

**WESTERN LANDS (CROWN LANDS) AMENDMENT ACT  
1989 No. 8**

NEW SOUTH WALES



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**WESTERN LANDS (CROWN LANDS) AMENDMENT ACT 1989**  
**No. 8**

NEW SOUTH WALES



**Act No. 8, 1989**

An Act to amend the Western Lands Act 1901 as a consequence of and in connection with the enactment of the Crown Lands Act 1989 and the Crown Lands (Continued Tenures) Act 1989. [Assented to 21 March 1989]

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Western Lands (Crown Lands) Amendment Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Western Lands Act 1901 No. 70**

3. The Western Lands Act 1901 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 2 (**Repeal of Acts**)—

Section 2 (5)—

Omit the paragraph.

(2) Sections 2A, 2B—

After section 2, insert:

**Application of Crown Lands Act 1989**

2A. (1) The provisions of the Crown Lands Act 1989 specified in Schedule B (and any regulations under that Act having effect for the purposes of those provisions) apply to and in respect of land in the Western Division in the same way as they apply to and in respect of land in the Eastern and Central Division.

(2) Those provisions so apply with the modifications, and subject to the restrictions, specified in Schedule B.

(3) In the application of any such provision to and in respect of land in the Western Division, if the expression “Crown Lands Acts” or “this Act” occurs in the provision it is to be read as including the expression “and the Western Lands Act 1901”.

(4) Except as provided by this Act or the Crown Lands Acts, the Crown Lands Act 1989 does not apply to land in the Western Division.

**Savings, transitional and other provisions**

2B. Schedule C has effect.

(3) Section 3 (**Definitions**)—

(a) Definition of “Central Division”—

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SCHEDULE 1—AMENDMENTS—*continued*

- Omit the definition.
- (b) Definition of “Crown Lands Acts”—  
Omit the definition, insert instead:  
“Crown Lands Acts” has the same meaning as in the Crown Lands Act 1989.
- (c) Definitions of “Eastern and Central Division” and “Holding”—  
After the definition of “Crown lands”, insert:  
“Eastern and Central Division” has the same meaning as in the Crown Lands Act 1989.  
“Holding” has the same meaning as in the Crown Lands Act 1989.
- (d) Definition of “Western Division”—  
Omit the definition, insert instead:  
“Western Division” means the Western Division as defined by the Crown Lands Consolidation Act 1913 immediately before its repeal (subject to any regulations made under section 4 (3) of the Crown Lands Act 1989 that affect the boundary between the Western Division and the Eastern and Central Division).
- (4) Section 9 (**Power to establish administrative districts**)—
- (a) Section 9 (3) (a) (ii)—  
After “Minister”, insert “for such term not exceeding 5 years as is specified in the instrument of appointment”.
- (b) Section 9 (5) (a), third paragraph—  
Omit “Crown Lands Consolidation Act, 1913,”, insert instead “Crown Lands Act 1989”.
- (c) Section 9 (6) (a), first paragraph—  
Omit “Crown Lands Consolidation Act, 1913”, insert instead “Crown Lands Act 1989”.
- (d) Section 9 (6) (a), second paragraph—  
Omit “For the purposes of this subsection the references in section 19 of the said Act to the district surveyor shall be read and construed as references to the Commissioner appointed under this Act.”.
- (5) Section 18E (**Subsisting leases: extension**)—  
After section 18E (4), insert:

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(4A) If, immediately before the commencement of the Western Lands (Crown Lands) Amendment Act 1989—

(a) the survey costs payable by a holder under subsection (4) (d) were wholly or partly unpaid; and

(b) the annual rate of interest payable on the unpaid amount was less than 8 per cent,

the annual rate of interest payable is increased to 8 per cent from that commencement.

(4B) The Minister may adjust the instalments by which survey costs referred to in subsection (4A) are payable so that the total amount owing (including interest at 8 per cent) is paid over the same or a longer period.

(6) Section 18i (**Survey fee**)—

(a) Section 18i (1)—

Omit “Act, 1934,”, insert instead “Act 1934 and before the commencement of the Western Lands (Crown Lands) Amendment Act 1989”.

(b) Section 18i (1A)–(1C)—

After section 18i (1), insert:

(1A) If, immediately before the commencement of the Western Lands (Crown Lands) Amendment Act 1989, the survey fee payable under subsection (1) was wholly or partly unpaid, the annual rate of interest payable on the unpaid amount is increased to 8 per cent from that commencement.

