

**CROWN LANDS (LAND TITLES) AMENDMENT
ACT, 1980, No. 194**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 194, 1980.

An Act to amend the Crown Lands Consolidation Act, 1913,
consequent on and in connection with the enactment of the
Real Property (Crown Land Titles) Amendment Act, 1980.
[Assented to, 22nd December, 1980.]

Crown Lands (Land Titles) Amendment.

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 (Land Titles) Amendment Act, 1980".

Commencement.

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

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Real Property (Crown Land Titles) Amendment Act, 1980.

Principal Act.

3. The Crown Lands Consolidation Act, 1913, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO PARTS I AND II OF THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

SCHEDULE 3.—AMENDMENTS TO PARTS IIIA, IIIB AND IIIC OF THE PRINCIPAL ACT.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

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SCHEDULE 6.—AMENDMENTS TO PART VB OF THE PRINCIPAL ACT.

SCHEDULE 7.—AMENDMENTS TO PART VI OF THE PRINCIPAL ACT.

SCHEDULE 8.—AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

SCHEDULE 9.—AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.

SCHEDULE 10.—AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

5. The Principal Act is amended in the manner set forth in Schedules 1–10. Amendment
of Act No.
7, 1913.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO PARTS I AND II OF THE PRINCIPAL ACT.

(1) (a) Section 5 (1), definition of “Crown Lands”—

Omit “granted or lawfully contracted to be granted in fee-simple”, insert instead “lawfully contracted to be sold”.

(b) Section 5 (1), definition of “The Register”—

After the definition of “Suburban holding”, insert :—

“The Register” means the Register kept under the Real Property Act, 1900.

Crown Lands (Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE
PRINCIPAL ACT—*continued.*

(2) Section 6—

Omit the section, insert instead :—

Crown lands
not to be
sold, etc.,
except under
this Act.

6. (1) This section shall be construed subject to the provisions of sections 2 and 4.

(2) Crown lands shall not be sold, leased, dedicated or reserved or otherwise dealt with unless the sale, lease, dedication or reservation or other dealing is authorised by this Act.

(3) The Minister or the Commission, on behalf of the Crown, may sell, lease, dedicate, reserve or make any other disposition of Crown land in any case where the sale, lease, dedication, reservation or other disposition by the Minister or the Commission, as the case may be, is authorised by this Act, but only for some estate, interest or purpose authorised by this Act and subject in every case to its provisions.

(4) Crown land shall not cease to be Crown land by reason only of the creation in respect of it of a folio of the Register in the name of "The State of New South Wales".

(5) A person—

- (a) who has purchased, or contracted to purchase, land from the Crown; or
- (b) who has acquired land from the Crown by way of exchange (other than a person who has acquired land under a lease from the Crown by way of exchange),

under the Crown Lands Acts has, subject to this Act, an estate in fee simple in the land.

Crown Lands (Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE
PRINCIPAL ACT—*continued.*

(3) Section 15—

Omit “certificates of conformity—”.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

(1) (a) Section 23A (7) (a)—

Omit “the Governor may issue a Crown grant or the Minister may grant a lease, permit, license or easement of or in respect of land acquired under subsection (1)”, insert instead “the Minister may transfer land acquired under subsection (1), or grant a lease, permit, license or easement of or in respect of the land.”.

(b) Section 23A (7) (b)—

Omit “Crown grant may be issued”, insert instead “land may be transferred”.

(2) (a) Section 24 (1)—

Omit “, and may at any time thereafter be granted for such purposes in fee-simple”.

(b) Section 24 (2)—

Omit “and may at any time thereafter be granted for the same purposes in fee-simple”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(c) Section 24 (5)—

Omit the subsection.

(d) Section 24 (6), definition of “closer settlement lands”—

From paragraph (b), omit “granted or lawfully contracted to be granted in fee-simple”, insert instead “sold or lawfully contracted to be sold”.

(3) (a) Section 25—

Omit “grants may be issued and instruments executed, as the circumstances of each case”, insert instead “instruments may be executed as the circumstances”.

(b) Section 25—

Omit “which after dedication has been or shall be granted by the Crown, and to any land which, after grant by the Crown, has been or shall be resumed purchased or otherwise acquired by the Crown, and dedicated or granted”, insert instead “in respect of which, after dedication, a Crown grant has issued or there has been or is created a folio of the Register, and to any land which, after alienation by the Crown, has been or is resumed, purchased or otherwise acquired by the Crown, and dedicated”.

(c) Section 25—

Omit “reserved dedicated or granted”, insert instead “reserved or dedicated”.

(d) Section 25—

Omit “or grant and dedication,”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO PARTS IIIA, IIIB AND IIIC OF THE
PRINCIPAL ACT.

- (1) (a) Section 37B (9)—
Omit “Crown grant”.
- (b) Section 37B (9)—
Omit “reservation, grant or vesting”, insert instead
“reservation or vesting”.
- (2) Section 37KK (1) (b)—
Omit “, granted”.
- (3) (a) Section 37QQ (3)—
Omit “Lands within a reserve may be granted in fee
simple”, insert instead “The Minister may transfer to
a person an estate in fee simple in lands within a
reserve”.
- (b) Section 37QQ (4)—
Omit “granted”, insert instead “transferred”.
- (c) Section 37QQ (4) (a)—
Omit “grant”, insert instead “transfer”.
- (4) Section 37xx (1) (a)—
Omit “, granted”.
- (5) Section 37yy (1) (a)—
Omit “, granted” wherever occurring.

Crown Lands (Land Titles) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IIIA, IIIB AND IIIC
OF THE PRINCIPAL ACT—*continued.*

(6) (a) Section 37BBB (1) (c)—

After “in any Crown grant”, insert “or contained or referred to in a folio of the Register created in respect of the lands”.

(b) Section 37BBB (1) (c)—

Omit “the grant”, insert instead “it”.

(c) Section 37BBB (4)—

After “issued”, insert “, or a folio of the Register created,”.

Sec. 5.

SCHEDULE 4.

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

(1) Section 52—

After “approved form.”, insert :—

If a certificate of title has issued in respect of the lease it shall be forwarded with the application.

(2) Section 53—

Omit the section.

(3) Sections 56, 56A—

Omit the sections.

Crown Lands (Land Titles) Amendment.

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(4) (a) Section 57 (1) (a1)—

Omit the paragraph, insert instead :—

(a1) If the perpetual lease grant or a certificate of title has issued in respect of the conditional lease it shall be forwarded with the application.

(b) Section 57 (1) (b)—

Omit “, and the chairman shall within the prescribed time thereafter issue a certificate of such confirmation”.

(c) Section 57 (3A)—

Omit the subsection.

(5) Section 62—

Omit “and the Governor may grant” wherever occurring.

(6) Section 64A (1)—

Omit “or agreement, or contract, whether before or after grant and”, insert instead “agreement or contract”.

(7) Section 64F (3)—

Omit the subsection.

(8) (a) Section 65—

Omit “and of the deed fee may be granted”, insert instead “may be sold”.

Crown Lands (Land Titles) Amendment.

 SCHEDULE 4—*continued.*

 AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(b) Section 65—

Omit “granting”, insert instead “sale”.

(c) Section 65—

Omit “shall empower the Governor to grant”, insert instead “authorizes the sale of”.

(9) Section 66 (3)—

Omit “and the deed fee”.

(10) (a) Section 67—

Omit “together with the deed fee”.

