CROWN LANDS AND OTHER ACTS (AMENDMENT) ACTS.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 35, 1971.

An Act to provide for the increase or fixing of the minimum annual rents for leases, permits and occupancies under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; to prescribe the minimum annual interest payment in respect of certain conditional purchases; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924,

the

the Finances Adjustment Act, 1932, and the Crown Lands and Other Acts (Amendment) Act, 1970; and for purposes connected therewith. [Assented to, 8th October, 1971.]

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 and Other Acts (Amendment) Act, 1971".

Amendment of Act No. 28, 1970. Act, 1970, is amended by omitting section five.

Sec. 5.

Amendment (2) The Crown Lands Consolidation Act, 1913, is of Act No. 7, 1913.

Sec. 1. (Short title.)

(a) by omitting from the matter relating to Division 9 of Part VIII in paragraph (b) of section one the figures "233" and by inserting in lieu thereof the figures and letter "233A";

Sec. 37. (Power to make regulations.) (b) by inserting next after subsection (1A) of section thirty-seven the following new subsection:—

(1B) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent or license fee pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different

amounts

amounts in respect of different classes of holdings, No. 35, 1971 or may prescribe the bases on which such minimum rent or license fee shall be calculated.

Any increase in rents or license fees pursuant to any such prescription shall take effect from the prescribed date.

- (c) by omitting from section fifty-two the words "four Sec. 52.

 dollars" and by inserting in lieu thereof the words (Term and
 "six dollars or, where some other amount is rent of conditional prescribed, such other amount";
- (d) by omitting from paragraph (2A) of section seventy Sec. 70. the words "four dollars" and by inserting in lieu (Occupation thereof the words "six dollars or, where some other license.) amount is prescribed, such other amount";
- (e) by omitting from paragraph five of section seventy- Sec. 72. two the words "four dollars per annum" and by (Annual inserting in lieu thereof the words "six dollars per leases generally: annum or, where some other amount is prescribed, terms and such other amount per annum:

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

(f) by omitting from subsection one of section seventy- Sec. 74. four the words "four dollars per annum" and by (Special inserting in lieu thereof the words "six dollars per leases for wharfs and annum or, where some other amount is prescribed, jetties.) such other amount per annum";

Sec. 75. (Special leases, miscellaneous purposes.) (g) by omitting from subsection one of section seventyfive the words "four dollars per annum" wherever occurring and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 75A.

(Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

- (h) (i) by omitting from subsection nine of section 75A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
 - (ii) by omitting from subsection ten of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

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

 (i) by omitting from subsection nine of section 75B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 76. (Special leases: tramway and irrigation purposes.)

 (j) by omitting from subsection one of section seventysix the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 78. (Snow lease.)

(k) by omitting from section seventy-eight the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

- (1) by omitting from paragraph (c) of subsection one No. 35, 1971 of section eighty the words "four dollars per Sec. 80. annum" and by inserting in lieu thereof the words (Residential "six dollars per annum or, where some other amount lease on goldfield, is prescribed, such other amount per annum"; or mineral field.)
- (m) by omitting from paragraph (d) of section 82A the Sec. 82A.

 words "four dollars" and by inserting in lieu (Leasing of Crown thereof the words "six dollars or, where some other lands amount is prescribed, such other amount"; within towns.)
- (n) by omitting from paragraph (e) of subsection one Sec. 91.
 of section ninety-one the words "four dollars" and (Conditions by inserting in lieu thereof the words "six dollars or, homestead where some other amount is prescribed, such other grant.)
 amount";
- (o) (i) by omitting from subsection one of section Sec. 97.

 ninety-seven the words "four dollars per (Additional annum" and by inserting in lieu thereof the homestead words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
 - (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- (p) by omitting from subsection one of section one Sec. 101. hundred and one the words "four dollars" and by (Original inserting in lieu thereof the words "six dollars or, settlement where some other amount is prescribed, such other amount";
- (q) (i) by omitting from subsection one of section one Sec. 103.

 hundred and three the words "four dollars per (Additional annum" and by inserting in lieu thereof the settlement words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

(ii)

(ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 107. (Term and rent of conditional purchase lease.) (r) by omitting from section one hundred and seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 109.
(Conditional purchase leases.
Conversion into conditional purchases and conditional leases.)

- (s) (i) by omitting from paragraph (b) of subsection seven of section one hundred and nine the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
 - (ii) by omitting from paragraph (b1) of the same subsection the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 113.
(Additionals in virtue of conditional purchase leases, &c.)

(t) by omitting from subsection (2A) of section one hundred and thirteen the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 122. (Homestead farm: rent.)

