

**CROWN LANDS AND OTHER ACTS (RENTS
AND INTEREST RATES) AMENDMENT ACT.**

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 96, 1975.

An Act to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Crown Lands (Amendment) Act, 1932, the Western Lands Act, 1901, and the Finances Adjustment Act, 1932, so as to provide for increases in interest rates in respect of certain debts due to the Crown and to provide for the deferment of payment of certain parts of the annual rents of certain holdings under the Crown Lands Consolidation Act, 1913. [Assented to, 17th December, 1975.]

BE

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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 and Other Acts (Rents and Interest Rates) Amendment Act, 1975".

Commencement.

2. (1) This section and sections 1 and 4 shall commence on the date of assent to this Act.

(2) Sections 3 and 5 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 7, 1913.

3. (1) The Crown Lands Consolidation Act, 1913, is amended—

Sec. 180.
(Deferring of payments.)

(a) (i) by omitting from section 180 the words "bear interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of four per centum

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per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

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- (b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and such interest” and by inserting instead the words “bear interest at the applicable rate and such interest”;

- (ii) by inserting at the end of section 180 the following subsections :—

(2) In subsection (1), “the applicable rate”, in relation to any payment deferred under that subsection, means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

- (a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

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(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

(b)

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(b) (i) by omitting from section 278 the words “from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum,” and by inserting instead the words “bear interest at the applicable rate”;

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Sec. 278.
(Interest on arrears.)

(ii) by inserting at the end of section 278 the following subsections :—

(2) In subsection (1), “the applicable rate”, in relation to any sum payable to the Crown, means, in respect of so much of the period during which the payment was outstanding as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

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(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

Amendment
of Act No.
69, 1932.

(2) The Crown Lands (Amendment) Act, 1932, is amended—

Sec. 5.
(Funding of
arrears.)

(a) by omitting from section 5 the words “rate of seven per centum per annum” and by inserting instead the words “applicable rate”;

(b) by omitting from section 5 the word “section” wherever occurring and by inserting instead the word “subsection”;

(c)

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(c) by inserting at the end of section 5 the following No. 96, 1975 subsections :—

(2) In subsection (1), “the applicable rate”, in relation to any payment of an amount funded under that subsection, means, in respect of so much of the period which is after the payment of any amount funded became due and before the date of payment as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d)

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(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

Amendment
of Act No.
37, 1904.

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

Sec. 29.
(Settlement
purchase,
title, and
general
conditions.)

(a) by omitting from section 29 (4) the words “bear interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of five per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and such interest” and by inserting instead the words “bear interest at the applicable rate and such interest”;

(b)

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(b) by inserting at the end of section 29 the following No. 96, 1975 subsections :—

(5) In subsection (4), “the applicable rate”, in relation to any payment deferred under that subsection, means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(6)

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(6) The Governor may make regulations prescribing rates of interest for the purpose of subsection (5) (d).

Amendment
of Act No.
21, 1937.

(4) The Closer Settlement (Amendment) Act, 1937,
is amended—

Sec. 3.
(Instalments
and interest.)

(a) by omitting from section 3 (1) (b) the words “from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum” and by inserting instead the words “bear interest at the applicable rate”;

(b) by inserting at the end of section 3 the following subsections :—

(3) In subsection (1) (b), “the applicable rate”, in relation to any sum payable to the Crown, means, in respect of so much of the period during which the payment was outstanding as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c)

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(c) on or after the commencement of section ^{No. 96, 1975}
3 of the Crown Lands and Other Acts
(Rents and Interest Rates) Amendment
Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in
paragraph (d) is made, before the
date that regulation takes effect,

whichever date referred to in subparagraph
(i) or (ii) first occurs—the rate of ten
per centum per annum; or

(d) during any period during which a regulation
prescribing a rate of interest for the purpose
of this paragraph is in force—that rate.

(4) The Governor may make regulations
prescribing rates of interest for the purpose of
subsection (3) (d).

(5) The Returned Soldiers Settlement Act, 1916, is ^{Amendment}
amended— <sub>of Act No.
21, 1916.</sub>

(a) by omitting from section 8 the words “a rate not ^{Sec. 8.}
exceeding seven per centum per annum” and by ^{(Remission}
inserting instead the words “the applicable rate”; _{of rent.)}

(b)

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(b) by inserting at the end of section 8 the following subsections :—

(2) In subsection (1), “the applicable rate”, in relation to any sum unpaid during the prescribed period, means, in respect of so much of the prescribed period as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

(6)

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(6) The Western Lands Act, 1901, is amended—

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Amendment
of Act No.
70, 1901.