(b) Section 67—

Omit “, deed fee”.

(11) (a) Section 68 (3)—

Omit “, and upon due completion thereof (the amount hereinbefore provided and the deed fee having been duly paid) a Crown grant of the land so reclaimed shall be issued. Provided that if part of the reclamation is, within the period allowed for the completion of the reclamation, carried out to the satisfaction of the Minister within the Metropolitan land district and elsewhere of the local land board, the Minister may approve of the issue of a Crown grant of the part of the land so reclaimed and subject to payment of any further sum required for deed fee or costs such Crown grant shall be issued. The grant shall embody the terms and conditions subject to which the authority was given, or such of them as require to be so embodied”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(b) Section 68 (3A)–(3D)—

After section 68 (3), insert :—

(3A) For the purposes of section 6 (5), a purchase of the whole of the land within a reclamation authorized under this section shall, subject to the amount referred to in subsection (2) having been paid in respect of the reclamation, be deemed to be completed upon completion of the reclamation to the satisfaction of the Minister or of the local land board as referred to in subsection (3).

(3B) If part of a reclamation authorized under this section is, within the period allowed for the completion of the reclamation, carried out to the satisfaction of the Minister within the Metropolitan land district and elsewhere of the local land board, the Minister may, subject to—

- (a) the amount referred to in subsection (2) having been paid in respect of the reclamation; and
- (b) payment of any further sum required for costs,

approve of the completion of the purchase of the land within that part of the reclamation.

(3C) For the purposes of section 6 (5), a purchase of the land within part of a reclamation authorized under this section shall be deemed to be completed upon the Minister's approving of the completion of the purchase of the land as referred to in subsection (3B).

Crown Lands (Land Titles) Amendment.

SCHEDULE 4—*continued.*AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(3D) Land disposed of under this section shall be held subject to the terms and conditions to which the authority to reclaim was given or to such of them as the Minister determines.

(c) Section 68 (4)—

Omit “Minister approves of the issue of a Crown grant of part of the land pursuant to the proviso to subsection (3) the right to purchase that part of the land within the authority to reclaim and not the subject of such Crown grant”, insert instead “Minister, in accordance with subsection (3B), approves of the completion of the purchase of land within part of a reclamation authorized under this section, the right to purchase the residue of the land within the authority to reclaim”.

(12) (a) Section 69A, short heading—

Omit “*or lease*”, insert instead “, *lease, etc., of land*”.

(b) Section 69A (1)—

Omit “(other than grants of lands so sold)”.

(c) Section 69A (2)—

Omit the subsection, insert instead :—

(2) Where, in pursuance of any agreement between the State and the Commonwealth (including an agreement executed before the commencement of Schedule 4 to the Crown Lands (Land Titles) Amendment Act, 1980), Crown land or land dedicated for any public purpose is to be transferred from the State to the Commonwealth, the Minister shall

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

have power to so transfer an estate in fee simple, or a lesser estate, as the case may require, in that land and to execute in connection with that transfer such instruments as may be considered necessary.

(13) Section 75 (1)—

Omit “varied”, insert instead “altered”.

(14) (a) Section 75A (3A)—

After section 75A (3), insert :—

(3A) If a certificate of title has issued in respect of the lease it shall be forwarded with the application.

(b) Section 75A (7)—

Omit “varied”, insert instead “altered”.

(c) Section 75A (12)—

Omit “after the issue of a perpetual lease grant, if any,”, insert instead “upon the bringing of the land comprised in the lease under the provisions of the Real Property Act, 1900, whether before or after the commencement of Schedule 4 to the Crown Lands (Land Titles) Amendment Act, 1980,”.

(15) (a) Section 75B (7)—

Omit “varied”, insert instead “altered”.

(b) Section 75B (11)—

Omit “after the issue of a perpetual lease grant, if any,”, insert instead “upon the bringing of the land comprised in the lease under the provisions of the Real Property Act, 1900, whether before or after the commencement of Schedule 4 to the Crown Lands (Land Titles) Amendment Act, 1980,”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 4—*continued.*AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(16) Section 75D—

Omit the section.

(17) (a) Section 81 (2)—

After “inquiry and report.”, insert “If a certificate of title has issued in respect of the lease it shall be forwarded with the application.”.

(b) Section 81 (3)—

Omit “stamp duty and deed fee”, insert instead “and stamp duty”.

(18) (a) Section 82A (j)—

Omit “If a perpetual lease grant has been issued in respect of the lease a surrender thereof to the Crown in the approved form shall be executed and forwarded with the application. If the application is wholly refused, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him.”, insert instead “If the perpetual lease grant or certificate of title has issued in respect of the lease it shall be forwarded with the application.”.

(b) Section 82A (j)—

Omit “deed fee and”.

(c) Section 82A (ja)—

Omit the paragraph.

(19) Section 82B—

Omit the section.

Crown Lands (Land Titles) Amendment.

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

(1) Section 89 (1) (a)—

Omit “granted”, insert instead “sold”.

(2) (a) Section 91, short heading—

Omit the short heading, insert instead :—

*Conditions attaching to a
homestead selection.*

(b) Section 91 (1)—

Omit “The applicant for a homestead selection shall perform to the satisfaction of the local land board the following conditions, which shall be taken to be conditions precedent to the right to a grant”, insert instead “The holder of a homestead selection shall perform the following conditions”.

(c) Section 91 (1) (a), (b)—

Omit the paragraphs.

(d) Section 91 (1) (e)—

Omit “be $1\frac{1}{4}$ per cent of the capital value of the block until the expiration of 5 years after the application or until the issue of the grant, whichever event shall first happen; and if the period of 5 years expires before the issue of the grant, then the amount of such rent shall be $2\frac{1}{2}$ per cent of such capital value, and shall so continue until a rent of a similar amount becomes payable under the grant”, insert instead “, subject to this Act, be $2\frac{1}{2}$ per cent of the capital value of the block”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

(e) Section 91 (2)—

Omit “applicant for”, insert instead “holder of”.

(f) Section 91 (3)—

Omit the subsection.

(3) Section 92—

Omit the section and the short heading thereto, insert instead :—

Forfeiture of homestead selections.

Homestead
selections:
forfeiture.

92. (1) If, at any time, the local land board is not satisfied that any condition attaching to a homestead selection, other than the payment of rent, has been duly performed, the homestead selection shall be liable to be forfeited.

(2) Where the rent payable in respect of a homestead selection has not been duly paid, the homestead selection shall be liable to be forfeited.

(3) A reference in subsection (2) to a homestead selection includes a reference to a homestead grant or a homestead selection which is subject to the provisions of the Real Property Act, 1900.

(4) (a) Section 93, short heading—

Omit the short heading, insert instead :—

Homestead selections: miscellaneous provisions.

(b) Section 93 (1), (2)—

Omit the subsections.

Crown Lands (Land Titles) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

(c) Section 93 (3)—

Omit “The grant of a homestead selection may contain”, insert instead “If the Minister has so determined, the homestead selection shall, upon the creation of a folio of the Register in respect of it, be subject to”.

(d) Section 93 (3)—

Omit “Governor”, insert instead “Minister”.

(e) Section 93 (6)—

Omit the subsection.

(f) Section 93 (7)—

Omit “may with the consent of the Governor surrender the said lands to the Crown by an instrument in the prescribed form”, insert instead “or a homestead selection which is subject to the provisions of the Real Property Act, 1900, may, with the consent of the Minister, surrender the lands to the Crown by an instrument in the approved form”.