(1B) The Minister may adjust the instalments by which a survey fee referred to in subsection (1A) is payable so that the total amount owing (including interest at 8 per cent) is paid over the same or a longer period.

(1C) The survey fee prescribed under subsection (1), together with interest at the annual rate of 8 per cent, is payable by the lessee in respect of a lease applied for after the commencement of the Western Lands (Crown Lands) Amendment Act 1989 and is so payable by such instalments as are determined by the Minister.

(7) Section 28BB (**Application for conversion of certain leases**)—

Section 28BB—

Omit the section, insert instead:

**Purchase of land held under certain leases**

28BB. (1) In this section—

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SCHEDULE 1—AMENDMENTS—*continued*

“lease” means a lease which—

- (a) is for residence, business purposes, motel purposes or similar purposes but is not for grazing, agriculture, farming or any other purpose; and
- (b) is not liable to forfeiture.

(2) The holder of a lease may apply to purchase—

- (a) the whole or a part of the land comprised in the lease; or
- (b) as 1 purchase, the whole or a part of the land comprised in 2 or more adjoining leases,

and Schedule D then applies.

(8) Section 30 (**Tenant right—its nature**)—

Omit “is expressed in the Crown Lands Consolidation Act, 1913,” insert instead “expressed in sections 223 and 224 of the Crown Lands Consolidation Act 1913 immediately before their repeal”.

(9) Section 31 (**Determination of value of improvements**)—

(a) Section 31 (2)–(2B)—

Omit section 31 (2), insert instead:

(2) If—

- (a) the improvements are the property of the Crown; and
- (b) the title of the incoming tenant commenced before the commencement of the Western Lands (Crown Lands) Amendment Act 1989,

the amount unpaid immediately before that commencement under this subsection as then in force shall, unless an adjustment is made under subsection (2A), be paid by the incoming tenant to the Treasurer by the same instalments (together with interest on the unpaid amount at the annual rate of 8 per cent) as were applicable immediately before that commencement.

(2A) The Minister may adjust the instalments payable under subsection (2) so that the total amount owing (including interest at 8 per cent) is paid over the same or a longer period.

(2B) If—

- (a) the improvements are the property of the Crown; and
- (b) the title of the incoming tenant commences on or after the commencement of the Western Lands (Crown Lands) Amendment Act 1989,

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the value determined under subsection (1) (together with interest at the annual rate of 8 per cent) shall be paid by the incoming tenant to the Treasurer by such instalments as are determined by the local land board.

## (b) Section 31 (3)—

Omit “The regulations may prescribe some rate of interest other than four per centum per annum as the rate of interest payable under this subsection. Such other rate of interest shall be the rate of interest applicable under this subsection to leases granted after the date on which such regulations take effect.”.

## (c) Section 31 (3A)—

After section 31 (3), insert:

(3A) On and from the commencement of the Western Lands (Crown Lands) Amendment Act 1989, the annual rate of interest payable on any amount payable under subsection (3) by an incoming tenant whose title commences on or after that commencement is 8 per cent.

(10) Section 35G (**Personal representatives may hold leased land**)—

Omit the section.

## (11) Section 36—

Omit the section, insert instead:

**Regulations**

36. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to the following:

- (a) the functions of officers employed or acting in the administration or execution of this Act;
- (b) the procedure to be followed in or in connection with an inquiry held or to be held under this Act;
- (c) the circumstances in which fees, costs or deposits may be charged or required and the amount of any such fees, costs or deposits;
- (d) authorising the waiver or refund of the whole or any part of any fee, cost, deposit, interest or rent paid or payable under this Act;
- (e) determining the person to whom a refund of any fee, cost, deposit, interest or rent is payable;

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SCHEDULE 1—AMENDMENTS—*continued*

- (f) prescribing the periods within which, and the manner in which, notices may be given and objections and appeals may be made;
- (g) the keeping of records and books of account, the furnishing of returns and records and the inspection of, and the taking of extracts from, records or books;
- (h) the making of searches in connection with holdings, the issue of certificates relating to holdings and the effect of those certificates;
- (i) proceedings before local land boards, sittings of local land boards and the members and Chairpersons of local land boards;
- (j) the establishment, definition, alteration, modification and cancellation of administrative districts;
- (k) applications for land and procedures in respect of conflicting applications;
- (l) the manner of, and the places and times for, the payment of rent, purchase money or other money;
- (m) the payment, by an incoming holder, of the value of any improvements on Crown land to the owner of those improvements;
- (n) the form and lodgment of, and manner of dealing with, applications, dealings, instruments or documents relating to land;
- (o) the execution of applications, dealings, instruments or documents relating to land;
- (p) the powers and functions of the Registrar-General in respect of applications, dealings, instruments or documents relating to land.

