

**MISCELLANEOUS ACTS (CROWN LAND TITLES)
AMENDMENT ACT, 1980, No. 196**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 196, 1980.

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

Miscellaneous Acts (Crown 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 :—

1. This Act may be cited as the "Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980".

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

(2) Section 3 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

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

(4) The amendments made to the Closer Settlement (Amendment) Act, 1977, by section 3 and Schedule 1 shall commence or be deemed to have commenced, as the case may require, on the day appointed and notified under section 2 (4) of that Act in respect of Schedule 4 to that Act.

(5) The amendments made to the Western Lands (Amendment) Act, 1977, by section 3 and Schedule 1 shall commence or be deemed to have commenced, as the case may require, on the day appointed and notified under section 2 (4) of that Act in respect of Schedule 3 (3) to that Act.

(6) The amendments made to the Crown Lands (Amendment) Act, 1977, by section 3 and Schedule 1 shall commence or be deemed to have commenced, as the case may require, on the day appointed and notified under section 2 (4) of that Act in respect of Schedule 7 to that Act.

Miscellaneous Acts (Crown Land Titles) Amendment.

Amend-
ments.

3. Each Act specified in Schedule 1 is amended in the manner set forth in Schedule 1.

Sec. 3.

SCHEDULE 1.

AMENDMENTS.

Amendment
of Act No.
17, 1898.

Conveyancing and Law of Property Act, 1898—

(1) Section 10, heading—

Omit “*grants*”, insert instead “*grants, &c*”.

(2) Section 10 (1)—

Omit “No title to the land shall be held bad either at law or equity by reason of the breach or non-performance of any condition contained in the Crown grant of such land,”, insert instead “No title to land shall be held bad either at law or in equity by reason of the breach or non-performance of any condition imposed by the Crown and contained in a Crown grant of the land, an instrument of transfer of the land or a folio of the Register kept under the Real Property Act, 1900, created in respect of the land”.

(3) Section 10 (1)—

After “the grant”, insert “or the title to the land”.

Amendment
of Act No.
70, 1901.

Western Lands Act, 1901—

(1) Section 3 (2)—

At the end of section 3, insert:—

(2) 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 kept under the Real Property Act, 1900, in the name of “The State of New South Wales”.

(2) (a) Section 18—

Omit “Whenever in any instrument of”, insert instead “Where in respect of any”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) Section 18—
After “1937, or”, insert “granted or”.
- (3) Section 18A—
After “whether”, insert “granted or”.
- (4) (a) Section 18E (1)—
After “prescribed fee.”, insert :—
If a certificate of title has issued in respect of the lease it shall be forwarded with the application.
- (b) Section 18E (3)—
Omit the subsection.
- (c) Section 18E (4) (a)—
Omit “the instrument of lease shall be surrendered and separate leases issued”, insert instead “separate leases shall be created”.
- (d) Section 18E (5)—
Omit “A note of any terms and conditions so imposed shall be embodied in any new lease, or endorsed on any lease upon which a notification of extension is endorsed.”.
- (5) Section 18F (2) (b)—
Omit “any instrument of lease issued or to”.
- (6) Section 18G (5)—
After “shall”, insert “, unless the land comprised in the lease or holding has been brought under the provisions of the Real Property Act, 1900,”.
- (7) (a) Section 18J—
Omit “on the recommendation of the local land board and”.
- (b) Section 18J—
Omit “, and the instrument of lease if issued shall be lodged with the Commissioner for the purpose of being indorsed with a memorandum of any such variation modification revocation or addition as aforesaid”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(8) Sections 18k, 18L—

After section 18JJ, insert:—

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

18k. (1) Except in so far as a contrary intention appears—

- (a) any covenants, conditions, terms, reservations, exceptions, exemptions 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 to the land by reason only of the creation of a folio of the Register kept under the Real Property Act, 1900, 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.

Removal of
conditions,
etc.