(5) (a) Section 97 (1A)—

Omit “and for the grant issued for the same”.

(b) Section 97 (3)—

Omit the subsection.

(6) Section 101 (1A)—

Omit “after the issue of a perpetual lease grant, if any,”, insert instead “upon the bringing of the land comprised in the lease under the provisions of the Real Property Act, 1900, whether before or after the commencement of Schedule 5 to the Crown Lands (Land Titles) Amendment Act, 1980,”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

- (7) Section 103A—
Omit the section.
- (8) Section 108A—
Omit the section.
- (9) (a) Section 109 (2)—
Omit “If the perpetual lease grant has been issued in respect of the lease a surrender thereof to the Crown in the approved form shall be executed and forwarded with the application. If the application is disallowed, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him.”, insert instead “If the perpetual lease grant or a certificate of title has issued in respect of the lease it shall be forwarded with the application.”.
- (b) Section 109 (3)—
Omit “a consolidated Crown grant will be issued”, insert instead “1 folio of the Register is to be created”.
- (10) Section 112—
Omit the section.
- (11) Section 118A (4)—
Omit the subsection.
- (12) Section 119A (6)—
Omit “whether the grant has or has not issued”, insert instead “, whether the homestead farm or holding has or has not been brought under the provisions of the Real Property Act, 1900,”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

- (13) (a) Section 123, short heading—
Omit “*Issue of perpetual lease grants for*”, insert instead “*Title to*”.
- (b) Section 123 (2)—
Omit the subsection.
- (14) (a) Section 128, short heading—
Omit the short heading, insert instead :—
Title to suburban holdings.
- (b) Section 128 (2), (3)—
Omit the subsections.
- (15) (a) Section 129B (1) (a)—
Omit “If the perpetual lease grant has been issued there shall be forwarded a surrender thereof to the Crown.”, insert instead “If a perpetual lease grant or certificate of title has issued in respect of the holding it shall be forwarded with the application.”.
- (b) Section 129B (1) (h)—
Omit “the grant is issued”, insert instead “those conditions have been complied with”.
- (c) Section 129B (1) (i)—
Omit the paragraph.
- (d) Section 129B (1) (k)—
Omit “purchased” where firstly occurring, insert instead “in the course of purchase, or the purchase of which has been completed.”.

Crown Lands (Land Titles) Amendment.

 SCHEDULE 5—*continued.*

 AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

(e) Section 129B (1) (k)—

After “grant or refuse his consent.”, insert :—

The provisions of this paragraph shall continue to apply to land notwithstanding that the land has been brought under the provisions of the Real Property Act, 1900.

(f) Section 129B (1) (k)—

Omit “shall apply whether a grant has or has not issued but shall not apply to the transfer of”, insert instead “shall not apply to the transfer of any land within or formerly within”.

(g) Section 129B (1) (k) (ii), (iii), (iv)—

Omit the subparagraphs, insert instead :—

- (ii) a purchase of the whole or part of a suburban holding (not being a purchase referred to in subparagraph (i)) where—
- (a) the Minister is satisfied that the conditions attaching to that purchase, other than the payment of the purchase money, have been complied with;
 - (b) the balance of purchase money and such other money as may be due and payable have been paid; and
 - (c) the Minister, upon application being made as prescribed and payment of an amount equivalent to 5 per cent or, where some other percentage is prescribed, that other percentage of

Crown Lands (Land Titles) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

the unimproved value of the land purchased, certifies in the approved form that that land may be transferred without his consent.

(h) Section 129B (1) (k)—

Omit “subparagraph (iii) or (iv) (c)”, insert instead “subparagraph (ii)”.

(i) Section 129B (1) (k)—

Omit “The Minister may, in respect of any land or parcel of land to which subparagraph (iii) relates, so certify in the case of a grant or subdivision made before the commencement of section 2 of the Crown Lands and Other Acts (Amendment) Act, 1970, as well as in the case of a grant or subdivision made after such commencement.”.

(j) Section 129B (1) (k)—

Omit “Upon the issue of any certificate under subparagraph (iii)”, insert instead “Where a certificate is issued under subparagraph (ii) in respect of land which has been brought under the provisions of the Real Property Act, 1900”.

(k) Section 129B (1) (k)—

Omit “kept under the Real Property Act, 1900”.

(l) Section 129B (1) (k)—

Omit “subparagraph (iv) (c) in respect of a purchase”, insert instead “subparagraph (ii) in respect of land which has not been brought under the provisions of the Real Property Act, 1900”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

(m) Section 129B (1) (k)—

Omit “purchase (before issue of the Crown grant in respect thereof)”, insert instead “land”.

(n) Section 129B (1) (k)—

Omit :—

(ii) before issue of the Crown grant in respect of that purchase, cause those particulars to be endorsed on that grant in a form approved by the Registrar-General.

insert instead :—

(ii) cause a notification in a form approved by the Registrar-General to be delivered to the Registrar-General who shall, upon creation of a folio of the Register in respect of that land, record in the Register such particulars relating to the notification as may be prescribed.

(16) Section 134—

After “approved form.”, insert :—

If a certificate of title has issued in respect of the lease it shall be forwarded with the application.

(17) Section 134B—

Omit the section.

(18) (a) Section 136F, short heading—

Omit “*Issue of perpetual lease grants for*”, insert instead “*Title to*”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

(b) Section 136F (2)—

Omit the subsection.

(19) (a) Section 136H—

After “shall join in the application.”, insert “If the perpetual lease grant or a certificate of title has issued in respect of the lease it shall be forwarded with the application.”.

(b) Section 136H—

Omit “deed fee and”.

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO PART VB OF THE PRINCIPAL ACT.

(1) Section 136L (1), definition of “holder”—

Omit the definition, insert instead :—

“holder”, in relation to—

- (a) any prescribed lands (other than lands referred to in paragraph (b)), means the person who is registered in the books of the Department of Lands, the Water Resources Commission or the Western Lands Commissioner as the holder of those lands and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor; and

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SCHEDULE 6—*continued.*AMENDMENTS TO PART VB OF THE PRINCIPAL ACT—*continued.*

- (b) any prescribed lands which have been brought under the provisions of the Real Property Act, 1900, and of which “The State of New South Wales” is the registered proprietor, means any person recorded in the folio of the Register relating to those lands as the holder of a lease from the Crown over those lands and includes any person recorded in that folio as a mortgagee of such a lease;

(2) Section 136L (1), definition of “prescribed lands”—

From paragraph (a), omit “granted in fee simple”, insert instead “sold”.

(3) Section 136L (1), definition of “prescribed lands”—

In paragraph (b), after “1900”, insert “, other than lands of which ‘The State of New South Wales’ is the registered proprietor”.

(4) Section 136L (2), (2A), (3), (4), (5)—

Omit section 136L (2)–(5), insert instead:—

(2) Subject to subsection (3), the Minister may—

- (a) where prescribed lands are subject to the provisions of the Real Property Act, 1900—create easements over those lands in the manner provided in that Act or in section 88B of the Conveyancing Act, 1919; and

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SCHEDULE 6—*continued.*

AMENDMENTS TO PART VB OF THE PRINCIPAL ACT—*continued.*

- (b) where prescribed lands are not subject to the provisions of the Real Property Act, 1900—create easements over those lands—
 - (i) in the manner provided in section 88B of the Conveyancing Act, 1919; or
 - (ii) by notification published in the Gazette under this section.