(u) by omitting from section one hundred and twentytwo the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 123A. (Right of conversion.) (v) by omitting from subsection five of section 123A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

(w)

- (w) by omitting from section one hundred and twenty- No. 35, 1971 seven the words "four dollars" and by inserting in $_{\text{Sec.}}$ $_{127.}$ lieu thereof the words "six dollars or, where some (Suburban other amount is prescribed, such other amount";
- (x) by omitting from section one hundred and thirty- Sec. 134. four the words "Provided that the annual rent shall (Crownnot be less than four dollars, and that the rent lease: term and payable for the next year after confirmation or rent.) approval shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial character, the improvements so effected—except boundary fencing—being in addition to those which may be otherwise required by the conditions as to improvements or expenditure attaching to the lease.

The foregoing provision of this section relating to remission of rent shall not apply to any Crownlease the application for which is confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1964." and by inserting in lieu thereof the words-

Provided that the annual rent shall not be less than six dollars or, where some other amount is prescribed, such other amount.

- (y) by omitting from section 136c the words "four Sec. 136c. dollars" and by inserting in lieu thereof the words (Rent for "six dollars or, where some other amount is week-end leases.) prescribed, such other amount";
- (z) by inserting next after subsection one of section Sec. 136k. 136k the following new subsections:—

(1A) Where the rent per annum payable in cies.) respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than

(Permissive occupan-

four

four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

(1B) Where a permission to occupy Crown lands is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect of any such permission shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permission the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this subsection.

Part VIII. Heading.

(aa) by omitting from the matter relating to Division 9 in the heading to Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233A";

Sec. 167A. (Appraisement of rents.)

(bb) by omitting from subsection four of section 167A the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum:

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

- (cc) (i) by omitting from subsection six of section one No. 35, 1971 hundred and eighty-three the words "four Sec. 183. dollars." and by inserting in lieu thereof the (Conversion words "six dollars or, where some other of homeamount is prescribed, such other amount.";

 - (ii) by omitting from the same subsection the grant or homestead words "four dollars per annum" and by insert-farm.) ing in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

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- (iii) by omitting from subsection (6A) of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (dd) (i) by omitting from paragraph two of section Sec. 185. one hundred and eighty-five the words (Conversion "that such rent shall not be less than four of settle-ment lease dollars per annum: Provided further";

or Crownlease

upon con-

version.)

(ii) by inserting at the end of the same paragraph conditions the following proviso:-

Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (iii) by omitting from paragraph (2A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount":
- (ee) by omitting from subsection five of section one Sec. 190. hundred and ninety the words "four dollars" and (Conversion by inserting in lieu thereof the words "six dollars of special lease.) or, where some other amount is prescribed, such other amount";

No. 35, 1971
Sec. 193.
(Provisions applicable to homestead selections or grants out of certain leases.)

(ff) by omitting from paragraph (b) of section one hundred and ninety-three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 193A. (Conversion of pricklypear leases.) (gg) by omitting from subsection eight of section 193A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 194. (Conversion of certain holdings into homestead farms.)

- (hh) (i) by omitting from paragraph (6A) of subsection one of section one hundred and ninety-four the words ": Provided that such annual rent shall not be less than four dollars";
 - (ii) by inserting next after paragraph eight of the same subsection the following new paragraph:—
 - (8A) The rent payable pursuant to paragraph (6A), (6B) or (8) of this subsection shall, notwithstanding anything therein contained, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 202. (Enclosure of roads and watercourses.) (ii) by omitting from section two hundred and two the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Part VIII. Division 9. Heading. (jj) by omitting from the heading to Division 9 of Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233A";

(kk)

(kk) by inserting next after section two hundred and No. 35, 1971 thirty-three the following new section and short New sec. heading:—

233A.

Minimum rents and license fees.

233A. Any increase in rent or license fee effected Minimum rents and by the amendments made by the Crown Lands and license fees. Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) or license fee, as the case may be, becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

- (11) (i) by omitting from section two hundred and Sec. 258.

 fifty-eight the words "the right of conversion or (Provisions governing subdivided portions.)
 - (ii) by omitting from the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (mm) (i) by omitting from the proviso to subsection one Sec. 282.

 of section two hundred and eighty-two the (Conditional word "section" and by inserting in lieu thereof purchases before 10th August, 1875:
 - (ii) by inserting next after subsection two of the condition of same section the following new subsection:—

12.3

(3) Notwithstanding any other provision in this Act where the interest payable annually in respect of any conditional purchase not under the instalment system would but for the provisions of this subsection be less than six dollars such interest shall, on and from the day

when

when interest is next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, be six dollars or, where some other amount is prescribed, such other amount.

Amendment of Act No. 37, 1904.

(3) The Closer Settlement Act, 1904, is amended—

Sec. 39. (Permits to occupy.)