18l. (1) The Minister may—

- (a) before the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of a lease under this Act, direct in writing that any covenant, condition, term, reservation, exception, exemption or provision attaching or applying to the lease shall cease to attach or apply to the lease upon the creation of the folio; and
- (b) after the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of a lease under this Act, direct in writing that any covenant, condition, term, reservation, exception, exemption or provision attaching or applying to the lease shall cease to attach or apply to the lease as from the date of the direction.

(2) The Registrar-General shall give effect to a direction given under subsection (1).

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(9) Section 28A (1)—

After “as the local land board shall determine.”, insert:—

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

(10) (a) Section 28B (7)—

Omit “18, 53, 54, 55, 56”, insert instead “6 (5), 18, 54, 55”.

(b) Section 28B (7), (8)—

After “178,” wherever occurring, insert “181A,”.

(11) (a) Section 28BB (3B)—

After section 28BB (3A), insert:—

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

(b) Section 28BB (8)—

Omit “18, 53, 54, 55, 56”, insert instead “6 (5), 18, 54, 55”.

(c) Section 28BB (8)—

After “178.”, insert “181A,”.

(12) Sections 28c, 28d—

Omit the sections.

(13) (a) Section 33A (2)—

Omit “the Governor”.

(b) Section 33A (2)—

Omit “grant to such owner”, insert instead “, transfer to that owner an estate in fee simple in”.

(c) Section 33A (2)—

Omit “grant is issued” wherever occurring, insert instead “transfer is executed”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(d) Section 33A (2A), (2B)—

After section 33A (2), insert:—

(2A) A transfer of land by the Minister under the authority of subsection (2), where the transfer takes place on or after the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980, does not include the transfer of any minerals contained in the land.

(2B) Land transferred by the Minister under the authority of subsection (2) may be subject to such reservations and exceptions as the Minister deems expedient in the public interest.

(14) Section 35κ (1)—

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

Amendment of Act No. 95, 1902. Public Roads Act 1902—

(1) Section 6, definition of “Crown lands”—

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

(2) (a) Section 12 (2A)—

Omit “granted or added”, insert instead “disposed of”.

(b) Section 12 (3) (a), (b)—

Omit the paragraphs, insert instead:—

(a) where the land resumed (being land other than land held under an incomplete purchase in respect of which a folio of the Register kept under the Real Property Act, 1900, has not been created) was held in fee simple, direct that adjoining Crown land available and referred to in the direction be held in fee simple by the owner of the land from which the land was resumed and—

(i) the land referred to in the direction shall thereupon be held accordingly and

(ii) for the purposes of this section shall be deemed to be added to the land from which the land was resumed or

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) where the land resumed was held under an incomplete purchase and a folio of the Register kept under the Real Property Act, 1900, has not been created in respect of it, or held under a homestead selection or lease in perpetuity, whether a folio of the Register kept under the Real Property Act, 1900, has been created in respect of it or not, direct that adjoining Crown land available and referred to in the direction be added to the incomplete purchase, homestead selection or lease in perpetuity, as the case may be, and the land referred to in the direction shall thereupon be held accordingly.
- (c) Section 12 (5)—
Omit “granted” wherever occurring, insert instead “added”.
- (d) Section 12 (6)—
Omit “granted in fee-simple”, insert instead “given”.
- (e) Section 12 (7)—
Omit the subsection.
- (3) (a) Section 13 (2)—
Omit “or grant”, insert instead “under section 12”.
- (b) Section 13 (3) (a)—
After “grant from the Crown”, insert “or a folio of the Register kept under the Real Property Act, 1900,”.
- (c) Section 13 (3) (b)—
After “a grant”, insert “or a transfer of land”.
- (d) Section 13 (3) (b)—
Omit “inserted in the grant thereof when issued”, insert instead “recorded in a folio of the Register kept under the Real Property Act, 1900, created in respect of the land”.
- (4) (a) Section 17 (1) (c)—
Omit “recorded within the Department of Lands as having been added to an adjoining incomplete purchase”, insert instead “added to an adjoining incomplete purchase (other than an incomplete purchase in respect of which a folio of the Register kept under the Real Property Act, 1900, has been created)”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) Section 17 (1) (c)—
Omit “recorded as having been”.
- (5) (a) Section 20 (3) (a)—
Omit the paragraph, insert instead :—
(a) by direction of the Minister given upon payment of the value of the closed road be held in fee simple by the owners of adjoining lands or
- (b) Section 20 (3) (b)—
Omit “recorded within the Department of Lands as having been added to an incomplete purchase”, insert instead “added to an incomplete purchase (other than an incomplete purchase in respect of which a folio of the Register kept under the Real Property Act, 1900, has been created)”.
- (c) Section 20 (3) (b)—
Omit “recorded as having been”.
- (d) Section 20 (3) (c)—
Omit “be granted”, insert instead “by direction of the Minister be held in fee simple by a person referred to in the direction”.
- (e) Section 20 (3) (d)—
Omit “recorded as having been”.
- (f) Section 20 (4)—
Omit “granted or added” wherever occurring, insert instead “disposed of”.
- (6) (a) Section 20A (1)—
Omit “granted or added” wherever occurring, insert instead “disposed of”.
- (b) Section 20A (1)—
Omit “proposed grantee or person to whose holding the land is to be added”, insert instead “person to whom it is proposed to dispose of the land”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(7) Section 22A—

