

GLEN DAVIS (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 61, 1974.

An Act to provide for owners of lands in the town of Glen Davis to be divested of their estates and interests in those lands without payment of compensation; to enable those lands to be declared Crown lands; for these and other purposes to amend the Glen Davis Act, 1939; and for purposes connected therewith. [Assented to, 16th October, 1974.]

BE

Glen Davis (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 61, 1974** 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:—

1. This Act may be cited as the "Glen Davis Short title. (Amendment) Act, 1974".

2. The Glen Davis Act, 1939, is amended—

Amendment
of Act No.
38, 1939.

(a) by inserting in section 1 (4) after the matter relating to Part V the following matter:—

Sec. 1.
(Short title
and com-
mencement.)

PART VA.—DISPOSAL OF LAND.

(b) by inserting after Part V the following Part:—

Part VA.

PART VA.

DISPOSAL OF LAND.

26A. In this Part—

Interpreta-
tion:
Part VA.

"Crown lands" has the meaning ascribed thereto in the Crown Lands Consolidation Act, 1913;

"owner", in relation to town lands, includes every person who jointly or severally, whether at law or in equity—

- (a) is entitled to town lands for any estate of freehold in possession; or
- (b) is entitled to receive, or is in receipt of, or if the town lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"town

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“town lands” means lands granted under Part V or any part of those lands.

Notice by
Minister of
divesting.

26B. The Minister may give written notice to an owner of town lands that the owner may divest himself of his estate and interest in those lands in accordance with the provisions of this Part.

Notice by
owner of
divesting.

26C. An owner of town lands may give written notice to the Minister that he wishes to divest himself of his estate and interest in those lands in accordance with the provisions of this Part.

Search and
notification.

26D. Upon the receipt of a notice under section 26C, the Minister shall, in respect of the lands to which that notice relates—

- (a) cause a search to be made against those lands; and
- (b) give written notification to any person who appears to have an estate or interest in those lands, other than the person from whom the notice under section 26C has been received, which shall—
 - (i) state that a notice has been received under section 26C;
 - (ii) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26F;
 - (iii) inform the person to whom the notification is addressed that no compensation shall be payable to him on the making of a declaration under section 26F; and

(iv)

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- (iv) inform the person to whom the notification is addressed of his right to object to the Minister under section 26E against the making of a declaration under section 26F in respect of those lands. No. 61, 1974

26E. (1) At any time during the period referred to in section 26D (b) (ii), a person who has or claims to have an estate or interest in the lands to which a notification referred to in section 26D (b) relates, may object in writing to the Minister against the making of a declaration under section 26F in respect of those lands. Objections.

(2) The Minister shall consider and determine all objections made under subsection (1) and shall notify each objector of his determination concerning the objection.

(3) The Minister shall not make a declaration under section 26F until such time as the period referred to in section 26D (b) (ii) has expired or until he has notified his determination of any objection made under subsection (1) to the objector, whichever shall last occur.

26F. Subject to sections 26C, 26D and 26E, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, town lands to be Crown lands. Minister may declare lands to be Crown lands.

26G. Subject to sections 26H, 26I and 26J, where, before or after the commencement of the Glen Davis (Amendment) Act, 1974, a rate levied under the Local Government Act in respect of town lands is overdue for more than five years, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, those town lands to be Crown lands. Minister may declare lands to be Crown lands where rates are overdue.

26H.

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Shire clerk's
certificate.

26H. The Minister shall not make a declaration under section 26G unless the shire clerk of the Blaxland Shire Council first certifies in writing what rates are due or payable to that Council in respect of the town lands, with particulars of the rates, when the rates were made and how levied and when they became due or payable.

Search and
notification.

26I. Upon the receipt of a certificate from the shire clerk under section 26H, the Minister shall, in respect of the lands to which that certificate relates—

- (a) cause a search to be made against those lands; and
- (b) give written notification to any person who appears to have an estate or interest in those lands which shall—
 - (i) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26G; and
 - (ii) inform the person to whom the notification is addressed of the provisions of section 26J.

Payment of
rates.

26J. Where, in respect of town lands, before the expiration of the period referred to in section 26I (b) (i)—

- (a) an overdue rate, and all other rates due and in arrears, are paid to the Blaxland Shire Council; or

(b)

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- (b) an arrangement satisfactory to the Blaxland Shire Council for repayment of the rates referred to in paragraph (a) is entered into by the owner, No. 61, 1974

the Minister shall not make a declaration under section 26G.

26K. The Minister may make a declaration in respect of town lands under section 26G notwithstanding that a notice has not been received from the owner of those town lands under section 26C. Making of declaration by Minister.

26L. On the publication in the Gazette of a notice under section 26F or section 26G, in relation to the town lands described in that notice— Divesting of estate, interest, etc., in land on publication of notice.

- (a) any estate or interest therein which, immediately before the date of publication of the notice, was vested in or held by any person or body of persons shall be divested;
- (b) any person or body referred to in paragraph (a) shall be discharged from any duties, liabilities or obligations existing immediately before the date of publication of the notice in respect thereof;
- (c) any trusts, conditions, encumbrances, dedications or reservations affecting the town lands immediately before the date of publication of the notice shall be revoked and annulled; and
- (d) notwithstanding the provisions of the Local Government Act, the Blaxland Shire Council shall write off all rates and charges due to it in respect thereof.

26M. No compensation shall be payable to any person or body of persons in respect of the divesting of any estate or interest under this Part. No compensation payable.

26N.

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No. 61, 1974**Registrar-General shall make entries, etc., in Register.**

26N. The Registrar-General shall make all such entries, recordings, notifications and cancellations in the Register kept by him under the Real Property Act, 1900, as to him seem necessary or convenient in consequence of the enactment of this Part.

Service of notices.

26o. A notice or notification authorised or required to be given under this Part may be given as if it were a notice required to be served upon an owner of land by or under the Local Government Act.

**Sec. 33.
(Regulations.)**

(c) by omitting section 33 (3) and (4) and by inserting instead the following subsection :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.