

**WESTERN LANDS (AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 55, 1972.**

An<sup>o</sup> Act to make further provision with respect to applications for certain leases; to permit leases held for business purposes to be converted into conditional purchases; to remove the condition of residence from special leases and conditional purchases; to make further provision with respect to the determination of the rental of certain leases; for these and other purposes to amend the Western Lands Act, 1901; and for purposes connected therewith. [Assented to, 17th October, 1972.]

BE

*Western Lands (Amendment).*

**No. 55, 1972** **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 "Western Lands (Amendment) Act, 1972".

Amendment of Act No. 70, 1901. **2.** The Western Lands Act, 1901, is amended—

Long title. (a) by omitting from the long title the words "a board, to be called the Western Land Board" and by inserting instead the words "a Western Lands Commissioner";

Sec. 18G. (Transfers.) (b) by omitting from section 18G (1A) (a) the words "of this Act" where thirdly occurring;

Sec. 18JJ. (Competency of minors to acquire or hold.) (c) by omitting from section 18JJ (2) the words "of eighteen years" and by inserting instead the words "of the age of eighteen years";

Sec. 18K. (Competency of minor to contract otherwise than with Crown.) (d) by omitting from section 18K the words "of the eighteen years" wherever occurring and by inserting instead the words "of the age of eighteen years";

Sec. 21. (Increased rentals in certain cases.) (e) by omitting from section 21 the words "(the provision of section nineteen to the contrary notwithstanding)";

Sec. 22. (Special values.) (f) by omitting section 22;

(g)

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- (g) by inserting next after section 26 (2) the following new subsection :—

Sec. 26.

(2A) Notwithstanding paragraph (a) of subsection (5) of section 9, an applicant before a local land board shall not be represented by a barrister or a solicitor, or by a person qualified to apply for admission as a barrister or as a solicitor, or by a land agent registered under the Land Agents Act, 1927.

(Applica-  
tions for  
leases of  
land set  
apart ex-  
clusively.)

- (h) by omitting from section 28A the words “—the provisions of section nineteen of this Act to the contrary notwithstanding—”;

Sec. 28A.  
(Special  
leases may  
be granted.)

- (i) (i) by omitting section 28BB (1) and by inserting instead the following subsection :—

Sec. 28BB.

(Applica-  
tion for  
conversion  
of leases  
after com-  
mencement  
of Western  
Lands  
(Amend-  
ment) Act,  
1949.)

(1) The holder of a lease—

(a) for the purpose of agriculture or mixed farming, or a similar purpose; or

(b) for residence, business purposes, motel purposes or similar purposes,

which is not liable to forfeiture may apply to convert the lease (as to the whole or any part of the land comprised in the lease) into a conditional purchase.

- (ii) by omitting from section 28BB (2) (b) the words “such lease” and by inserting instead the words “a lease referred to in paragraph (a) of subsection (1)”;

- (iii) by omitting section 28BB (6) and by inserting instead the following subsection :—

(6) The conditional purchase shall be subject to any special conditions which the Minister on the recommendation of the local land board may impose.

(iv)

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- (iv) by inserting in section 28BB (8) after the word "fifty-six," the words "173A to 173H (inclusive),";
- (v) by omitting from section 28BB (8) the figures "175A, 176A," where firstly occurring;
- (vi) by omitting from section 28BB (8) the words "; together with subsection two of section two hundred and fifty-nine";
- (vii) by omitting from section 28BB (8) the words "In the application of sections fifty-four, 175A, 176A and 194B of the Crown Lands Consolidation Act, 1913, to conditional purchases as aforesaid the amendments effected to those sections by section nine of the Crown Lands and Other Acts (Amendment) Act, 1970, shall be deemed not to have been made.";

Sec. 31.  
(Deter-  
mination  
of value of  
improve-  
ments.)

- (j) by omitting from section 31 (2) the word "Colonial";

Sec. 40.  
(Deter-  
mination  
of rentals.)

- (k) by omitting section 40 and by inserting instead the following section :—

Deter-  
mination of  
rentals of  
portions  
after sub-  
division.

40. (1) Where a lease is surrendered under section 37 and a lease of land to which the surrendered lease related is granted under section 39 after the commencement of the Western Lands (Amendment) Act, 1972, the rental in respect of the lease so granted—

- (a) shall, in the case of a lease referred to in section 43, be determined by the local land board in respect of the first ten years of the term of the lease;

(b)

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- (b) shall, in any other case, be determined by the Commissioner in respect of the residue of the period for which it had last been determined in respect of the surrendered lease; and
- (c) shall, in all cases, be redetermined by the local land board—
- (i) in respect of each period of ten years that succeeds the period for which it was determined under paragraph (a) or (b), as the case may be; or
  - (ii) in respect of the residue of the term if, at the expiration of a period referred to in paragraph (a) or (b), or in subparagraph (i), the unexpired term of the lease is less than fifteen years.

(2) The total amount of the rentals determined under paragraph (b) of subsection (1) in respect of land to which a lease surrendered under section 37 related shall not, unless a lease of part of that land is a lease referred to in section 43, exceed the rental that would have been payable in respect of the surrendered lease had it not been surrendered.

(3) The provisions of—

- (a) subsection (3) of section 19B; and
- (b) section 19D,

apply to and in respect of a lease granted under section 39 that is not a lease referred to in section 43.

(1)

*Western Lands (Amendment).***No. 55, 1972**Sec. 43.  
(Special  
leases.)

(l) by omitting from section 43 the words "of this Act: The rentals of such leases shall be determined by the local land board, and shall not be subject to the provisions of section nineteen of this Act" and by inserting instead the words "of this Act";

Sec. 44.  
(Power to  
withdraw.)

- (m) (i) by inserting in section 44 (1) after the words "such freehold portions" the words "and, in each case, the value of any existing improvements";
- (ii) by omitting from section 44 (4) (a) the word "Colonial";
- (iii) by omitting from section 44 (4) (b) the word "Colonial".

Removal of  
residence  
condition  
attaching  
to certain  
holdings.

3. Where, immediately before the commencement of this Act, a lease granted under section 28A or a conditional purchase referred to in section 28BB was subject to a condition of residence it ceases, on and from that commencement, to be subject to the condition and is not liable to cancellation or forfeiture for a breach, or for non-performance, of the condition before that commencement.