After section 22, insert:—

Exclusion of minerals, etc.

22A. (1) A sale or other disposal of land by the Crown under the authority of this Act, where the sale or disposal takes place on or after the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980, does not include the sale or disposal of any minerals contained in the land. **Exclusion of minerals, etc.**

(2) Upon—

- (a) the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land sold or otherwise disposed of by the Crown under the authority of this Act, being the first folio of that Register created in respect of that land or
- (b) the execution of an instrument evidencing a sale or other disposal of land by the Crown under the authority of 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.

(3) Upon—

- (a) the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land, the sale or other disposal 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 that Register created in respect of that land or
- (b) the execution of an instrument evidencing such a sale or other disposal of land by the Crown

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.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(4) The provisions of subsection (3) 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.

(5) A condition attached to land in accordance with subsection (3) has effect according to its tenor.

(6) Subsections (2) and (3) do not apply to a sale or other disposal of land in respect of which a Crown grant was issued under this Act as in force before the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980.

Amendment of Act No. 44, 1912.

Water Act, 1912—

(1) Section 26D (6), definition of "Owner"—

From paragraph (b), omit "grant the fee simple", insert instead "sell the land".

(2) Section 28, definition of "Owner"—

From paragraph (b), omit "grant the fee simple", insert instead "sell the land".

(3) Section 130, definition of "Owner"—

From paragraph (b), omit "grant the fee-simple", insert instead "sell the land".

(4) Section 150, definition of "Owner"—

From paragraph (b), omit "grant the fee-simple", insert instead "sell the land".

Amendment of Act No. 45, 1912.

Public Works Act, 1912—

(1) Section 101 (2)—

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

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 125—

After “grantee”, insert “or purchaser”.

Irrigation Act, 1912—

Amendment
of Act No.
73, 1912.

(1) (a) Section 7A (1)—

Omit “or land formerly held as an irrigation farm purchase in respect of which a Crown Grant in fee simple has been issued,”.

(b) Section 7A (1A)—

After section 7A (1), insert :—

(1A) A reference in subsection (1)—

(a) to a holding includes a reference to a holding which has been brought under the provisions of the Real Property Act, 1900; and

(b) to an irrigation farm purchase includes a reference to land formerly comprised in an irrigation farm purchase.

(2) (a) Section 7B (2)—

Omit “the issue of a grant in fee-simple of land acquired by virtue of an irrigation farm purchase”, insert instead “completion of a purchase referred to in subsection (1)”.

(b) Section 7B (2)—

Omit “issue of the grant shall as from that date continue to apply to the grant”, insert instead “completion of the purchase shall as from that date continue to apply to the land formerly comprised in the purchase”.