- (a) (i) by omitting from section 36B the words “as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor” and by inserting instead the words “, for the purpose of calculating the amount of any penalty accruing due after that commencement, be read and construed as if that rate per centum were omitted from that provision and the applicable rate were substituted therefor”;
- (ii) by inserting at the end of section 36B the following subsections :—

Sec. 36B.
(Interest
on arrears
—leases.)

(2) In subsection (1), “the applicable rate”, in relation to any unpaid amount, means, in respect of so much of the period during which the amount was unpaid as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum;

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(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum; or

(d) during any period during which a regulation prescribing a rate per centum for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates per centum for the purpose of subsection (2) (d).

**Sec. 36C.
(Interest.)**

(b) (i) by omitting from section 36C the words “from and after the due date for payment thereof bear interest at the rate of seven per centum per annum” and by inserting instead the words “bear interest at the applicable rate”;

(ii) by omitting from section 36C the words “such date” and by inserting instead the words “the due date for payment”;

(iii) by omitting from section 36C the word “section” where secondly occurring and by inserting instead the word “subsection”;

(iv)

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(iv) by inserting at the end of section 36c the No. 96, 1975
following subsections :—

(2) In subsection (1), “the applicable rate”, in relation to any sum payable under a lease, means, in respect of so much of the period during which the sum was so payable as occurred—

(a) on or after the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum ;

(b) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (c) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum ; or

(c) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3)

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(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (c).

Further amendment of Act No. 7, 1913.
Secs. 180A, 180B.

4. (1) The Crown Lands Consolidation Act, 1913, is further amended by inserting after section 180 the following sections and short headings thereto :—

Application of section 180.

Application of section 180.

180A. Section 180 does not apply in respect of any payment which the Minister is empowered to defer under section 180B other than a payment which he has deferred under section 180 as in force before the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975.

Deferment of payment of increases in annual rents of certain holdings.

Deferment of payment of increases in annual rents of certain holdings.

180B. (1) In this section, "holding" means a home-stead selection (before or after grant) or a lease (whether a perpetual lease grant has or has not issued), but does not include a holding within an irrigation area.

(2) Where the annual rent of a holding has been increased by a redetermination made by a local land board before or after the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, the Minister, upon application made before or after that commencement, may at any time defer, conditionally or unconditionally and for any period he considers appropriate, the payment of the whole or any part of the amount of any increase due to that redetermination.

(3)

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(3) Any amount the payment of which has **been deferred under subsection (2) shall bear interest at the applicable rate.** **No. 96, 1975**

(4) In subsection (3), "the applicable rate", in relation to any payment deferred under subsection (2), means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

- (a) before the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;
- (b) on or after that commencement and—
 - (i) before the date of payment; or
 - (ii) where a regulation referred to in paragraph (c) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

- (c) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(5) The Governor may make regulations prescribing rates of interest for the purpose of subsection (4) (c).

(6) Any such interest shall be payable on such dates as the Minister may determine.

(7) The Minister may allow the deferred amounts to be paid by annual instalments, with interest at the applicable rate referred to in subsection (4).

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(8) Where the Minister is satisfied that the circumstances warrant it, he may direct that the whole or part of the interest referred to in subsection (3) or (7) shall not be charged but no refund shall be made as a consequence of any such direction.

(9) Nothing in this section shall prevent the payment of any amount before it becomes due under the provisions of this section.

(10) Any deferment granted or remission or direction made in pursuance of this section may at any time be modified or revoked by the Minister.

**Amendment
of Act No.
27, 1932.
Sec. 3.
(Interest.)**

(2) The Finances Adjustment Act, 1932, is amended by inserting in section 3 after the words "one hundred and eighty" the matter ", 180B".

Saving.

5. Nothing in section 3 affects the operation of section 3 of the Finances Adjustment Act, 1932, in relation to any debt to the Crown—

- (a) payable under a provision of an Act, being a provision amended by this Act; and
- (b) incurred before the commencement of the provision of this Act which amends the provision referred to in paragraph (a).