(2A) Subject to subsection (3), the Minister may, at any time that any lands having the benefit of an easement (being an easement granted under subsection (2) before the commencement of Schedule 6 to the Crown Lands (Land Titles) Amendment Act, 1980, or created under subsection (2) on or after that commencement) are vested in Her Majesty—

- (a) where the lands are subject to the provisions of the Real Property Act, 1900—release, in accordance with that Act, the easement benefiting those lands; and
- (b) where the lands are not subject to the provisions of the Real Property Act, 1900—release the easement benefiting those lands by notification published in the Gazette under this section.

(3) The Minister shall not create or release easements under this section unless he is satisfied—

- (a) in the case of the creation of an easement over prescribed lands—that any holder for the time being of the lands has consented to the creation of the easement; or
- (b) in the case of the release of an easement—that any holder for the time being of the lands having the benefit of the easement has consented to the release of the easement.

Crown Lands (Land Titles) Amendment.

SCHEDULE 6—*continued.*AMENDMENTS TO PART VB OF THE PRINCIPAL ACT—*continued.*

(4) The Minister may—

(a) create an easement as referred to in this section subject to such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown; and

(b) create an easement as referred to in this section in such terms as he thinks fit.

(5) The creation of an easement under subsection (2) (b) (ii) or the release of an easement under subsection (2A) (b) takes effect on the date of publication of the notification of the creation or release, as the case may be, in the Gazette or on a later date specified in the notification.

(5) Section 136L (6), (7)—

Omit “granted” wherever occurring, insert instead “created”.

(6) Section 136L (8)—

Omit “purporting to grant”, insert instead “or instrument purporting to create”.

(7) Section 136L (9)—

Omit “granted”, insert instead “created”.

(8) Section 136L (10)—

Omit “granted”, insert instead “created”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 6—*continued.*

AMENDMENTS TO PART VB OF THE PRINCIPAL ACT—*continued.*

(9) Section 136L (11), (12)—

Omit section 136L (11), insert instead :—

(11) Where the Minister purports to create or release an easement under this section, it shall be conclusively presumed that subsection (3) has been complied with in relation to that creation or release.

(12) Where an easement is created or released under this section in respect of lands subject to the provisions of the Real Property Act, 1900, the Registrar-General may record such particulars of the creation or release as he considers necessary in any folio of the Register relating to lands which, in his opinion, are affected by the creation or release.

SCHEDULE 7.

Sec. 5.

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT.

(1) (a) Section 142 (5A)—

Omit the subsection.

(b) Section 142 (6) (e)—

Omit “after the grant in fee-simple has issued”, insert instead “upon the completion of the purchase or the bringing of the land comprised in the purchase under the provisions of the Real Property Act, 1900, whether before or after the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(c) Section 142 (6) (f)—

Omit “, whether or not the grant has issued,”.

(d) Section 142 (6) (g)—

Omit the paragraph.

(e) Section 142 (8)—

Omit the subsection.

(f) Section 142 (9), (9A), (9B), (10), (11)—

Omit section 142 (9) and (10), insert instead :—

(9) An irrigation farm purchase of land where—

- (a) the land was contracted to be sold before the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980; and

- (b) a Crown grant had not issued in respect of the land before that commencement,

does not include the purchase of any minerals contained in the land, being minerals defined by or under the Mining Act, 1973, or the Coal Mining Act, 1973, as at the time when a folio of the Register is first created in respect of the land.

(9A) An irrigation farm purchase of land, where the land is contracted to be sold on or after the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980, does not include the purchase of any minerals contained in the land, being minerals defined by or under the Mining Act, 1973, or the Coal Mining Act, 1973, as at the time when the land is contracted to be sold.

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(9B) The land comprised, or formerly comprised, in an irrigation farm purchase shall be subject to such conditions as the Minister may determine securing upon the land so much of any rate or charge for water made and levied under the provisions of the Irrigation Act, 1912, as is due in respect of water rights which are a fixed charge or for water supplied in respect of water rights attached to the land which are not a fixed charge.

(10) Upon—

- (a) the creation of a folio of the Register in respect of land comprised, or formerly comprised, in an irrigation farm purchase, being the first folio of the Register created in respect of that land; or
- (b) the execution of an instrument evidencing the sale by the Crown of that land,

that land shall, if the Minister has so determined before that creation or execution, be subject to such reservations and exceptions as may be determined by the Minister to be deemed expedient in the public interest.

(11) Subsections (9B) and (10) do not apply to an irrigation farm purchase in respect of which a Crown grant was issued under this section as in force before the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980.

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(2) (a) Section 142B (7)—

Omit the subsection.

(b) Section 142B (8)–(8C)—

Omit section 142B (8) and (8A), insert instead :—

(8) A town land purchase of land where—

(a) the land was contracted to be sold before the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980; and

(b) a Crown grant had not issued in respect of the land before that commencement,

does not include the purchase of any minerals contained in the land, being minerals defined by or under the Mining Act, 1973, or the Coal Mining Act, 1973, as at the time when a folio of the Register is first created in respect of the land.

(8A) A town land purchase of land, where the land is contracted to be sold on or after the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980, does not include the purchase of any minerals contained in the land, being minerals defined by or under the Mining Act, 1973, or the Coal Mining Act, 1973, as at the time when the land is contracted to be sold.

(8B) Upon—

(a) the creation of a folio of the Register in respect of land comprised, or formerly comprised, in a town land purchase, being the first folio of the Register created in respect of that land; or

(b) the execution of an instrument evidencing the sale by the Crown of that land,

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

that land shall, if the Minister has so determined before that creation or execution, be subject to such reservations and exceptions as may by the Minister be deemed expedient in the public interest.

(8c) Subsection (8B) does not apply to a town land purchase in respect of which a Crown grant was issued under this section as in force before the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980.

(c) Section 142B (11)—

Omit the subsection.

(d) Section 142B (12)—

Omit “after the issue of the grant in fee-simple,” insert instead “upon the completion of the purchase or the bringing of the land comprised in the purchase under the provisions of the Real Property Act, 1900, whether before or after the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980.”.

(e) Section 142B (14)—

After “(13)”, insert “, as in force before the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980.”.

(3) Section 142c—

Omit the section.

Crown Lands (Land Titles) Amendment.

 SCHEDULE 7—*continued.*

 AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(4) (a) Section 142D (9A) (a)—

Omit “, whether or not the perpetual lease grant has issued,”.

(b) Section 142D (9A) (b)—

Omit the paragraph.

(c) Section 142D (10) (b)—

Omit “issue of the perpetual lease grant and shall so apply whether the perpetual lease grant was issued before or is issued”, insert instead “land comprised in the lease has been brought under the provisions of the Real Property Act, 1900, and shall so apply whether the land was brought under the provisions of that Act before or”.

(d) Section 142D (11)—

Omit the subsection.

(e) Section 142D (12)–(16)—

Omit section 142D (12), insert instead :—

(12) A lease of land referred to in subsection (2), where—

(a) the lease commenced before the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980; and

(b) a Crown grant had not issued in respect of the lease before that commencement,

does not include any minerals contained in the land, being minerals defined by or under the Mining Act, 1973, or the Coal Mining Act, 1973, as at the time when a folio of the Register is first created in respect of the land.

