



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 75 of 1973

An Act to vest certain land in the vicinity of Red Cliff Point in the State in the State Planning Authority, and for other purposes.

[Assented to 6th December, 1973]

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "Red Cliff Land Vesting Act, 1973".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—VESTING OF THE LAND

PART III—APPLICATION OF LAND ACQUISITION ACT

PART IV—THE ROADS

PART V—MISCELLANEOUS.

4. (1) In this Act, unless the contrary intention appears—

Definitions.

“interest”, in relation to the land, means—

(a) any legal or equitable estate or interest in the land;

or

(b) any easement, right, power, or privilege in, under, over, affecting, or in connection with, the land:

“the Authority” means the State Planning Authority established by the Planning and Development Act, 1966-1972:

“the Consortium” means the body corporate or bodies corporate specified in a proclamation under subsection (2) of this section as constituting the consortium for the purposes of this Act:

“the land” means the land comprised in sections 18, 19, 20, 21, 22, 31, 32, 33, 154 and 170 in the Hundred of Winninowie County of Frome delineated on the Public Map of the Hundred of Winninowie deposited in the Central Plan Office of the Department of Lands:

“the Registrar-General” means the Registrar-General, holding office under the Real Property Act, 1886-1972, or the Registrar-General of Deeds, holding office under the Registration of Deeds Act, 1935-1973, as the context requires:

“the roads” means the roads in the Hundred of Winninowie, County of Frome, being—

(a) the road west of and adjoining the western boundaries of sections 18 and 19 of the said Hundred;

(b) the road west of and adjoining the western boundary of section 21 of the said Hundred;

and

(c) the road extending from the north-eastern corner of section 18 of the said Hundred in the east to the western boundary of section 154 of the said Hundred in the west, which road divides sections 19 and 20 of the said Hundred from sections 18, 31, 32, 33 and 154 of the said Hundred and intersects sections 19, 170, 32, 33 and 154 of the said Hundred,

delineated on the Public Map of the Hundred of Winninowie deposited in the Central Plan Office of the Department of Lands.

(2) The Governor may by proclamation specify the body corporate or bodies corporate which is or which are to constitute the Consortium for the purposes of this Act.

PART II

VESTING OF THE LAND

Acquisition of
the land.

5. On and from the day of commencement of this Act the land shall vest in the Authority for an estate in fee simple freed and discharged of all interests, trusts, restrictions, dedications, reservations, obligations, mortgages, encumbrances, contracts, licences, charges or rates of any kind whatsoever and the interest in the land of any other person shall be divested or so far modified as is required in view of the vesting of the land.

Entry into
possession by
the Authority.

6. (1) Notwithstanding any Act or law, the Authority may enter into possession of the land at any time after the expiration of the period of one hundred and twenty days next following the commencement of this Act.

(2) Notwithstanding anything in subsection (1) of this section the Authority may permit any person, who immediately before the commencement of this Act had an interest in possession in the land or any part of the land, to remain in possession of the land or any part of the land on such terms and conditions as the Authority determines.

Claims to
compensation.

7. Subject to this Act, every person who, immediately before the commencement of this Act had an interest in the land that is divested or diminished by the vesting of the land or which is adversely affected by the vesting of the land, shall have a claim for compensation in respect of the vesting of the land.

Offer of
compensation.

8. (1) As soon as practicable after the commencement of this Act the Authority shall serve upon each claimant referred to in section 7 of this Act or such of those claimants as, after diligent inquiry, become known to the Authority an offer in writing that must state the amount of compensation that the Authority proposes to pay in respect of the value of the interest of the claimant in the land.

(2) To the extent that an amount of compensation, or any separable component of that amount, is not disputed a statement under subsection (1) of this section is binding on the Authority.

PART III

APPLICATION OF THE LAND ACQUISITION ACT

Application of
Land
Acquisition
Act.

9. Except as is expressly provided by or under this Act, the Land Acquisition Act, 1969-1972, shall not apply to or in relation to the vesting of the land pursuant to this Act.

10. (1) Sections 20, 21, 22, 23, 25, 26, 30, 31, 32, 33, 34 and 36 of the Land Acquisition Act, 1969-1972, shall *mutatis mutandis* apply to and in relation to the vesting of the land pursuant to this Act in all respects as if—

Application of certain sections of Land Acquisition Act.

- (a) the Authority acquired the land pursuant to that Act to the extent of the interest vested in the Authority pursuant to this Act;
- (b) the day of commencement of this Act were the day of publication of the notice of acquisition of the land by the Authority;
- (c) the total amount of compensation referred to in section 20 of that Act were the total amount of compensation offered under section 8 of this Act;
- (d) a claimant under this Act were a claimant under that Act;
- (e) the authorized undertaking were the undertaking of the Consortium;

and

- (f) a document required to be served under this Act were a document required to be served under that Act.

(2) The Governor may from time to time by proclamation, amend or vary any provision of the Land Acquisition Act, 1969-1972, in order to ensure that a person who had an interest in the land immediately before the commencement of this Act shall be entitled to obtain compensation, for any divestment or diminution of that interest or any adverse effect on that interest occasioned by the vesting of the land provided for by this Act, in the same manner and to the same extent as he would have been had the Authority acquired the land pursuant to that Act to the extent of the interest vested in the Authority pursuant to this Act.

(3) A proclamation under subsection (2) of this section shall have effect as if it were enacted in this Act.

PART IV THE ROADS

11. Notwithstanding any other Act, on the commencement of this Act the roads shall be closed and the land comprising those roads shall, without payment by the Authority of any compensation or consideration therefor, vest in the Authority for an estate in fee simple freed from all encumbrances.

Closure of roads and vesting in the Authority.

PART V
MISCELLANEOUS

**Duty of
Registrar-
General.**

12. The Registrar-General shall upon application by the Authority or at the direction of the Minister of Lands upon being furnished with such information as he considers necessary, cause to be made such entries and endorsements in any register book or other record in his custody and on any document of title and cause to be issued such Certificates of Title as he considers appropriate for giving full effect to section 5 and section 11 of this Act without being obliged to make any further investigation of title or to make any public advertisement.

**Disposition
of the land
and the roads.**

13. (1) The Authority shall at and in accordance with the directions of the Minister, which directions the Minister is hereby authorized and empowered to give, sell, lease or otherwise make available to the Consortium all or any part of the land and all or any part of the land comprising the roads.

(2) In addition to and not in derogation of the powers elsewhere conferred on it, the Authority shall have power to give effect to any direction given to it under subsection (1) of this section.

Appropriation.

14. The moneys required for the purposes of this Act and as a consequence of the application of the Land Acquisition Act, 1969-1972, to the vesting of the land by the Authority shall be payable out of the General Revenue of the State which is to the necessary extent appropriated accordingly.

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

M. L. OLIPHANT, Governor