(2) A regulation may create an offence punishable by a maximum penalty not exceeding 5 penalty units.

(12) Sections 36D, 36E—

After section 36C, insert:

**Liability of incoming holder to pay arrears**

36D. (1) For the purposes of this section—

- (a) “holding” means a holding of a prescribed class; and
- (b) the amount due for payment in respect of a holding includes any amount that would, but for a deferment, postponement or funding granted or directed under this Act or the Crown Lands Acts, be due for payment in respect of the holding.



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(2) A person who is the holder of a holding is liable to pay in respect of that holding any amount—

- (a) due for payment under this Act, the Crown Lands Acts, the regulations under those Acts or any condition attaching to the holding; and
- (b) unpaid when the person became the holder.

(3) If a person who is a holder pays, in respect of a holding, an amount (other than an amount that is attributable to rent or to interest charged under section 36C or to penalty interest for late payment charged under a condition attached to the holding) that, before the person became the holder of the holding, was due and unpaid under—

- (a) this Act;
- (b) the Crown Lands Acts;
- (c) the regulations under this Act or the Crown Lands Acts;  
or
- (d) any condition attached to the holding,

the person may recover the amount as a debt owed by the person who was the holder of the holding when the amount became due.

(4) If a person who is a holder pays, in respect of a holding, any amount—

- (a) that is attributable to rent or to interest charged under section 36C or to penalty interest for late payment charged under a condition attached to that holding; and
- (b) that, before the person became the holder of the holding, was due and unpaid under this Act, the Crown Lands Acts, the regulations under those Acts or any condition attached to the holding,

the person may recover an amount calculated under subsection (5) as a debt owed by the person who was the holder of that holding during the period in respect of which the amount paid was due.

(5) The amount recoverable from a person under subsection (4) is the remainder after deducting from the amount paid any part of it that, calculated on a daily basis, would be attributable to a period when the person was not the holder.

(6) For the purposes of, but without limiting, subsections (3), (4) and (5), a person—

- (a) is a holder during a period determined under subsection (7); and

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(b) is not a holder during a period determined under subsection (8).

(7) The period determined under this subsection—

(a) begins when the person acquires a right to be registered or recorded as the holder of an estate or interest in the holding; and

(b) ends when the person is registered or recorded as the holder of the estate or interest.

(8) The period determined under this subsection—

(a) begins when another person acquires a right to be registered or recorded as the holder of an estate or interest in the holding; and

(b) ends when the other person is registered or recorded as the holder of the estate or interest.

(9) Nothing in this section affects any agreement or any rule of law or equity with respect to the ultimate liability for payment of any amount due in respect of a holding.

(10) This section does not apply to a holding to which section 144 of the Crown Lands Act 1989 applies.

**Certificate as to amount due**

36E. (1) The Minister or a prescribed authority or person may, in respect of any holding of a prescribed class, issue a certificate as to the amounts payable to the Crown under this Act, the Crown Lands Acts, the regulations under those Acts or any condition attaching to the holding.

(2) A certificate under this section is evidence of the matter that it contains.

(3) This section does not apply to a holding to which section 145 of the Crown Lands Act 1989 applies.

(13) Schedules B–D—

After Schedule A, insert:

**SCHEDULE B—APPLICABLE PROVISIONS OF THE CROWN LANDS ACT 1989**

(Sec. 2A)

**PART 1—PRELIMINARY**

Section 6 (Crown land to be dealt with subject to Act)—but not so as to affect the power to grant leases under the Western Lands Act 1901.

Section 9 (cities, towns and villages).

**PART 2—ADMINISTRATION**

Division 1 (Minister)—the whole Division.

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## PART 4—SALE, LEASE ETC. OF CROWN LAND

Division 1 (general)—only section 34 and only so as to authorise the sale of land for residential, business, motel, community or similar purposes, the disposal of land by way of exchange and the granting of licences and easements.

Division 2 (sales of Crown land)—the whole Division.

Division 4 (licences)—the whole Division, except that section 49 (3) (licences for removal of certain minerals) is to be read as including a reference to a lease granted under the Western Lands Act 1901.