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(13) A lease of land referred to in subsection (2), where the lease commenced on or after the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980, does not include any minerals contained in the land, being minerals defined by or under the Mining Act, 1973, or the Coal Mining Act, 1973, as at the time when the lease commenced.

(14) A lease of land referred to in subsection (2) shall be subject to such conditions as the Minister may determine securing upon the land so much of any rate or charge for water made and levied under the provisions of the Irrigation Act, 1912, as is due in respect of water rights which are a fixed charge or for water supplied in respect of water rights attached to the land which are not a fixed charge.

(15) Upon—

- (a) the creation of a folio of the Register in respect of a lease of land referred to in subsection (2), being the first folio of the Register created in respect of that land; or
- (b) the execution of an instrument evidencing a lease of land referred to in subsection (2),

that land shall, if the Minister has so determined before that creation or execution, be subject to such reservations and exceptions as may by the Minister be deemed expedient in the public interest.

(16) Subsections (14) and (15) do not apply to a lease of land in respect of which a Crown grant was issued under this section as in force before the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980.

Crown Lands (Land Titles) Amendment.

 SCHEDULE 7—*continued.*

 AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(5) Section 144—

Omit the section.

(6) Section 144A (4)—

Omit the subsection, insert instead :—

(4) In this section, “holding” includes—

- (a) the land comprised in a purchase under this Part which has been completed; and
- (b) the land comprised, or formerly comprised, in a holding, being land which has been brought under the provisions of the Real Property Act, 1900.

(7) (a) Section 144c, short heading—

Omit “*of a purchase the area of which*”, insert instead “*where the area of a purchase*”.

(b) Section 144c (1)—

After “any purchase”, insert “or former purchase”.

(c) Section 144c (1)—

After “and”, insert “, if the whole of the purchase money of the original holding has not been paid,”.

(d) Section 144c (1)—

Omit “if any”.

(e) Section 144c (3)—

Omit “to the purchase”, insert instead “to the holding”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(f) Section 144c (4)—

After “as added to”, insert “, or, where the whole of the purchase money of the original holding has been paid, on the purchase money of the additional land,”.

(8) (a) Section 144F (2)—

Omit “whether before or after the issue of the perpetual lease grant, or grant in fee-simple, as the case may be,”.

(b) Section 144F (3)—

Omit the subsection, insert instead :—

(3) The provisions of this section shall not cease to apply—

(a) in the case of a town land purchase—upon the completion of the purchase or the bringing of the land comprised in the purchase under the provisions of the Real Property Act, 1900; and

(b) in the case of a town land lease—upon the bringing of the land comprised in the lease under the provisions of the Real Property Act, 1900,

whether before or after the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980.

(9) (a) Section 145 (2)—

Omit “Where a perpetual lease grant has issued, the grant shall be lodged with the notice, together with a surrender in the approved form which shall take effect only upon the conversion being effected.”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(b) Section 145 (2A)—

After section 145 (2), insert :—

(2A) Where a perpetual lease grant or certificate of title has issued in respect of the holding to be converted, the grant or certificate shall be lodged with the notification under subsection (2).

(c) Section 145 (5) (e)—

Omit “in respect of which a perpetual lease grant has been issued”, insert instead “which has been brought under the provisions of the Real Property Act, 1900,”.

(d) Section 145 (5) (e)—

Omit “issue of such perpetual lease grant”, insert instead “lease was brought under the provisions of that Act”.

(e) Section 145 (5) (g)—

Omit the paragraph.

(f) Section 145 (5) (h)—

Omit “, (f) and (g)”, insert instead “and (f)”.

(10) Section 145A (7)—

Omit the subsection, insert instead :—

(7) The provisions of this section shall not cease to apply—

(a) in the case of a purchase—upon the completion of the purchase or the bringing of the land comprised in the purchase under the provisions of the Real Property Act, 1900; and

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

- (b) in the case of a lease—upon the bringing of the land comprised in the lease under the provisions of the Real Property Act, 1900,

whether before or after the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980.

(11) Section 145B (4)—

Omit the subsection.

(12) Section 146 (5)–(7)—

Omit the subsections, insert instead :—

(5) The Commission may exclude from the subdivision such land as the Commission considers necessary for roads of access to the subdivided portions or for channels or drainage.

(6) Any land excluded under subsection (5) shall be deemed to have been surrendered to the Crown and shall become Crown land free of any claim thereto by the holder of the lease or purchase or to any compensation in respect thereof or to tenant-right in any improvements thereon.

(7) The provisions of this section—

- (a) shall apply, and shall be deemed never to have ceased to apply, to land comprised in a lease brought under the provisions of the Real Property Act, 1900, before the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980; and
- (b) shall not cease to apply to land comprised in a purchase or lease upon the bringing of that land under the provisions of the Real Property Act,

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

1900, after the commencement of Schedule 7 to the Crown Lands (Land Titles) Amendment Act, 1980.

(13) (a) Section 146B, short heading—

Omit the short heading, insert instead :—

Subdivision of land held in fee simple.

(b) Section 146B (1)—

Omit “a grant in fee-simple has been issued, either before or after the date of the commencement of the Irrigation (Amendment) Act, 1941”, insert instead “an estate in fee simple is held, other than land to which section 146 applies”.

(c) Section 146B (4), (4A)—

Omit section 146B (4), insert instead :—

(4) The Commission may exclude from the subdivision such land as the Commission considers necessary for roads of access to the subdivided portions or for channels or drainage.

(4A) Any land excluded under subsection (4) shall be deemed to have been surrendered to the Crown and shall become Crown land free of any claim thereto by any person, and no person shall be entitled to any compensation in respect of the land or any improvements thereon.

(14) Section 147 (6)—

Omit the subsection.

Crown Lands (Land Titles) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(15) Section 147J (6)—

Omit “142c, 142d, 144”, insert instead “142D”.

SCHEDULE 8.

Sec. 5.

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

(1) Section 155B—

Omit the section.

(2) Section 158 (3)—

Omit “(whether a grant has or has not issued)” wherever occurring, insert instead “(whether the land therein has or has not been brought under the provisions of the Real Property Act, 1900)”.

SCHEDULE 9.

Sec. 5.

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.

(1) (a) Section 163—

Omit “, and the grant of the conditional purchase or homestead selection, when issued, shall include such added land”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(b) Section 163—

Omit “the grant in respect of any conditional purchase or homestead selection has been issued”, insert instead “the land comprised in any conditional purchase or homestead selection has been brought under the provisions of the Real Property Act, 1900”.

(c) Section 163—

Omit “grant had not been issued”, insert instead “land had not been brought under the provisions of that Act”.

(2) Section 165 (1)—

Omit “(until the grant thereof)”.

(3) (a) Section 173A (1)—

Omit “(iii) or (iv)”, insert instead “(ii)”.

(b) Section 173A (1)—

Omit “(6A) or”.

(c) Section 173A (1)—

Omit “(4) or”.

(d) Section 173A (1)—

Omit “(5) or”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(4) Section 178 (4)—

Omit :—

“in pursuance of this subsection the Minister dispenses with conditions attached to a holding the local land board may issue the like certificate as to compliance with conditions as it may have issued if the conditions dispensed with had been fulfilled :

Provided that where the Minister dispenses with any conditions under this subsection subject to conditions which he may impose, the local land board shall not issue such certificate until the board finds that the conditions imposed by the Minister have been fulfilled :

Provided further that where”.

