

CROWN LANDS (AMENDMENT) ACT.

Act No. 30, 1957.

Elizabeth II,
No. 30, 1957.

An Act to provide for the funding or variation of amounts owing by settlers in certain cases and for a minimum rental and fee in respect of certain tenures, permits and licences; to remove the limitation on the value to be paid for improvements on Crown land; to provide for the periodic redetermination of the rental of leases in perpetuity on Lord Howe Island upon transfer to a person other than an Islander; to validate certain matters; for these and other purposes to amend the Crown Lands (Amendment) Act, 1932, the War Service Land Settlement Act, 1941, the Closer Settlement Acts, the Crown Lands Consolidation Act, 1913, the Prickly-pear Act, 1924-1944, the Forestry Act, 1916-1951, the Lord Howe Island Act, 1953, the Trustees of Public Reserves Enabling Act, 1924, and certain other Acts; and for purposes connected therewith. [Assented to, 4th May, 1957.]

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 (Amendment) Act, 1957".

2.

2. (1) The Crown Lands (Amendment) Act, 1932, as amended by subsequent Acts, is amended by omitting from section five the words and figures "or the Prickly-pear Acts, 1924-1930" and by inserting in lieu thereof the words and figures "the Prickly-pear Act, 1924, or the War Service Land Settlement Act, 1941";

No. 30, 1957.
Amendment
of Act
No. 69, 1932.
Sec. 5.
(Funding of
arrears.)

(2) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended by inserting at the end of subsection four of section 8c the following new paragraph:—

Amendment
of Act
No. 43, 1941.
Sec. 8c.

The Minister shall have power and shall be deemed always to have had power either generally or in any particular case or class of cases to vary as he may think fit the manner, instalments and times of payment appointed by him under this subsection.

(Advances
and other
assistance to
settlers
under this
Act.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended by inserting at the end of section thirteen the following new subsection:—

Amendment
of Act
No. 38, 1943.

(2) Section five of the Crown Lands (Amendment) Act, 1932, as amended by subsequent Acts, shall mutatis mutandis apply to the whole or part of any amount due to the Crown in respect of a settlement purchase lease, group purchase lease, or closer settlement lease under this Act.

Sec. 13.
(Application
of certain
provisions of
other Acts.)

3. (1) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment
of Act No.
7, 1913.

(a) by inserting in section fifty-two after the words "local land board" the words and parentheses "Provided that the rent (whether provisional or otherwise) shall not be less than two pounds per annum";

Sec. 52.
(Term and
rent of
conditional
lease.)

(b) (i) by omitting from paragraph one of section seventy the words "Colonial Treasurer" and by inserting in lieu thereof the words "Under Secretary";

Sec. 70.
(Occupation
license.)

(ii)

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- (ii) by inserting next after paragraph two of the same section the following new paragraph:—

(2A) The annual license fee shall not in any case be less than two pounds.

Sec. 71.
(Annual lease by auction or tender.)

- (c) (i) by inserting in paragraph (a) of subsection one of section seventy-one after the words “upset rent” the words and parentheses “(not being less than two pounds per annum)”;
- (ii) by inserting in subsection two of the same section after the word “rent” where firstly occurring the words and parentheses “(not being less than two pounds per annum)”;

Sec. 72.
(Annual leases generally: terms and conditions.)

- (d) (i) by omitting from paragraph two of section seventy-two the words “Colonial Treasurer” and by inserting in lieu thereof the words “Under Secretary”;
- (ii) by inserting at the end of paragraph five of the same section the words “Provided that the local land board shall not make any determination that would have the effect of reducing the rent to less than two pounds per annum.”;

Sec. 73.
(Lease under improvement conditions out of annual lease.)

- (e) by inserting at the end of section seventy-three the following new paragraph:—

Provided further that the rent of any lease granted under this section shall not be less than two pounds per annum.

Sec. 74.
(Special leases for wharfs and jetties.)

- (f) by inserting in section seventy-four after the words “local land board” the words “Provided that the rent shall not be less than two pounds per annum.”;

Sec. 75.
(Special leases, miscellaneous purposes.)

