

CROWN LANDS (PERMISSIVE OCCUPANCIES) AMENDMENT ACT.

Act No. 26, 1958.

Elizabeth II,
No. 26, 1958. An Act to make provision for and with respect to 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.]

BE 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 VA.—PERMISSIVE OCCUPANCIES—*section*
136K. (b)

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

PART VA.

New
Part VA.

PERMISSIVE OCCUPANCIES.

136K. (1) The Minister may grant permissions to 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.

Permissive
occupancies.

(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

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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.