(3) Section 8AA (1) (e)—

Omit “a grant in fee-simple”, insert instead “land formerly comprised in an irrigation farm purchase”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Amendment of Act No. 21, 1916. Returned Soldiers Settlement Act, 1916—

(1) Section 2A—

After section 2, insert :—

2A. A person who has purchased, or contracted to purchase, land from the Crown under this Act has, subject to this Act, an estate in fee simple in the land.

Estate in land purchased under this Act.

(2) Section 4 (11)—

Omit “grant”, insert instead “it has been brought under the provisions of the Real Property Act, 1900”.

(3) (a) Section 4A (1) (a1)—

After section 4A (1) (a), insert :—

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

(b) Section 4A (1) (h)—

Omit “until the grant is issued”.

(c) Section 4A (1) (i)—

Omit the paragraph.

(4) Section 4B (7)—

Omit the subsection.

(5) (a) Section 10 (1)—

Omit “before or after grant”, insert instead “, before or after the land has been brought under the provisions of the Real Property Act, 1900,”.

(b) Section 10 (5)—

Omit the subsection.

(c) Section 10 (6)—

Omit “transfer of land”, insert instead “transfer of any land comprised or formerly comprised”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(d) Section 10 (6) (a)—

Omit “being purchased under section 4A, in respect of which the local land board has certified that all conditions have been complied with”, insert instead “being purchased, or purchased, under section 4A”.

(e) Section 10 (6) (b)—

Omit “, in respect of which the Minister is satisfied that all conditions have been fulfilled”.

(f) Section 10 (6) (c), (d)—

Omit the paragraphs, insert instead:—

(c) the Minister is satisfied that all conditions attaching to the holding or group purchase, other than payment of money due to the Crown, have been complied with;

(d) the balance of purchase money and such other money as may be payable to the Crown in respect of the holding or group purchase have been paid; and

(g) Section 10 (6) (e)—

Omit “purchased”.

(h) Section 10 (9)—

Omit the subsection, insert instead:—

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

(i) Section 10 (10)—

Omit the subsection, insert instead:—

(10) Where a certificate is issued under subsection (6) (e) 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 kept under that Act such particulars

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

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 kept under that Act in respect of the land, record in the Register such particulars relating to the notification as may be prescribed.

(6) (a) Section 22, short heading—

Omit the short heading, insert instead:—

Trusts, exclusion of minerals, etc.

(b) Section 22 (1)—

Omit “Crown grant issued”, insert instead “alienation of land”.

(c) Section 22 (2)–(8)—

Omit section 22 (2) and (3), insert instead:—

(2) Notwithstanding anything to the contrary contained in any notification of the setting apart of lands under this Act, a sale or lease of land by the Crown under the authority of this Act, where—

(a) the land was contracted to be sold or the lease was commenced before the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980; and

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

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

does not include the sale or lease of any minerals contained in the land, being minerals within the meaning of that word as at the time when a folio of the Register kept under the Real Property Act, 1900, is first created in respect of the land.

(3) A sale of land by the Crown under the authority of this Act, where the land is contracted to be sold on or after the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980, does not include the sale of any minerals contained in the land, being minerals within the meaning of that word as at the time when the land is contracted to be sold.

(4) Upon—

- (a) the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land sold or leased by the Crown under the authority of this Act, being the first folio of that Register created in respect of that land; or
- (b) the execution of an instrument evidencing a sale or lease of land by the Crown under the authority of 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.

(5) Upon the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land, the sale or lease 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 that Register created in respect of that land, that land shall, if the Minister has so determined before that creation, 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.

(6) The provisions of subsection (5) 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.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(7) A condition attached to land in accordance with subsection (5) has effect according to its tenor.

(8) Subsections (4) and (5) do not apply to a sale or lease of land in respect of which a Crown grant was issued under this Act as in force before the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980.

(7) (a) Section 23—

Omit “section” wherever occurring, insert instead “subsection”.

(b) Section 23 (2)—

At the end of section 23, insert:—

(2) A condition attaching to land by virtue of subsection (1) shall continue to attach to the land notwithstanding that it has been brought under the provisions of the Real Property Act, 1900.

(8) Heading after section 24—

Omit the heading.

(9) Section 25—

After section 24, insert:—

Conditions, etc., generally.