Division 5 (easements)—the whole Division, except that paragraph (b) of the definition of “prescribed land” in section 51 (definitions) is to be read as follows:

(b) land comprised in a lease in perpetuity (other than a lease in perpetuity granted under the Western Lands Act 1901);

Division 7 (vesting of land in councils)—the whole Division except the words “Subject to section 35” in section 76 (1).

## PART 5—DEDICATION AND RESERVATION OF LAND

Division 1 (preliminary)—the whole Division.

Division 2 (dedications)—the whole Division, except section 85 (requirement for assessment).

Division 3 (reservations)—the whole Division, except section 91 (requirement for assessment).

Division 4 (formation of reserve trusts)—the whole Division.

Division 5 (trust property)—the whole Division, but a temporary licence shall not be granted under section 108 (1) for grazing or agriculture except with the consent of the Western Lands Commissioner.

Division 6 (plans of management)—the whole Division.

Division 7 (administrator of trust)—the whole Division.

Division 8 (miscellaneous)—the whole Division, but it shall be read as including the following provision:

**Consent of Western Lands Commissioner to certain operations**

128A. A reserve trust shall not clear or cultivate land in the Western Division, or authorise any other person to do so, except with the written consent of the Western Lands Commissioner.

## PART 6—FORFEITURE OF HOLDINGS

The whole Part is to apply but only in respect of licences granted under the Crown Lands Act 1989.

## PART 7—MISCELLANEOUS

Division 1 (acquisition etc. of land)—the whole Division.

Division 2 (alteration of conditions etc.)—the whole Division, but only in respect of licences granted under the Crown Lands Act 1989.

Division 3 (determination of rent) and Division 4 (payments)—the whole of both Divisions, but only in respect of licences and enclosure permits granted under the Crown Lands Act 1989.

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**SCHEDULE 1—AMENDMENTS—*continued***

Division 5 (protection of public land)—the whole Division.

Division 6 (legal and evidentiary provisions)—the whole Division, with the following modifications:

- (a) section 174 (ownership of improvements on forfeiture etc.) is to apply but without affecting any tenant right accrued to the holder of a lease under the Western Lands Act 1901;
- (b) in section 177 (certificate as to status of land etc.) a reference to a holding is to be read as including a reference to a lease under the Western Lands Act 1901.

Division 7 (general provisions)—the whole Division, except sections 184–186 and with the following modifications:

- (a) the references in section 180 (delegation) to the Secretary are to be read as references to the Western Lands Commissioner;
- (b) the references in section 181 (notices) are to be read as including a reference to the Western Lands Act 1901 in addition to the other Acts referred to.

Schedules 1–6—the whole of the Schedules.

**SCHEDULE C—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

(Sec. 2B)

**Western Lands (Crown Lands) Amendment Act 1989**

**Membership of local land board**

1. (1) Except for the purposes of clause 2, on the commencement of the Western Lands (Crown Lands) Amendment Act 1989, a person who, immediately before that commencement, holds office as an appointed member of a local land board ceases to hold office.

(2) A person who ceases to hold office because of the operation of subclause (1)—

- (a) is not entitled to be paid any remuneration or compensation because of ceasing to hold the office; and
- (b) is eligible (if qualified) for re-appointment as a member of a local land board.

**Matters pending before a local land board**

2. (1) A matter pending before a local land board immediately before the commencement of the Western Lands (Crown Lands) Amendment Act 1989 shall be completed (whether by being continued or discontinued) by the local land board constituted as it would have been but for the enactment of that Act.

(2) Subclause (1) has effect even if different members have been appointed under this Act as amended by the Western Lands (Crown Lands) Amendment Act 1989.

**Conversion of leases—section 28BB**

3. (1) If an application under section 28BB is pending at the commencement of the Western Lands (Crown Lands) Amendment Act 1989, the Minister may direct that the application—

- (a) is to be dealt with under that section as substituted by that Act; or

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- (b) is to be dealt with under that section as if that Act had not been enacted.
- (2) The Minister's direction has effect accordingly and may relate to a particular application or to applications of a particular class.

**SCHEDULE D—PROVISIONS RELATING TO PURCHASES OF CERTAIN LEASED LAND**

(Sec. 28BB)

**Application of Schedule**

- 1. This Schedule applies to an application to purchase land under section 28BB.