- (g) (i) by inserting in section seventy-five after the words “upset rent thereof” the words and parentheses “(not being less than two pounds per annum)”;

(ii)

- (ii) by inserting in the same section after the words "local land board" where secondly occurring the words "Provided that the rent shall not be less than two pounds per annum."; No. 30, 1957.
- (h) (i) by inserting at the end of subsection nine of section 75A the words "Provided that the rent shall not be less than two pounds per annum."; Sec. 75A.
(Extension of special leases to special leases in perpetuity for miscellaneous purposes.)
- (ii) by inserting at the end of subsection ten of the same section the words "Provided that upon any subsequent determination the rent shall not be less than two pounds per annum.";
- (i) by inserting at the end of subsection nine of section 75B the words "Provided that upon any such determination the rent shall not be less than two pounds per annum."; Sec. 75B.
(Special leases in perpetuity for miscellaneous purposes.)
- (j) by inserting in section seventy-six after the words "local land board" where secondly occurring the words "Provided that the rent shall not be less than two pounds per annum."; Sec. 76.
(Special leases: tramway and irrigation purposes.)
- (k) by inserting at the end of paragraph two of section seventy-seven the words "The rent shall not be less than two pounds per annum."; Sec. 77.
(Scrub lease.)
- (l) by inserting in section seventy-eight after the words "local land board" where secondly occurring the following new paragraph:— Sec. 78.
(Snow lease.)
- In no case shall the annual rent of a lease under this section be less than two pounds.
- (m) (i) by inserting in paragraph one of section seventy-nine after the words "upset rent" the words and parentheses "(not being less than two pounds per annum)"; Sec. 79.
(Inferior lands lease.)
- (ii)

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(ii) by omitting from paragraph four of the same section the words "Colonial Treasurer" and by inserting in lieu thereof the words "Under Secretary";

Sec. 80.
(Residential lease on goldfield, or mineral field.)

(n) by inserting at the end of paragraph (c) of subsection one of section eighty the words "Provided that the rent shall not be less than two pounds per annum.";

Sec. 82.
(Improvement lease.)

(o) by inserting at the end of paragraph three of section eighty-two the words "Provided that the yearly rent shall not in any case be less than two pounds.";

Sec. 82A.
(Leasing of Crown lands within towns.)

(p) by inserting at the end of paragraph (d) of section 82A the words "Provided that the annual rent shall not in any case be less than two pounds.";

Sec. 87.
(Classified areas, conditional purchases and conditional leases.)

(q) by inserting at the end of subsection three of section eighty-seven the words "Provided that such rent shall not in any case be less than two pounds per annum.";

Sec. 88.
(Original homestead selection areas.)

(r) by omitting from paragraph three of section eighty-eight the words, figures and letter "subject to the provisions of section 167A hereof" and by inserting in lieu thereof the words, figures, and letters "subject to the provisions of paragraph (e) of subsection one of section ninety-one and section 167A hereof";

Sec. 91.
(Conditions precedent to homestead grant.)

(s) by inserting at the end of paragraph (e) of subsection one of section ninety-one the words "Provided that the annual rent shall not in any case be less than two pounds.";

Sec. 93.
(Homestead grant.)

(t) by omitting from paragraph (a) of subsection two of section ninety-three the word, figures and letter "section 167A" and by inserting in lieu thereof the words, figures and letters "paragraph (e) of section ninety-one and section 167A of this Act";

(u)

- (u) by inserting at the end of paragraph three of section ninety-five the words "Provided that such rent shall not in any case be less than two pounds."; No. 30, 1957.
Sec. 95.
(Homestead selection without residence before grant.)
- (v) by inserting at the end of subsection one of section ninety-seven the words "Provided that the rent shall not be less than two pounds per annum."; Sec. 97.
(Additional homestead selection.)
- (w) by inserting in section one hundred and one after the words "local land board" where thirdly occurring the words "Provided further that the annual rent shall not be less than two pounds."; Sec. 101.
(Original settlement lease.)
- (x) by inserting at the end of subsection one of section one hundred and three the words "Provided that the rent shall not be less than two pounds per annum."; Sec. 103.
(Additional settlement lease.)
- (y) by inserting at the end of section one hundred and seven the words "Provided that the rent shall not be less than two pounds per annum."; Sec. 107.
(Term and rent of conditional purchase lease.)
- (z) by inserting at the end of paragraph (b) of subsection seven of section one hundred and nine the words "Provided that such rent shall not be less than two pounds per annum."; Sec. 109.
(Conditional purchase leases. Conversion into conditional purchases and conditional leases.)
- (aa) by inserting in section one hundred and twenty-two after the word "farm" where secondly occurring the words "Provided that such annual rent shall not be less than two pounds."; Sec. 122.
(Homestead farm: rent.)
- (ab) by inserting at the end of subsection five of section 123A the words "Provided that such rent shall not be less than two pounds per annum."; Sec. 123A.
(Right of conversion.)
- (ac) by omitting from section one hundred and twenty-seven the words "five shillings" and by inserting in lieu thereof the words "two pounds"; Sec. 127.
(Suburban holding: rent.)