Conditions,
etc.,
generally.

25. The provisions of—

(a) sections 181A and 182 of the Crown Lands Consolidation Act, 1913, apply to and in respect of land, and holdings comprising land, disposed of under sections 4 and 4A in the same way as they apply to and in respect of land, and holdings comprising land, disposed of under the Crown Lands Consolidation Act, 1913; and

(b) sections 15C and 15D of the Closer Settlement Amendment (Conversion) Act, 1943, apply to and in respect of land, and holdings comprising land, disposed of under section 4B in the same way as they apply to and in respect of land, and holdings comprising land, disposed of under the Closer Settlement Acts.

B

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

Forestry Act, 1916—

Amendment
of Act No.
55, 1916.

(1) Section 4, definition of “Crown lands”—

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

(2) Section 18 (1)—

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

(3) Section 25c, definition of “owner”—

(a) From paragraph (a), omit “a Crown grant in respect of the
land has not been registered under”, insert instead “the land has
not been brought under the provisions of”.

(b) From paragraph (b), omit “a Crown grant in respect of the
land has been registered under”, insert instead “the land has
been brought under the provisions of”.

(4) (a) Section 25F (1)—

Omit “a Crown grant in respect of that land is issued”, insert
instead “the balance of purchase money is paid or the land
is under the provisions of the Real Property Act, 1900”.

(b) Section 25F (8)—

Omit “in respect of which a Crown grant has not been issued”,
insert instead “which has not been brought under the provisions
of the Real Property Act, 1900”.

(5) (a) Section 25I (2) (b)—

Omit “a Crown grant has been issued in respect of the land”,
insert instead “the land is under the provisions of the Real
Property Act, 1900”.

(b) Section 25I (3)—

Omit “subsection (5) of section 32”, insert instead “section
32”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(6) First Schedule, Second Schedule—

Omit “in the case of any such lease that is a perpetual lease, a grant has been issued” wherever occurring, insert instead “the land the subject of any such lease has been brought under the provisions of the Real Property Act, 1900”.

Amendment of Act No. 41, 1919. Local Government Act, 1919—

(1) (a) Section 4, definition of “Owner”—

From paragraph (b), omit “grant the fee-simple”, insert instead “sell the land”.

(b) Section 4, definition of “Private land”—

Omit “grant in fee-simple”, insert instead “sell”.

(2) (a) Section 604 (2)—

Omit “and reservations in any Crown grant”, insert instead “for the benefit of the Crown and reservations to the Crown in any Crown grant or recorded in respect of the land in any folio of the Register kept under the Real Property Act, 1900,”.

(b) Section 604 (3), proviso—

From paragraph (b), omit “or reservations in a Crown grant”, insert instead “for the benefit of the Crown or reservations to the Crown”.

Amendment of Act No. 17, 1921. Wild Dog Destruction Act, 1921—

Section 3, definition of “Owner”—

From paragraph (b), omit “grant the fee-simple of”, insert instead “sell”.

Amendment of Act No. 31, 1924. Prickly-pear Act, 1924—

(1) Section 1 (4), matter relating to Part III, Division 2—

Omit “22”, insert instead “22B”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 20 (3A)—

After “lease”, insert “(not being a lease that has been brought under the provisions of the Real Property Act, 1900)”.

(3) Section 21 (2)—

After section 21 (1), insert:—

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

(4) Section 21A (2A)—

After section 21A (2), insert:—

(2A) If a certificate of title has issued in respect of the lease it shall be forwarded with the application for extension of term.

(5) Section 21AB—

Omit the section.

(6) Section 21B (4A)—

Omit the subsection.

(7) Section 21E—

After section 21D, insert:—

21E. (1) A lease of land by the Crown under the authority of this Act, where—

(a) the lease was commenced before the commencement of Schedule 1 to the Miscellaneous Acts (Crown 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 lease of any minerals contained in the land, being minerals within the definition of “Minerals” in section 3 as at the time when a folio of the Register kept under the Real Property Act, 1900, is first created in respect of the land.