(5) Section 180B (1)—

Omit “(before or after grant) or a lease (whether a perpetual lease grant has or has not issued)”, insert instead “or a lease”.

(6) Section 181—

Omit “selection or grant, or”, insert instead “selection,”.

(7) Section 181A—

After section 181, insert :—

Conditions, reservations and provisions generally.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

Creation
of folio of
Register not
to affect
conditions,
etc.

181A. (1) Except in so far as a contrary intention appears—

(a) any covenants, conditions, terms, reservations, restrictions or provisions attaching or applying to land by virtue of this Act or an instrument made under this Act; and

(b) any provisions of this Act or an instrument made under this Act applying to land,

shall—

(c) not cease to attach or apply, and shall be deemed never to have ceased to attach or apply, to the land by reason only of the issue of an instrument of title or the creation of a folio of the Register, whether before or after the commencement of Schedule 9 to the Crown Lands (Land Titles) Amendment Act, 1980, in respect of the land; and

(d) to the extent that they are applicable, attach or apply not only to the land as a whole, but also to each and every part of the land.

(2) The provisions of subsection (1) apply in addition to and not in derogation of any other provisions of this Act.

(8) (a) Section 182, short heading—

Omit "*Leases—*".

(b) Section 182 (1)—

Omit "homestead selection or lease", insert instead "holding (other than a holding within an irrigation area)".

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(c) Section 182 (2), (3)—

Omit section 182 (2), insert instead :—

(2) The Minister may—

- (a) before the creation of a folio of the Register in respect of a holding (including a holding within an irrigation area), direct in writing that any covenant, condition, reservation or provision of the holding shall cease to attach or apply to the holding upon the creation of the folio; and
- (b) after the creation of a folio of the Register in respect of a holding (including a holding within an irrigation area), direct in writing that any covenant, condition, reservation or provision of the holding shall cease to attach or apply to the holding as from the date of the direction.

(3) The Registrar-General shall give effect to a direction given under subsection (2).

(9) (a) Section 183, short heading—

Omit "*or grants*".

(b) Section 183 (1)—

Omit "or grant" wherever occurring.

(c) Section 183 (1)—

Omit "a consolidated Crown grant will be issued for", insert instead "1 folio of the Register is to be created in respect of".

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(d) Section 183 (1)—

Omit “With any application for conversion of a homestead grant or of a homestead farm in respect of which the perpetual lease grant has been issued there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the approved form:”, insert instead “Where a Crown grant or certificate of title has issued in respect of the homestead selection or homestead farm it shall be forwarded with the application for conversion :”.

(e) Section 183 (3)—

Omit “or grant” wherever occurring.

(f) Section 183 (4)—

Omit “1964, or the grant issued for the same,” wherever occurring, insert instead “1964,”.

(g) Section 183 (4)—

Omit “selection or the grant issued for the same”, insert instead “selection”.

(h) Section 183 (4)—

Omit “or grant” wherever occurring.

(i) Section 183 (4)—

Omit “execution of the grant”, insert instead “creation of a folio of the Register in respect of the homestead selection”.

(j) Section 183 (6), (6A), (7)—

Omit “or grant” wherever occurring.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(k) Section 183 (7)—

Omit “or homestead grant” wherever occurring.

(l) Section 183 (7)—

Omit “whether the perpetual lease grant has or has not issued”.

(m) Section 183 (7)—

Omit “or grants”.

(10) (a) Section 184 (1) (g1)—

Omit the paragraph, insert instead :—

(g1) If the perpetual lease grant or a certificate of title has issued in respect of either the settlement lease or Crown-lease it shall be forwarded with the application.

(b) Section 184 (1) (h)—

Omit “a consolidated Crown grant will be issued for”, insert instead “1 folio of the Register is to be created in respect of”.

(11) (a) Section 190 (3)—

Omit “has been issued in respect of the lease a surrender thereof to the Crown in the approved form shall be executed and forwarded with the application. If the application is wholly refused, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the

Crown Lands (Land Titles) Amendment.

 SCHEDULE 9—*continued.*

 AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

grant and the surrender returned to him”, insert instead “or a certificate of title has issued in respect of the lease it shall be forwarded with the application”.

(b) Section 190 (6A)—

Omit the subsection.

(12) (a) Section 193A (4)—

Omit “has been issued in respect of the lease a surrender thereof to the Crown in the approved form shall be executed and forwarded with the application. If the application is wholly disallowed, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him”, insert instead “or a certificate of title has issued in respect of the lease it shall be forwarded with the application”.

(b) Section 193A (6)—

Omit the subsection, insert instead :—

(6) The part of the land comprised in the prickly-pear lease for which the application has been confirmed shall from the date of application be deemed to be withdrawn from the prickly-pear lease, but otherwise the lease shall, subject to the rent being reduced proportionately, remain in full force and effect.

(13) Section 194c—

Omit the section.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(14) (a) Section 195 (1)—

Omit “of which a grant in fee-simple has been issued or may be called for”, insert instead “held in fee simple”.

(b) Section 195 (1)—

Omit “The Governor may issue such grants as may be necessary.”. insert instead “The Minister may execute on behalf of the Crown transfers of Crown lands exchanged for the purposes of this section.”.

(c) Section 195 (2)—

Omit “if upon payment of such balance, with or without interest thereon, the right to a grant of the said lands in fee-simple will become absolute, and for the Governor to grant Crown lands in exchange”, insert instead “and for the Minister to exchange Crown lands”.

(d) Section 195 (2)—

Omit “a grant of the Crown lands allotted in exchange shall not be issued”, insert instead “the Crown lands shall not be allotted in exchange”.

(e) Section 195 (4)—

Omit “granted”, insert instead “exchanged”.

(f) Section 195 (4)—

Omit “any grant is issued”, insert instead “the exchange is effected”.

(g) Section 195 (5)—

Omit “kept under the Real Property Act, 1900,”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(15) (a) Section 197 (1)—

Omit “granting in fee-simple, or for any less estate”, insert instead “the transfer of an estate in fee simple, or of a less estate in”.

(b) Section 197 (1)—

Omit “granted” wherever occurring, insert instead “exchanged”.

(c) Section 197 (1)—

Omit “And the Governor may make all grants of lands exchanged for the purposes of this section.”, insert instead :—

The Minister may execute on behalf of the Crown transfers of Crown lands exchanged for the purposes of this section.

(16) Section 199—

Omit “ungranted homestead selection”, insert instead “, homestead selection not subject to the provisions of the Real Property Act, 1900,”.

(17) Section 205 (1)—

Omit “before the grant thereof”.

(18) (a) Section 206 (1)—

Omit “before the grant thereof”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(b) Section 206 (3)—

Omit “if a certificate of conformity has not been issued in respect of such additional conditional purchase”, insert instead “in respect of which the conditions have not been complied with”.

(c) Section 206 (4)—

After “auction purchase”, insert “, an after-auction purchase, a tender purchase or an after-tender purchase”.

(19) Section 207—

Omit “(whether ungranted or granted)”.

(20) (a) Section 208—

Omit “ungranted” where firstly occurring.

