

South Australia

Crown Land Management Regulations 2024

under the *Crown Land Management Act 2009*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—General provisions supporting Act

- 4 Prescribed amount—section 25(1)(d)
- 5 Prescribed circumstances—section 25(1)(e)
- 6 Application of Part 3 Division 4 of Act—section 27(1)(b)(ii)
- 7 Occupation of Crown land—section 61(1)(a)
- 8 Service—section 75

Part 3—Regulation of access to and activities on unalienated Crown land

- 9 Setting aside unalienated Crown land for specified activities
- 10 Prohibition and restriction of specified activities on designated unalienated Crown land
- 11 Restrictions on access to unalienated Crown land for public health and safety
- 12 Compliance with notices and signs

Part 4—Miscellaneous

- 13 Permits

Schedule 1—Repeal and transitional provisions

Part 1—Repeal of *Crown Land Management Regulations 2010*

- 1 Repeal of regulations

Part 2—Transitional provision

- 2 Transitional provision—section 81(3)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Crown Land Management Regulations 2024*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations—

Act means the *Crown Land Management Act 2009*;

Adelaide City Council means The Corporation of the City of Adelaide;

Adelaide Park Lands has the same meaning as in the *Adelaide Park Lands Act 2005*;

Greater Adelaide has the same meaning as in the *Planning, Development and Infrastructure Act 2016*;

outback has the same meaning as in the *Outback Communities (Administration and Management) Act 2009*;

Outback Communities Authority means the Outback Communities Authority under the *Outback Communities (Administration and Management) Act 2009*;

regional council means a council whose area under the *Local Government Act 1999* is outside Greater Adelaide.

Part 2—General provisions supporting Act

4—Prescribed amount—section 25(1)(d)

For the purposes of section 25(1)(d) of the Act, the prescribed amount is \$25 000.

5—Prescribed circumstances—section 25(1)(e)

The following circumstances are prescribed for the purposes of section 25(1)(e) of the Act:

- (a) where land is disposed of to a person who—
 - (i) is, or has previously been, a licensee of the land; and
 - (ii) has, in the opinion of the Minister, constructed or made significant improvements on the land;
- (b) where land is disposed of in order to comply with an obligation that the Crown, or a Crown agency, has assumed under a statutory indenture, or other statutory agreement, if the obligation existed (whether in the same or substantially similar terms) at the commencement of section 25 of the Act;
- (c) where land that falls within the area of a regional council is disposed of to that council;
- (d) where land that falls within the outback is disposed of to the Outback Communities Authority.

6—Application of Part 3 Division 4 of Act—section 27(1)(b)(ii)

For the purposes of section 27(1)(b)(ii) of the Act, land included in the Adelaide Park Lands and under the care, control and management of the Adelaide City Council (other than land in relation to which a power to grant easements otherwise exists under the Act or the *Real Property Act 1886*) is prescribed.

7—Occupation of Crown land—section 61(1)(a)

For the purposes of section 61(1)(a) of the Act, the following periods are prescribed:

- (a) in relation to the occupation of an area specified in a notice or sign under Part 3 where the period for which a person may occupy the area, or a site within the area, is fixed by the notice or sign or by condition imposed by the Minister—the period specified in the notice, sign or condition (as the case requires);
- (b) in any other case—a period of 21 days.

8—Service—section 75

Pursuant to section 75 of the Act, a notice or document required or authorised by the Act to be given to a person may be sent to an email address provided by the person or otherwise known to be used by the person and the notice or document will be taken to have been served or given at the time of transmission.

Part 3—Regulation of access to and activities on unalienated Crown land

9—Setting aside unalienated Crown land for specified activities

- (1) The Minister may, by notice in the Gazette or by notice or sign displayed on land—
 - (a) set aside a designated area of unalienated Crown land as an area in which a specified activity (not being an activity that should, in the opinion of the Minister, require a lease or licence under the Act) may be undertaken; and
 - (b) impose conditions and restrictions on access to, and the use of, the designated area as the Minister thinks fit, which may provide (without limitation) that—
 - (i) the area may only be accessed and used for the purposes of the specified activity; and
 - (ii) a person must obtain a permit to access the area, or any site within the area, and undertake the activity.
- (2) If the Minister sets aside land for a particular activity by a notice or sign displayed on land, the notice or sign must, as far as is reasonably practicable, be displayed at each point of entry to that area of land (such as on each established road entering the area).
- (3) The Minister must, before taking any action under subregulation (1), undertake such consultation as the Minister determines to be reasonable and appropriate in the circumstances of the particular case.
- (4) A person who contravenes or fails to comply with a condition or restriction imposed under this regulation is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