Exclusion
of minerals,
etc.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(2) A lease of land by the Crown under the authority of this Act, where the lease is commenced on or after the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980, does not include the lease of any minerals contained in the land, being minerals within the definition of "Minerals" in section 3 as at the time when the lease is commenced.

(3) Upon—

- (a) the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land leased by the Crown under the authority of this Act, being the first folio of that Register created in respect of that land; or
- (b) the execution of an instrument evidencing a lease of land by the Crown under the authority of 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.

(4) Upon—

- (a) the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land, the lease 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 that Register created in respect of that land; or
- (b) the execution of an instrument evidencing such a lease of land by the Crown,

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.

(5) The provisions of subsection (4) 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.

(6) A condition attached to land in accordance with subsection (4) has effect according to its tenor.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(7) Subsections (3) and (4) do not apply to a lease of land in respect of which a Crown grant was issued under this Act as in force before the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980.

(8) Sections 22A, 22B—

After section 22, insert:—

- 22A. (1) Except in so far as a contrary intention appears—
- (a) any conditions or reservations 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 kept under the Real Property Act, 1900, whether before or after the commencement of Schedule 1 to the Miscellaneous Acts (Crown 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.
- 22B. (1) The Minister may—
- (a) before the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of a lease under this Act, direct in writing that any condition or reservation attaching or applying to the lease shall cease to attach or apply to the lease upon the creation of the folio; and
 - (b) after the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of a lease under this Act, direct in writing that any condition or reservation attaching or applying to the lease shall cease to attach or apply to the lease as from the date of the direction.

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

Removal of conditions, etc.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) The Registrar-General shall give effect to a direction given under subsection (1).

Amendment of Act No. 50, 1924. Metropolitan Water, Sewerage, and Drainage Act, 1924—
Section 4, definition of “Owner”—

From paragraph (b), omit “grant the fee simple”, insert instead “sell the land”.

Amendment of Act No. 14, 1925. Trustee Act, 1925—
Section 14 (8), (8A), (8B)—

Omit section 14 (8), insert instead:—

(8) Subject to subsections (8A) and (8B), a trustee may not, under the powers of this section, invest on mortgage of land except by way of first legal mortgage of the fee simple.

(8A) A trustee may, under the powers of this section, invest on mortgage of a conditional purchase under the Crown Lands Acts if the Minister for Lands or a person authorised by him for the purposes of this subsection has certified that all conditions attaching to the conditional purchase, except payment of the balance of purchase money, have been duly complied with.

(8B) A trustee may invest on mortgage of land of any tenure under the Crown Lands Acts (other than a tenure a mortgage of which is authorised under the preceding provisions of this section) or under the Closer Settlement Acts which is, or may be, converted into freehold, whether subject to a rent to the Crown or not, or which is a lease in perpetuity.

Amendment of Act No. 37, 1930. Reclamation Act, 1930—
(1) Section 2 (1), definition of “Crown lands”—

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

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 2 (1), definition of “Owner”—

From paragraph (b), omit “grant the fee-simple under the Crown Lands Act”, insert instead “sell the land under the Crown Lands Acts”.

Pastures Protection Act, 1934—

Amendment
of Act
No. 35,
1934.

(1) Section 4, definition of “Owner”—

In paragraph (c), after “granted”, insert “or transferred to him”.

(2) Section 4, definition of “Public land”—

(a) From paragraph (a), omit “or grant”.

(b) From paragraph (b), omit “contracted to be granted”, insert instead “transferred to any person”.

School Forest Areas Act, 1936—

Amendment
of Act
No. 20,
1936.

Section 2 (1), definition of “Crown Lands”—

Omit “granted or lawfully contracted to be granted in fee simple under the Crown Lands Consolidation Act, 1913, or any Act amending the same”, insert instead “lawfully contracted to be sold under the Crown Lands Consolidation Act, 1913”.

Soil Conservation Act, 1938—

Amendment
of Act
No. 10,
1938.

Section 3, definition of “Owner”—

From paragraph (b), omit “grant the fee simple”, insert instead “sell the land”.