(ad)

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- No. 30, 1957.**
 Sec. 134.
 (Crown-lease: term and rent.)
- (ad) by omitting from section one hundred and thirty-four the words "one pound" and by inserting in lieu thereof the words "two pounds";
- Sec. 136c.
 (Rent for week-end leases.)
- (ae) by omitting from section 136c the words "one pound" and by inserting in lieu thereof the words "two pounds";
- Sec. 167A.
 (Appraisal of rents.)
- (af) by inserting at the end of subsection four of section 167A the words "Provided that the local land board shall not make any determination that would have the effect of reducing the rent to less than two pounds per annum.";
- Sec. 183.
 (Conversion of homestead selection or grant or homestead farm.)
- (ag) (i) by inserting in subsection six of section one hundred and eighty-three after the word "therein" the words "Provided that such annual rent shall not be less than two pounds.";
- (ii) by inserting at the end of the same subsection the words "Provided that such rent shall not be less than two pounds per annum.";
- Sec. 185.
 (Conversion of settlement lease or Crown-lease: conditions upon conversion.)
- (ah) by inserting in paragraph two of section one hundred and eighty-five after the words "Provided that" the words "such rent shall not be less than two pounds per annum: Provided further that";
- Sec. 190.
 (Conversion of special lease or church and school lands lease.)
- (ai) by inserting at the end of subsection eight of section one hundred and ninety the words "Provided that the rent shall not be less than two pounds per annum.";
- Sec. 193.
 (Conversion of certain leases into homestead selections or grants.)
- (aj) by inserting at the end of paragraph (e) of subsection one of section one hundred and ninety-three the words "Provided that such rent shall not be less than two pounds per annum.";
- (ak)

- (ak) by inserting at the end of subsection eight of section 193A the words "Provided that such rent shall not be less than two pounds per annum."; No. 30, 1957.
Sec. 193A.
(Conversion of prickly-pear leases.)
- (al) (i) by inserting in subsection one of section two hundred and two after the word "water" the words "Provided that the annual rent payable shall not be less than two pounds."; Sec. 202.
(Enclosure of roads and water-courses.)
- (ii) by inserting at the end of subsection six of the same section the words "Provided that the annual rent payable shall not be less than two pounds.";
- (iii) by inserting in subsection eight of the same section after the words "local land board" where firstly occurring the words "Provided that the annual rent shall not be less than two pounds.";
- (iv) by omitting from subsection nine of the same section the words "determined by the local land board";
- (am) by inserting at the end of section two hundred and fifty-eight the words "Provided further that the rent in respect of each portion of a subdivided homestead selection, homestead farm, Crown-lease, conditional lease, settlement lease, suburban holding, or conditional purchase lease, shall not be less than two pounds per annum."; Sec. 258.
(Provisions governing sub-divided portions.)

(2) The Closer Settlement Act, 1904, as amended by subsequent Acts, is amended by inserting at the end of section forty-six the following new paragraph:— Amendment of Act No. 37, 1904.
Sec. 46.
(Enclosure of roads.)

Any determination of rent under this section shall not be less than two pounds per annum.

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended by inserting at the end of paragraph (a) of subsection two of section nine the following new proviso:— Amendment of Act No. 38, 1943.
Sec. 9.
(Closer settlement leases.)

Provided further that the annual rent shall not be less than two pounds.

Crown Lands (Amendment) Act.