10—Prohibition and restriction of specified activities on designated unalienated Crown land

- (1) The Minister may, by notice in the Gazette or by notice or sign displayed on land—
 - (a) designate an area of unalienated Crown land as an area in which an activity, or an activity of a class, specified in the notice is prohibited or otherwise restricted or regulated in accordance with the terms of the notice or sign; and
 - (b) impose conditions on access to the designated area and activities within the designated area as the Minister thinks fit, which may include, without limitation, a condition that a person must obtain a permit to access the area, or any site within the area, and undertake the activity.
- (2) If the Minister prohibits or otherwise restricts or regulates an activity on a designated area of land by a notice or sign displayed on land, the notice or sign must, as far as is reasonably practicable, be displayed at each point of entry to that area of land (such as on each established road entering the area).
- (3) The Minister must, before taking any action under subregulation (1), undertake such consultation as the Minister determines to be reasonable and appropriate in the circumstances of the particular case.
- (4) A person who contravenes or fails to comply with a prohibition, restriction or condition imposed under this regulation is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

11—Restrictions on access to unalienated Crown land for public health and safety

- (1) The Minister may, by notice in the Gazette or by notice or sign displayed on land, prohibit or restrict access to a designated area of unalienated Crown land if satisfied that it is appropriate to do so to eliminate or reduce a risk to the health and safety of persons who may otherwise enter and use the land.
- (2) A notice or sign under subregulation (1) in relation to unalienated Crown land may impose any conditions that the Minister thinks fit that will apply to a person entering and using the land, which may include, without limitation, a condition that a person must obtain a permit to access the land.
- (3) If the Minister prohibits or restricts access to a designated area of unalienated Crown land by a notice or sign displayed on land, the notice or sign must, as far as is reasonably practicable, be displayed at each point of entry to that area of land (such as on each established road entering the area).
- (4) The Minister must, before taking any action under subregulation (1), undertake such consultation as the Minister determines to be reasonable and appropriate in the circumstances of the particular case.
- (5) A person who contravenes or fails to comply with a prohibition, restriction or condition imposed under this regulation is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

12—Compliance with notices and signs

- (1) A person on unalienated Crown land must not, without the consent of the Minister, contravene or fail to comply with a direction given by the Minister in the form of a notice or sign displayed on the land.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) For the purposes of subregulation (1) and without limitation, the consent of the Minister may be given in the form of a permit.

Part 4—Miscellaneous

13—Permits

- (1) A permit under these regulations may be obtained—
 - (a) on application to the Minister in a manner and form determined by the Minister; and
 - (b) subject to subregulation (2), on payment to the Minister of the relevant fee fixed by the Minister.
- (2) The Minister may waive, reduce or refund the whole or any portion of any fee payable under subregulation (1) if satisfied that it is appropriate to do so in a particular case.
- (3) A permit—
 - (a) is subject to such limitations, restrictions and conditions as the Minister thinks fit; and
 - (b) may, if the holder of the permit has in the opinion of the Minister contravened or failed to comply with any limitation, restriction or condition of the permit, be revoked by the Minister.

Schedule 1—Repeal and transitional provisions

Part 1—Repeal of *Crown Land Management Regulations 2010*

1—Repeal of regulations

The *Crown Land Management Regulations 2010* are repealed.

Part 2—Transitional provision

2—Transitional provision—section 81(3)

For the avoidance of doubt (and in accordance with section 81(3) of the Act), nothing in the Act derogates from or affects any entitlement under a statutory indenture or other statutory agreement, existing immediately before the commencement of the Act, to the grant or transfer by the Crown or a Crown agency of an estate or interest in, or a right in respect of, land.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 26 September 2024

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