(b) Section 208—

Omit :—

And when the forfeiture of any conditional purchase or ungranted homestead selection or lease shall have been waived, and the conditions, if any, of such waiver shall have been performed, the holder of such conditional purchase or homestead selection or lease shall, if otherwise entitled thereto, be entitled to receive a certificate of conformity in respect of the same, notwithstanding that such certificate may have previously been applied for and refused.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(21) Section 210—

Omit “conditional lease homestead farm suburban holding Crown-lease week-end lease or holding within an irrigation area or (until the grant thereof) homestead selection”, insert instead “, suburban holding, Crown-lease or holding within an irrigation area”.

(22) Section 219 (2)—

Omit “purchase homestead selection (until the grant thereof)”, insert instead “purchase,”.

(23) Section 222 (3)—

After “homestead grant”, insert “or a homestead selection which is subject to the provisions of the Real Property Act, 1900,”.

(24) Section 229 (4)—

After section 229 (3), insert :—

(4) If a certificate of title has issued in respect of the special lease or residential lease it shall be forwarded with the application for extension of the term.

(25) (a) Section 234, short heading—

Before “*Crown*”, insert “*Alienation of land and*”.

(b) Section 234 (1)—

Omit “Crown grant issued after the passing of this Act”, insert instead “alienation of land under this Act”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(26) Section 235—

Omit the section and the short heading thereto, insert instead :—

Exclusion of minerals, etc.

235. (1) A conditional purchase made under the Code of 1861–80, not being a conditional purchase for mining purposes, does not include the purchase of any minerals which the land may contain, being minerals within the definition of “minerals” in section 5 (1) as at the time when a folio of the Register is first created in respect of the land. ^{Exclusion of minerals, etc.}

(2) A conditional purchase for mining purposes, whether made in the first instance for mining purposes or converted before or after the passing of this Act into a conditional purchase for those purposes, does not include the purchase of any gold contained in the land.

(3) Subject to subsection (2), a sale, lease or other disposal of land by the Crown—

(a) under the authority of the Code of 1884–1912; or

(b) under the authority of this Act, where—

(i) the land was contracted to be sold, the lease was commenced or the disposal took place before the commencement of Schedule 9 to the Crown Lands (Land Titles) Amendment Act, 1980; and

(ii) a Crown grant had not issued in respect of the land before that commencement,

does not include the sale, lease or disposal of any minerals contained in the land, being minerals within the definition of “minerals” in section 5 (1) as at the time when a folio of the Register is first created in respect of the land.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(4) A sale, lease or other disposal of land by the Crown under the authority of this Act, where the land is contracted to be sold, the lease is commenced or the disposal takes place on or after the commencement of Schedule 9 to the Crown Lands (Land Titles) Amendment Act, 1980, does not include the sale, lease or disposal of any minerals contained in the land, being minerals within the definition of "minerals" in section 5 (1) as at the time when the land is contracted to be sold, the lease is commenced or the disposal takes place, as the case may require.

(5) Upon—

- (a) the creation of a folio of the Register in respect of land sold, leased or otherwise disposed of by the Crown under the authority of the Code of 1884–1912 or this Act, being the first folio of the Register created in respect of that land; or
- (b) the execution of an instrument evidencing a sale, lease or other disposal of land by the Crown under the authority of the Code of 1884–1912 or this Act,

that land shall, if the Minister has so determined before that creation or execution, be subject to such reservations and exceptions as may by the Minister be deemed expedient in the public interest.

(6) Upon—

- (a) the creation of a folio of the Register in respect of land, the sale or lease or homestead selection of which under this Act is limited to the surface only of the land or to the surface and to a specified depth below the surface, being the first folio of the Register created in respect of that land; or

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SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

- (b) the execution of an instrument evidencing such a sale or lease of land by the Crown or the transfer by the Crown of land comprised in such a homestead selection,

that land shall, if the Minister has so determined before that creation or execution, be subject to a condition protecting the Crown and any mining lessee against any claim whatsoever in the event of subsidence taking place as a result of mining operations.

(7) The provisions of subsection (6) shall not relieve the Crown or any mining lessee from any liability to which the Crown or mining lessee may be subject by virtue of the provisions of the Mine Subsidence Compensation Act, 1961.

(8) A condition attached to land in accordance with subsection (6) has effect according to its tenor.

(9) In any folio of the Register created in respect of land affected by a profit à prendre reserved to the Crown under section 25F of the Forestry Act, 1916, there shall be recorded a statement that, or to the effect that, the land is so affected and any such recording shall have effect as if the reservation of that profit à prendre had been included in an instrument of conveyance or transfer from the Crown.

(10) Subsections (1), (2), (5), (6) and (9) do not apply to a sale, lease or other disposal of land in respect of which a Crown grant was issued under this section as in force before the commencement of Schedule 9 to the Crown Lands (Land Titles) Amendment Act, 1980.

(27) Section 235A (7)—

Omit “kept under the Real Property Act, 1900,”.

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SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(28) Section 235B (1) (d)—

After “grant”, insert “or recorded in any folio of the Register as being reserved to the Crown”.

(29) Section 250 (1) (d)—

Omit the paragraph, insert instead :—

(d) refer to—

- (i) any conditional purchase in respect of which the purchase money and all other money payable to the Crown have been paid and the conditions, other than payment of money, attaching to the purchase have been complied with: or
- (ii) any homestead selection in respect of which money due to the Crown has been paid and the conditions, other than payment of money, attaching to the homestead selection have been complied with,

at the date of the trespass :

(30) (a) Section 257—

Omit “in respect of which a certificate of conformity has been issued”.

(b) Section 257—

Omit :—

After subdivisor the certificate of conformity shall in the case of a conditional purchase be surrendered and a new certificate issued for each portion.

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SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

In the case of a subdivision of a homestead grant or a perpetual lease grant the consent of the Minister shall be in the approved form.

Where the consent is given the Registrar-General may register such instruments affecting the various portions of the grant as conform to the consent and may create for each of those portions a folio of the Register kept under the Real Property Act, 1900. The Registrar-General may also make such recordings in that Register and on the relevant grant or certificate of title as may be necessary with respect to areas which the consent shows as having been excluded from the subdivision for roads of access and which are deemed to be surrendered to the Crown.

A folio of that Register created for portion of a homestead grant, other than a folio created for a lot in a strata plan registered under the Strata Titles Act, 1973, shall expressly refer to the grant; to section 93 and also to section 272 if that section affected the grant—and a folio of that Register for portion of a perpetual lease grant shall expressly refer to the grant and to section 274 where the grant is of a homestead farm if that section affected the grant, and to section 274 where the grant is of a Crown-lease if that section affected the grant, and to section 272 where the grant is of a conditional lease if that section affected the grant, and to section 272 where the grant is of a settlement lease if that section affected the grant or, as the case may be, to the provision of such grant securing that the lessee shall not assign (except by way of mortgage or discharge of mortgage) or sublet the land comprised in such lease without the Minister's consent, and to section 129 where the grant is of a suburban holding to the transfer of which the consent of the Minister is required under that section, and

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SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

to sections 265 and 272 where the grant is of a conditional purchase lease if those sections affected the grant, and to, as the case may be, either section 75A (12) or 75B (11) where the grant is of a special lease, and to section 82A (h) where the grant is of a town-lands lease, and to section 274A where the grant is of a week-end lease to the transfer of which the consent of the Minister is required under that section.

A folio of that Register created by virtue of this section shall be subject to the conditions of the grant and to the provisions of the sections of this Act which are referred to in the folio and to the provisions of this Act to which the grant would have been subject had the subdivision not been effected.