Hunter District Water, Sewerage and Drainage Act, 1938—

Amendment
of Act
No. 11,
1938.

Section 3, definition of “Owner”—

From paragraph (b), omit “grant the fee simple”, insert instead “sell the land”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1--*continued.*

AMENDMENTS--*continued.*

- Amendment of Act No. 20, 1938. Broken Hill Water and Sewerage Act, 1938—
 Section 3, definition of "Owner"—
 From paragraph (b), omit "grant the fee simple", insert instead "sell the land".
- Amendment of Act No. 29, 1939. Drainage Act, 1939—
 Section 4, definition of "Owner"—
 From paragraph (b), omit "grant the fee simple", insert instead "sell the land".
- Amendment of Act No. 38, 1939. Glen Davis Act, 1939—
 (1) Section 9—
 Omit " , as amended by subsequent Acts, but shall become so vested to the intent that a Crown grant of any part or parts thereof may be issued to the Minister or to a nominee of the Minister.
 The Registrar-General shall by entry in the register book kept under the Real Property Act, 1900, and, except where production of the same is dispensed with under the provisions of that Act, on the duplicate Crown grant, certificate of title or other instrument evidencing title to any land so becoming vested in His Majesty, cancel such Crown grant, certificate of title or other instrument".
- (2) (a) Section 15 (3)—
 Omit the subsection.
- (b) Section 15 (4)—
 Omit "Any Crown grant so issued may confer", insert instead "The Minister may transfer to the Council".
- (c) Section 15 (4)—
 Omit "therein specified", insert instead "specified in the instrument of transfer".

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) Section 17 (4) (b)—

Omit “after a Crown grant thereof has issued”, insert instead “upon its becoming freehold or its being brought under the provisions of the Real Property Act, 1900”.

(4) (a) Section 17A (1) (b)—

Omit “issue of a Crown grant of such land”, insert instead “land has been brought under the provisions of the Real Property Act, 1900”.

(b) Section 17A (1) (c)—

Omit “issue of the Crown grant of such land”, insert instead “land has been brought under the provisions of the Real Property Act, 1900”.

(c) Section 17A (1) (f)—

Omit “a Crown grant of such land has been issued”, insert instead “the land has been brought under the provisions of the Real Property Act, 1900”.

(d) Section 17A (1) (f)—

Omit “register book”, insert instead “Register kept under that Act”.

(e) Section 17A (2), (4)—

Omit “the Crown grant of” wherever occurring.

(5) Sections 17B, 17C—

After section 17A, insert:—

- 17B. (1) Except in so far as a contrary intention appears—
- (a) any covenants, conditions, reservations 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,
- Creation of folio of Register not to affect conditions, etc.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

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 kept under the Real Property Act, 1900, whether before or after the commencement of Schedule 1 to the Miscellaneous Acts (Crown 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.

Removal of conditions, etc.

17c. (1) The Minister may—

- (a) before the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land sold, leased or otherwise disposed of under this Act, direct in writing that any covenant, condition, reservation or provision attaching or applying to the land shall cease to attach or apply to the land upon the creation of the folio; and
- (b) after the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land sold, leased or otherwise disposed of under this Act, direct in writing that any covenant, condition, reservation or provision attaching or applying to the land shall cease to attach or apply to the land as from the date of the direction.

(2) The Registrar-General shall give effect to a direction given under subsection (1).

(6) Sections 19, 19A—

Omit section 19, insert instead:—

Exclusion of minerals, etc.

19. (1) A sale, lease or other disposal of land under this Act, where—

- (a) the land was contracted to be sold, the lease was commenced or the disposal took place before the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980; and

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) 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 defined by or under the Mining Act, 1973, or the Coal Mining Act, 1973, as at the time when a folio of the Register kept under the Real Property Act, 1900, is first created in respect of the land.

(2) A sale, lease or other disposal of land under 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 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980, does not include the sale, lease or disposal 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, the lease is commenced or the disposal takes place, as the case may require.