No. 30, 1957. (4) (a) The Prickly-pear Act, 1924, as amended
 Amendment by subsequent Acts, is amended—
 of Act No.
 31, 1924.

Sec. 15. (i) by inserting at the end of subsection (3A) of
 (Existing section fifteen the words “Provided that the rent
 holdings.) of any holding shall not be reduced under this
 section to less than two pounds per annum.”;

Sec. 17. (ii) by inserting in section seventeen after the word
 (Leasing “rent” where firstly occurring the words and
 infested parentheses “(not being less than two pounds
 land.) per annum)”;

Sec. 18. (iii) by omitting from section eighteen the words
 (Leasing of “nominal or otherwise” and by inserting in lieu
 commons and thereof the words and parentheses “(not being
 reserves.) less than two pounds per annum)”;

Sec. 20. (iv) by inserting at the end of subsection two of
 (Leases.) section twenty the words “Provided that no
 such reduction shall have the effect of reducing
 the rent to less than two pounds per annum”;

Sec. 21A. (v) (a) by inserting at the end of paragraph (a) of
 (Extension subsection five of section 21A the words
 of term “Provided that the annual rent shall not
 to lease in per-
 petuity.) be less than two pounds.”;

(b) by inserting in paragraph (d) of the same
 subsection after the word “determined” the
 words “Provided that the annual rent shall
 not be less than two pounds.”;

Sec. 21B. (vi) by inserting at the end of subsection three of
 (Subdivision section 21B the words “Provided that the rent
 of leases.) shall not in any case be less than two pounds
 per annum.”

(b) The Prickly-pear Act, 1924, as amended
 by subsequent Acts and by this Act, may be cited as
 the Prickly-pear Act, 1924-1957.

(5) Where in respect of any—

(a) homestead selection (before or after grant), or
 lease, or occupation license, or permission to
 enclose a road or watercourse under the Crown
 Lands

Lands Acts as defined in section five of the No. 30, 1957.
 Crown Lands Consolidation Act, 1913, as
 amended by subsequent Acts, (other than a lease
 under Part VI of the Crown Lands Consolida-
 tion Act, 1913); or

- (b) lease or permit to occupy or permission to enclose a road under the Closer Settlement Acts; or
- (c) lease or permission to enclose a road or water-course under the Returned Soldiers Settlement Act, 1916, or under that Act, as amended by subsequent Acts; or
- (d) lease under the Prickly-pear Act, 1924, or under that Act as amended by subsequent Acts,

subsisting at the commencement of this Act, the rent or license fee, as the case may be, is less than two pounds per annum, such rent or license fee shall be increased to two pounds per annum as from the expiration of the day next preceding the day upon which the rent (whether payable yearly or half-yearly) or license fee, as the case may be, becomes payable next after such commencement and all subsequent payments of rent and license fee shall be increased to two pounds if payable annually and to one pound if payable half-yearly.

4. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by omitting section 25A and by inserting in lieu thereof the following section:—

Further amendment of Act No. 7, 1913. Subst. sec. 25A.

25A. Notwithstanding the provisions of any other Act it shall be lawful to reserve from sale or lease generally any land which before or after the commencement of the Crown Lands (Amendment) Act, 1957, was or is—

Disposal of certain lands as Crown lands.

- (a) appropriated or resumed for any public purpose and vested in a Minister of the Crown on behalf of Her Majesty by or under the authority of any Statute or acquired by or on behalf of the Crown by gift or otherwise; or
- (b)

No. 30, 1957.

- (b) appropriated or resumed and vested in the Water Conservation and Irrigation Commission, or otherwise acquired by or vested in the said Commission, by or under the authority of any Statute,

and upon revocation of any such reservation, the land may be dealt with as if it had been acquired under the Closer Settlement Acts or as Crown land within the meaning of this Act.

Further amendment of Act No. 7, 1913.

5. (1) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Sec. 5.
(Interpretation of terms.)

- (a) by inserting in the definition of “Minerals” in section five after the word “substance” the words and parentheses “(whether of the same kind as the foregoing substances or not)”;

Sec. 75.
(Special leases, miscellaneous purposes.)

- (b) by omitting from section seventy-five the words “in areas not exceeding in any case one thousand nine hundred and twenty acres”;

Sec. 75B.
(Special leases in perpetuity for miscellaneous purposes.)