**Transfer and withdrawal of applications**

- 2. (1) A transferee of a lease may, with the approval of the Minister and subject to such conditions as the Minister may determine, adopt an application made by a previous holder.
- (2) An applicant may withdraw an application—
  - (a) before it is granted; or
  - (b) if an appeal is lodged against the determination of the purchase price by the Minister or the local land board—within 28 days after determination of the appeal,

on payment of such costs as may be assessed by the Minister.

**Granting of applications**

- 3. (1) The Minister may, at the Minister's absolute discretion (exercised subject to section 25E of the Forestry Act 1916) grant or refuse an application as to the whole or a part of the land to which it relates.
- (2) The Minister may not grant an application if the land is reserved from sale.

**Exclusion for roadways etc.**

- 4. (1) When granting an application, the Minister may—
  - (a) exclude from the land any areas required for roadways or other public purposes;
  - (b) otherwise modify the boundaries of the land; and
  - (c) create easements for public access over the land,
 at the discretion of the Minister.

(2) Any areas excluded from the land for roadways or other public purposes or because of modification of boundaries is surrendered to the Crown.

(3) A public purpose is any purpose for the time being declared by the Minister, by notification in the Gazette, to be a public purpose for the purposes of this clause.

(4) Sections 56–58 of the Crown Lands Act 1988 (section 56 (3) excepted) apply to and in respect of the creation of an easement under this clause in the same way as they apply to and in respect of the creation of an easement under section 56 of that Act.

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(5) The holder may appeal to the local land board against a decision under this clause to exclude land or create an easement for public access and the local land board may, on hearing the appeal, make any order or decision it considers to be appropriate.

(6) On hearing—

- (a) an appeal under subclause (5)—the local land board; or
- (b) an appeal from a decision of the local land board—the Land and Environment Court,

may include in its order or decision an order or redetermination referred to in subclause (7), or both.

(7) The local land board, or the Court, may—

- (a) make an order requiring the creation of an easement for public access under subclause (1) (c) instead of the exclusion of land under subclause (1) (a); or
- (b) redetermine the purchase price (or require the Minister to redetermine the purchase price) having regard to any variation in the area of the land to be purchased.

**Depth limitations**

5. (1) The Minister may limit the granting of an application to the surface of the land or to the surface and a stated depth below the surface.

(2) Land excluded by such a limitation is surrendered to the Crown.

**Title and conditions**

6. (1) Clause 6 of Part 1 of Schedule 2 to the Crown Lands (Continued Tenures) Act 1989 applies to and in respect of a purchase under this Schedule.

(2) A purchase under this Schedule of land comprised in a lease is subject to such of the conditions applying to the lease as the Minister specifies at the time of granting the application to purchase.

(3) The title to a purchase under this Schedule commences from a date determined by the Minister.

(4) The date determined by the Minister shall not be earlier than—

- (a) if an appeal is lodged—
  - (i) the withdrawal of the appeal; or
  - (ii) 28 days after determination of the appeal (unless the applicant notifies the Minister in writing that the applicant does not wish to withdraw the application); or
- (b) if no appeal is lodged—the end of the period for lodgment of the appeal or, if the applicant earlier notifies the Minister in writing that the applicant has waived any right of appeal, the date of the notification.

(5) In any folio of the Register created in respect of land purchased or being purchased under this Schedule the Registrar-General shall, if the land is affected by a profit à prendre reserved to the Crown under section 25F of the Forestry Act 1916, record a statement to the effect that the land is so affected.

(6) Such a recording has effect as if the reservation of the profit à prendre had been included in an instrument of conveyance or transfer from the Crown.

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7. Schedule 4 to the Crown Lands (Continued Tenures) Act 1989 applies to and in respect of a purchase under this Schedule.

**Removal of transfer restrictions**

8. On the granting of an application to purchase land comprised in a lease, section 18G ceases to apply to the land.

**Payment of balance of purchase money etc. on transfer**

9. Clause 5 of Part 1 of Schedule 2 to the Crown Lands (Continued Tenures) Act 1989 applies to and in respect of a purchase under this Schedule.

**Price**

10. (1) The purchase price for land comprised in a lease is the market value of the land determined by the Minister as at the date of the application to purchase the land.

(2) Any improvements on the land which were made by the holder, or are owned or in the course of being purchased from the Crown by the holder, shall be disregarded in determining the market value.

(3) If it appears to the Minister that the market value of the land has been reduced by any act, default or neglect of the holder, the Minister shall determine the market value as if the reduction in value had not taken place.

(4) If any areas are to be excluded for roadways or other public purposes or because of modification of boundaries, the purchase price shall be adjusted accordingly.