(a) by omitting from section thirty-nine the word "fit:" and by inserting in lieu thereof the words "fit. Where the rent per annum in respect of a permit to occupy in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

Where any such permit to occupy is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect thereof shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permit the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this section.";

Sec. 46. (Enclosure of roads.)

(b) by omitting from section forty-six the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount".

(4) The Closer Settlement Amendment (Conversion) No. 35, 1971 Act, 1943, is amended— Amendment of Act No. 38, 1943.

(a) by omitting from the matter relating to Part V in Sec. 1. subsection four of section one the figures "15" and (Short by inserting in lieu thereof the figures and letter mencement "15B";

and division into Parts.)

(b) by inserting at the end of subsection three of section Sec. 2A. 2A the following proviso:

Provided that the rent shall be-

(a) the amount as above prescribed, or

(Conversion of settlement purchases taken up on or after 15th

(b) six dollars per annum or, where some other December, amount is prescribed, such other amount per annum.

whichever is the greater.

(c) by inserting in subsection one of section three after Sec. 3. the words "so determined" where secondly (Annual occurring the following proviso:

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

(d) by inserting at the end of section 3A the following Sec. 3A. proviso:

(Certain debts to calculating

Provided further that the rent shall be not less Crown may be than six dollars per annum or, where some other taken into amount is prescribed, such other amount per account for annum.

(e) by inserting at the end of subsection five of section Sec. 5. five the following proviso:-

(Reduction of rent.)

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

(f)

Sec. 9. (Closer settlement leases.)

(f) by omitting from paragraph (a) of subsection two of section nine the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 15.
(Forfeiture of leases subject to securities held by Rural Bank.)

(g) by inserting at the end of paragraph (b) of section fifteen the following proviso:—

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

New secs. 15A and 15B. (h) by inserting next after section fifteen the following new sections:—

Operation of increased rentals.

15A. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Regulations re rents.

15B. The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of the Closer Settlement Acts may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

(5) The Returned Soldiers Settlement Act, 1916, is No. 35, 1971 amended-Amendment

of Act No. 21, 1916.

(a) by inserting next after subsection ten of section Sec. 4. four the following new subsection:-

(Special

- (11) The rent of any holding by way of lease for settle-(before or after grant) under this section, other discharged than a lease within an irrigation area, shall, not-soldiers.) withstanding anything in this or any other Act, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (b) by inserting next after subsection one of section six Sec. 6. the following new subsection:-(Regulations.)
 - (1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

(c) by inserting next after section twenty-three the New secs. following new sections and short headings: — 24 and 25.

Minimum rent for road or watercourse enclosures.

24. Where in respect of any permission to Minimum enclose a road or watercourse under this Act rent for subsisting at the commencement of the Crown Lands road or watercourse and Other Acts (Amendment) Act, 1971, the rent enclosures.

is less than six dollars per annum such rent shall be increased to six dollars per annum and where some other amount per annum is prescribed shall be such other amount per annum.

Minimum rents.

Minimum rents.

25. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Amendment of Act No. 31, 1924.

(6) The Prickly-pear Act, 1924, is amended—

Sec. 15. (Existing holdings.)

(a) by omitting from subsection (3A) of section fifteen the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum:

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

Sec. 17. (Leasing infested land.) (b) (i) by omitting from section seventeen the words "(not being less than four dollars per annum)";

(ii) by inserting in the same section after the word No. 35, 1971 "determine" where firstly occurring the following proviso:—

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (c) (i) by omitting from section eighteen the words Sec. 18.

 "(not being less than four dollars per (Leasing of commons annum)";
 - (ii) by omitting from the same section the words "Any rent received in respect of any such lease shall be paid into the Consolidated Revenue Fund" and by inserting in lieu thereof the words ": Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (d) by omitting from subsection two of section twenty Sec. 20. the words "four dollars per annum." and by (Leases.) inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum:

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

(e) by omitting from subsection five of section 21A the Sec. 21A. words "four dollars" wherever occurring and and by (Extension inserting in lieu thereof the words "six dollars or, of term to where some other amount is prescribed, such other perpetuity.) amount";

(f)

Sec. 21B. (Subdivision of leases.) (f) by omitting from subsection three of section 21s the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

New sec. 21D.

(g) by inserting next after section 21c the following new section:—

Minimum rents.

21D. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Sec. 34. (Regulations.)

- (h) by inserting next after subsection one of section thirty-four the following new subsection:—
 - (1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rent pursuant to any such prescription shall take effect from the prescribed date.

(7) The Finances Adjustment Act, 1932, is amended No. 35, 1971 by omitting from subsection (3A) of section three the words Amendment "section five of the Crown Lands and Other Acts (Amend-of Act No. ment) Act, 1970" and by inserting in lieu thereof the words 27, 1932. "the Crown Lands and Other Acts (Amendment) Act, 1971". Sec. 3. (Interest.)