

## CROWN LANDS (PERMISSIVE OCCUPANCIES) AMENDMENT ACT.

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**Act No. 26, 1958.**

**Elizabeth II, An** Act to make provision for and with respect to  
**No. 26, 1958.** permissive occupancies of Crown lands; for this  
purpose to amend the Crown Lands Consolidation  
Act, 1913, and certain other Acts; to  
validate certain matters; and for purposes  
connected therewith. [Assented to, 3rd November,  
1958.]

**B**E it enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
follows:—

**Short title.** 1. This Act may be cited as the "Crown Lands (Permissive  
Occupancies) Amendment Act, 1958".

**Amendment  
of Act No.  
7, 1913.** 2. The Crown Lands Consolidation Act, 1913, as amended  
by subsequent Acts, is amended—

**Sec. 1.  
(Short title.  
Division  
into  
Parts.)** (a) by inserting in paragraph (b) of section one next  
after the matter relating to PART V the following  
new matter:—

PART V A.—PERMISSIVE OCCUPANCIES—*section*  
136K. (b)

(b) by inserting next after section 136J the following No. 26, 1958.  
new Part :—

PART VA.  
PERMISSIVE OCCUPANCIES.

New  
Part VA.

136K. (1) The Minister may grant permissions to Permissive occupancies, occupy Crown lands, whether above or below or beyond high water mark, or whether reserved from lease or license or not, for such purposes and upon such terms and conditions as to him may seem fit.

(2) A permission under subsection one of this section to occupy Crown lands for the purpose of removal of gravel, sand, stone, loam, or shells, or other substances being minerals within the meaning of the Mining Act, 1906, as amended by subsequent Acts, shall not be granted except with the approval of the Secretary for Mines.

The Secretary for Mines may waive compliance with the requirements of this subsection in such circumstances, in such cases and to such extent as to him may seem fit.

(3) A permission to occupy Crown lands or a permissive occupancy of Crown lands granted or purporting to have been granted before the commencement of the Crown Lands (Permissive Occupancies) Amendment Act, 1958, and whether or not a tenancy was created or purported to have been created thereby, shall be deemed to have been validly granted and to have and always to have had force and effect subject to the terms and conditions thereof.

(4) (a) No lease shall be granted and no quarry license or quarry permit shall be issued under this Act or the regulations in respect of land subject to—

(i) a permission to occupy Crown lands or a permissive occupancy of Crown lands referred to in subsection three of this section for the purpose of removal of gravel, sand, stone, loam, or shells, or other

**No. 26, 1958.**

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other substances being minerals within the meaning of the Mining Act, 1906, as amended by subsequent Acts; or

(ii) a permission to occupy Crown lands granted under subsection one of this section for such purpose.

(b) A lease so granted or a quarry license or quarry permit so issued after the twenty-fourth day of September, one thousand nine hundred and fifty-eight, and before the commencement of the Crown Lands (Permissive Occupancies) Amendment Act, 1958, in respect of land referred to in subparagraph (i) of paragraph (a) of this subsection, shall have no force or effect and shall be deemed never to have had any force or effect.

(5) A permission to occupy Crown lands or a permissive occupancy of Crown lands referred to in subsection three of this section or a permission to occupy Crown lands granted under subsection one of this section shall be terminable at will by the Minister.