**Objections to, and appeals against, determinations**

11. (1) The Minister shall, on determining a purchase price for land comprised in a lease, give notice of the determination to the lessee.

(2) The notice shall include information to the effect that the lessee may object to the purchase price determined by the Minister.

(3) The Minister shall consider any objection lodged and by notice inform the objector—

(a) whether the determination of the purchase price is to stand or be varied; and

(b) that the objector, if dissatisfied with the Minister's decision, may appeal as provided by subclause (4).

(4) An appeal against the Minister's decision lies—

(a) to the local land board if the purchase price determined does not exceed \$150,000 or such greater amount as may be prescribed; or

(b) in any other case, to the Land and Environment Court.

(5) The local land board, or the Court, on hearing the appeal, may affirm the Minister's determination or substitute its own.

**Adjustment of rent where part only of lease purchased**

12. (1) If part only of a lease is purchased, the Minister shall redetermine the annual rent of the remaining part of the lease for the remainder of the current rent redetermination period applicable to the lease.

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(2) Clauses 11 and 12 of Schedule 5 to the Crown Lands (Continued Tenures) Act 1989 apply to a redetermination of rent under this clause in the same way as they apply to a redetermination of rent under that Schedule.

(3) The Minister may make such consequential alterations to the purpose and conditions of a lease as the Minister considers to be necessary on the purchase of part of the land comprised in the lease.

**Cost of survey**

13. (1) An applicant to purchase land comprised in a lease is liable to pay to the Crown—

- (a) if a survey fee has not been paid in respect of the lease—the prescribed survey fee; and
- (b) if a survey is necessary as a result of the purchase and the survey is carried out by the Crown—the cost of survey as assessed by the Minister.

(2) The Minister may permit an applicant to have any necessary survey carried out (at the applicant's own expense) by a surveyor registered under the Surveyors Act 1929 in accordance with any special requirements of the Minister.

(3) If a survey is to be carried out by the Crown, the Minister may require the applicant to pay the estimated cost before survey and refuse the application if the estimated cost is not paid.

**Payment of purchase price**

14. (1) Subject to the Crown Lands Act 1989, the Crown Lands (Continued Tenures) Act 1989 and the regulations under those Acts, the purchase price for land comprised in a lease, together with interest at the annual rate of 8 per cent, is payable by 33 equal annual instalments.

(2) No instalment payable under this provision shall be less than \$100 or, if another amount is prescribed, that other amount.

**Payment of other amounts**

15. (1) On the commencement of title to a purchase under this Schedule the following amounts are payable to the Crown:

- (a) any stamp duty payable under the Stamp Duties Act 1920 in respect of the purchase;
- (b) any rent (including rent for Crown improvements) payable on the lease up to the commencement of title to the purchase;
- (c) any outstanding postponed or funded debts in respect of the lease (whether or not due for payment) together with interest up to the commencement of title to the purchase;
- (d) the cost of any necessary survey carried out by the Crown;
- (e) any other amounts determined by the Minister as payable on the commencement of title to the purchase.

(2) Failing payment of any such amount within 3 months of demand, the purchase may be declared by the Minister to be forfeited and any money paid in connection with the purchase may (by the declaration) be forfeited to the Crown.



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SCHEDULE 1—AMENDMENTS—*continued*

(3) If there are any other debts outstanding in respect of the lease, they continue (subject to this clause and any increased rate of interest required by this Act) to be payable to the Crown in the same manner as they were payable before the commencement of title to the purchase.

(4) If any amount payable to the Crown after the commencement of title to a purchase is payable in equal annual instalments over a period without the interest added, the Minister may vary the manner of payment so that the amount is payable in equal annual instalments over the same or a longer period with the interest added.

**Retention of rights of mortgagees**

16. If on the granting of an application to purchase land comprised in a lease the lease is subject to a mortgage, the mortgagee—

- (a) retains the rights, powers and remedies which are expressly or impliedly given to the mortgagee against the mortgagor by the mortgage; and
- (b) has, in respect of the land and to the extent that they are relevant, the same rights, powers and remedies as the mortgagee had in respect of the lease.

**Easements**

17. The granting of an application to purchase or the purchase of land comprised in a lease does not affect any easement which is appurtenant to or a burden on the land.

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[*Minister's second reading speech made in—  
Legislative Assembly on 15 November 1988  
Legislative Council on 2 March 1989 a.m.*]