(31) (a) Section 259 (1)—

Omit “purchase lease or license or ungranted homestead selection”, insert instead “purchase, homestead selection, lease or license (not being a purchase, homestead selection, lease or license that has been brought under the provisions of the Real Property Act, 1900)”.

(b) Section 259 (3)—

Omit “before grant”, insert instead “(being land that has not been brought under the provisions of the Real Property Act, 1900)”.

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SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(32) Section 261—

Omit “if made by a person not under legal disability shall subject to the provisions and conditions of this Act”, insert instead “, if made under this Act by a person not under legal disability, shall, subject to the provisions and conditions of this Act,”.

(33) (a) Section 265 (1)—

Omit “This restriction shall not cease to apply after the issue of a perpetual lease grant, if any, in respect of any such conditional purchase lease or conditional lease but such restriction shall cease to affect any such conditional purchase when the grant thereof has been issued.”, insert instead “This restriction shall cease to affect a conditional purchase if the purchase money and other money due to the Crown have been paid and all other conditions attaching to the purchase have been complied with.”.

(b) Section 265 (2)—

Omit “, in any case where the certificate of fulfilment of conditions has been issued in respect of the holding”.

(34) (a) Section 268 (1)—

Omit “or grants”.

(b) Section 268 (4)—

Omit “. Crown grants,”.

(35) (a) Section 270 (1)—

Omit “whatsoever”, insert instead “under this Act”.

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SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(b) Section 270 (1)—

Omit “Upon any such sale transfer or disposition of the estate or interest of a conditional purchaser before the issue of the certificate of conformity in respect of the conditional purchase the conditional purchase may be transferred to the purchaser but may not be again transferred except in similar circumstances until after such certificate has been issued.”.

(36) Section 271 (1)—

Omit “, whether granted or ungranted.”.

(37) (a) Section 272 (5), (6), (6A)—

Omit the subsections, insert instead :—

(5) No transfer or conveyance or assignment in contravention of the provisions of this section shall be valid for any purpose.

(6) Subject to subsection (6E), the provisions of this section shall continue to apply to any land comprised, or formerly comprised, in a holding referred to in subsection (1) notwithstanding that that land has been brought under the provisions of the Real Property Act, 1900.

(6A) Subject to subsections (6E) and (9), the provisions of this section apply to any land formerly comprised in an original or additional conditional purchase referred to in subsection (1) in the same way as they apply to an original or additional conditional purchase.

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SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(b) Section 272 (6B)—

Omit “such original or additional conditional purchase (not being a conditional purchase specified in subsection (8))”, insert instead “land comprised, or formerly comprised, in any such original or additional conditional purchase (not being land comprised, or formerly comprised, in a conditional purchase as specified in subsection (8))”.

(c) Section 272 (6B) (a)—

Omit the paragraph.

(d) Section 272 (6B) (b), (c)—

Omit the paragraphs, insert instead :—

(b) the Minister is satisfied that all conditions, other than payment of money due to the Crown, have been complied with;

(c) the balance of purchase money and such other money as may be payable to the Crown have been paid; and

(e) Section 272 (6B) (d)—

Omit “purchased”.

(f) Section 272 (6B) (d)—

Omit “conditional purchase”, insert instead “land”.

(g) Section 272 (6E), (6F)—

Omit the subsections, insert instead :—

(6E) Any land to which a certificate issued under subsection (6B) (d) relates may be transferred or otherwise dealt with without recourse to this section

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SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

whether the certificate was issued before or after the commencement of Schedule 9 to the Crown Lands (Land Titles) Amendment Act, 1980.

(6F) Where a certificate is issued under subsection (6B) (d) in respect of land, the Minister shall—

- (a) where the land has been brought under the provisions of the Real Property Act, 1900—cause a notification in a form approved by the Registrar-General to be delivered to the Registrar-General who shall record in the Register such particulars relating to the notification as may be prescribed and shall, unless he dispenses with the production of the relevant certificate of title or Crown grant, record thereon those particulars; and
- (b) where the land has not been brought under the provisions of the Real Property Act, 1900—
 - (i) cause to be endorsed on the principal record that is kept in the Department of Lands in relation to the land such particulars relating to the issue of that certificate as may be prescribed; and
 - (ii) cause a notification in a form approved by the Registrar-General to be delivered to the Registrar-General who shall, upon creation of a folio of the Register in respect of the land, record in the Register such particulars relating to the notification as may be prescribed.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(h) Section 272 (8)—

Omit “(whether a grant in respect of the same has or has not issued) or any parcel of land being part of that comprised in a grant of a conditional purchase,” insert instead “or any parcel of land being part of that formerly comprised in a conditional purchase”.

(i) Section 272 (9)—

After section 272 (8), insert :—

(9) A reference in this section to land formerly comprised in a holding does not include a reference to land comprised in a homestead farm which is a conversion of a holding.

(38) Section 274 (4)—

Omit “after the issue of a perpetual lease grant, if any,” insert instead “to a holding upon the bringing of the land comprised therein under the provisions of the Real Property Act, 1900, whether before or after the commencement of Schedule 9 to the Crown Lands (Land Titles) Amendment Act, 1980.”.

(39) (a) Section 274A (2)—

After “section 136H,” insert “being land that is not subject to the provisions of the Real Property Act, 1900.”.

(b) Section 274A (2)—

Omit “issue of the grant in fee simple”, insert instead “it is brought under the provisions of the Real Property Act, 1900”.

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(40) (a) Section 274B (1)—

Omit the subsection, insert instead :—

(1) Where—

- (a) any lands have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase; and
- (b) the whole of the purchase money and such other money as may be payable to the Crown in respect of the lands have not been paid or any condition subject to which the lands were sold remains to be complied with,

the lands or any part thereof may, subject to subsection (2), be transferred.

(b) Section 274B (3)—

Omit “any lands”.

(c) Section 274B (3) (a)—

Before “have”, insert “any lands”.

(d) Section 274B (3) (b)—

Before “were”, insert “the lands”.

(e) Section 274B (3) (c)—

Omit the paragraph, insert instead :—

- (c) the whole of the purchase money and such other money as may be payable to the Crown in respect of the lands have been paid and the conditions subject to which the lands were sold have been complied with,

Crown Lands (Land Titles) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

- (f) Section 274B (10)—
Omit the subsection.

SCHEDULE 10.

Sec. 5.

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

- (1) Section 286—
Omit the section.
- (2) Section 291—
Omit the section.
- (3) Section 302 (6)—
Omit the paragraph, insert instead :—
(6) The whole of the purchase money or any number of the instalments of the purchase money may be paid at any time.
- (4) Section 305—
Omit the section.
- (5) (a) Section 307 (1) (a1)—
Omit the paragraph, insert instead :—
(a1) If the perpetual lease grant or a certificate of title has issued in respect of the lease it shall be forwarded with the application.

Crown Lands (Land Titles) Amendment.

SCHEDULE 10—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(b) Section 307 (1) (b)—

Omit “, and the chairman shall within the prescribed time thereafter issue a certificate of such confirmation”.

(c) Section 307 (3A)—

Omit the subsection.

(6) Section 311—

Omit “sections 52 and 56A”, insert instead “section 52”.

(7) Section 319—

Omit “in respect of which homestead grants have been executed under section 93”, insert instead “which have been brought under the provisions of the Real Property Act, 1900”.