- (c) (i) by omitting from subsection three of section 75B the word “fee” and by inserting in lieu thereof the word “deposit”;
- (ii) by inserting at the end of the same subsection the following new paragraph:—

Where before the commencement of the Crown Lands (Amendment) Act, 1957, an application for a lease under this section was accompanied by the fee prescribed, such fee or any part thereof may be refunded if the application has been refused or withdrawn.

Sec. 213.
(Definitions of “improvements” and “capital value”.)

- (d) by omitting from section two hundred and thirteen the following word and paragraph:—
“and
- (d) not in excess of the cost of making the improvements”;
- (2)

(2) Any proclamation of the Governor published in the Gazette before the commencement of this Act declaring any substance to be a mineral within the meaning of the Crown Lands Consolidation Act, 1913, shall be as valid and effectual as if the amendment made by paragraph (a) of subsection one of this section had been in force at the time such proclamation was so published.

6. The Western Lands Act of 1901, as amended by subsequent Acts, is amended by omitting from section thirty-one the following word and paragraph:—

“and

(d) not in excess of the cost of making the improvements”.

Amendment
of Act No.
70, 1901.
Sec. 31.
(Determina-
tion of
value of
improve-
ments.)

7. (1) (a) The Forestry Act, 1916, as amended by subsequent Acts, is amended—

- (i) by inserting in subsection one of section twenty-five after the word “licenses” where firstly occurring the words and parentheses “(other than leases or licenses within a timber reserve)”;
- (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Moneys payable as rent under any such lease or license, other than a lease or license within a timber reserve, shall be received by the Commission.

(b) The Forestry Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Forestry Act, 1916-1957.

(2) Any action, matter or thing taken or done before the commencement of this Act for or with respect to the administration of matters relating to leases or licenses within a timber reserve which would have been valid had the amendments made by subsection one of this section been in force at the time such action, matter or thing was taken or done, is hereby validated.

S.

Crown Lands (Amendment) Act.

No. 39, 1957. **8.** (1) The Lord Howe Island Act, 1953, is amended by inserting at the end of section twenty-five the following new subsection:—

Amendment
of Act No.
39, 1953.

Sec. 25.
(Redeter-
mination of
rent upon
certain
transfers.)

(4) Where the lease is a lease in perpetuity under section twenty-one of this Act the rent as so determined shall remain in force for a period of ten years. Subsequent determinations shall be made at intervals of ten years and each such determination shall be made as at the date of expiration of the period of the last preceding determination and shall remain in force for a period of ten years from that date: Provided that if at any time the lease is transferred to an Islander the annual rent shall revert to one pound per acre or part of an acre on and from the date on which the annual rent is next payable after the transfer.

(2) The Lord Howe Island Act, 1953, as amended by this Act, may be cited as the Lord Howe Island Act, 1953-1957.

Amendment
of Act No. 9,
1924.
Sec. 8.
(Consent.)

9. The Trustees of Public Reserves Enabling Act, 1924, is amended by inserting at the end of section eight the words "Provided that where the public reserve is not within a local government area in respect of which valuation lists have been furnished to the council thereof by the Valuer-General, nor within an Irrigation Area, the certificate of value of the land including any buildings or improvements erected or to be erected thereon may, if the Minister so directs, be given by the Western Lands Commissioner where the public reserve is in the Western Division or by a District Surveyor where the public reserve is in the Central Division or Eastern Division.

In this section—

"District Surveyor", "Eastern Division", "Central Division" and "Western Division" have the meanings ascribed thereto respectively in the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

"Irrigation

“Irrigation Area” means an irrigation area **No. 30, 1957.**
constituted under the Murrumbidgee Irrigation
Act, 1910, or the Irrigation Act, 1912, or the
Wentworth Irrigation Act, or the Hay Irrigation
Act, 1902, or any of those Acts as amended by
subsequent Acts.

“Local government area” means a local government
area within the meaning of the Local
Government Act, 1919, as amended by
subsequent Acts.

“Western Lands Commissioner” means the Western
Lands Commissioner appointed under the
Western Lands Act of 1901, as amended by
subsequent Acts.”

