the notice and if no nomination is made in accordance with that request, the Governor may appoint a licensed valuer, as defined in the Land Valuers Licensing Act, 1969, nominated by the Minister to be a member of the Committee in lieu of the nominee of the Institute and the licensed valuer so appointed shall for all purposes be deemed to have been duly appointed upon the nomination of the Institute.

(3) Whenever a vacancy occurs in the office of a member of the Committee referred to in paragraph (b) or (c) of subsection (1) of this section, the Minister or, as the case requires, the Institute may nominate a person to be a member of the Committee in lieu of the member in respect of whom the vacancy occurred.

12. Section 9 of the principal Act is amended—

- (a) by striking out from subparagraph (iii) of paragraph (1) set out in paragraph (b) of that section the passage “Authority pursuant to section 6 of the Murray New Town (Land Acquisition) Act, 1972” and inserting in lieu thereof the passage “Commission as defined in the Monarto (Land Acquisition) Act, 1972-1973”;

and

- (b) by striking out from subparagraph (iv) of paragraph (1) set out in paragraph (b) of that section the passage “Authority pursuant to section 6 of the Murray New Town (Land Acquisition) Act, 1972” and inserting in lieu thereof the passage “Commission as defined in the Monarto (Land Acquisition) Act, 1972-1973”.

Amendment of
principal Act,
s. 9—
Modification of
the Land
Acquisition Act,
1969.

13. Section 10 of the principal Act is amended by striking out paragraphs (a), (b) and (c) from subsection (1) and the word “or” immediately preceding paragraph (c) and inserting in lieu thereof the following paragraphs:—

- (a) the Commission or any person authorized by it;
- (b) any member of the Authority, the Board or any person authorized by the Authority or the Board;
- and
- (c) the Director or any person authorized by him.

Amendment of
principal Act,
s. 10—
Power to inspect
land and
premises.

Enactment of
ss. 10a, 10b, and
10c of
principal Act.

Summary
proceedings.

Application of
this Act to
lands subject to
Real Property
Act.

Moneys for
Commission.

14. The following sections are enacted and inserted in the principal Act immediately after section 10 thereof:—

10a. Proceedings in respect of offences against this Act shall be disposed of summarily.

10b. Notwithstanding the provisions of the Real Property Act, 1886-1972, this Act shall apply to land that is subject to the provisions of that Act.

10c. The moneys required for the purposes of the Commission under this Act shall be paid out of moneys provided by Parliament for such purposes.

Enactment of
s. 11a. of
principal Act.

Regulations.

15. The following section is enacted and inserted in the principal Act immediately after section 11 thereof:—

11a. (1) The Governor may make such regulations as are necessary or expedient for the purposes of giving effect to the provisions and objects of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section such regulations may provide for and prescribe penalties not exceeding in each case two hundred dollars for the breach of any provision of a regulation and in addition penalties not exceeding twenty dollars for each day or part of a day during which such a breach continues.

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

M. L. OLIPHANT, Governor