- (3) Upon—

- (a) the creation of a folio of the Register kept under the Real Property Act, 1900, in respect of land sold, leased or otherwise disposed of under this Act, being the first folio of that Register created in respect of that land; or
- (b) the execution of an instrument evidencing a sale, lease or other disposal of land under 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.

(4) Subsection (3) does not apply to a sale, lease or other disposal of land in respect of which a Crown grant was issued under this Act as in force before the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980.

19A. A person who has purchased, or contracted to purchase, land under this Act has, subject to this Act, an estate in fee simple in the land.

- (7) (a) Section 20 (1)—

Omit “a Crown grant”, insert instead “land”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(b) Section 20 (2)—

Omit “a Crown grant”, insert instead “land which is under the provisions of the Real Property Act, 1900.”.

(c) Section 20 (2)—

Omit “register book”, insert instead “Register kept under that Act”.

(8) (a) Section 21 (2)—

Omit “Where a Crown grant”, insert instead “Where land”.

(b) Section 21 (2)—

Omit “comprised in the grant”.

(c) Section 21 (2)—

Omit “, as amended by subsequent Acts, but shall be so re-vested to the intent that a Crown grant thereof or of any part thereof may be issued to the Minister or to a nominee of the Minister”.

(9) (a) Section 22 (1)—

Omit “either before or after the issue of a Crown grant of such land”.

(b) Section 22 (4)—

Omit “, either before or after a Crown grant of such land has been issued,”.

(c) Section 22 (5)—

Omit “after a Crown grant of such land has been issued”, insert instead “which is under the provisions of the Real Property Act, 1900.”.

(d) Section 22 (5)—

Omit “register book”, insert instead “Register kept under that Act”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(10) (a) Section 23 (1)—

Omit “A Crown grant of any land acquired by the Minister under this Act may, upon the recommendation of the Minister, be issued”, insert instead “Any land acquired by the Minister under this Act may be transferred by him, with or without consideration,”.

(b) Section 23 (2)—

Omit “Any Crown grant issued under this section shall contain”, insert instead “Land transferred under subsection (1) shall be subject to”.

(c) Section 23 (2) (a)—

Omit the paragraph.

(d) Section 23 (2) (d)—

Omit “paragraph (a) or”.

(11) Section 32—

Omit “contained in any contract of sale made under this Act or in a Crown grant issued under”, insert instead “attached to land by the operation of”.

Farm Water Supplies Act, 1946—

Section 2, definition of “Owner”—

From paragraph (b), omit “grant the fee-simple”, insert instead “sell the land”.

Amendment
of Act
No. 22,

1946.

Land Acquisition (Charitable Institutions) Act, 1946—

Section 4 (7)—

Omit the subsection, insert instead:—

(7) The Minister may, on behalf of the Crown, transfer the land to the applicant or to the nominee of the applicant subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Minister may deem expedient.

Amendment
of Act
No. 55,
1946.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- Amendment of Act No. 20, 1948. Rivers and Foreshores Improvement Act, 1948—
 Section 2, definition of “Owner”—
 From paragraph (b), omit “grant the fee-simple”, insert instead “sell the land”.
- Amendment of Act No. 31, 1949. Bush Fires Act, 1949—
 Section 6, definition of “Owner”—
 From paragraph (b), omit “grant the fee-simple”, insert instead “sell the land”.
- Amendment of Act No. 34, 1950. Hunter Valley Conservation Trust Act, 1950—
 Section 2, definition of “Owner”—
 From paragraph (b), omit “grant the fee-simple”, insert instead “sell the land”.
- Amendment of Act No. 28, 1955. Petroleum Act, 1955—
 Section 3 (1), definition of “Crown lands”—
 From paragraph (c), omit “held under any grant issued”, insert instead “comprised in a folio of the Register kept under the Real Property Act, 1900, being a folio created”.
- Amendment of Act No. 10, 1956. Hunter Valley Flood Mitigation Act, 1956—
 Section 2 (1), definition of “Owner”—
 From paragraph (b), omit “grant the fee simple”, insert instead “sell the land”.
- Amendment of Act No. 26, 1956. Land Tax Management Act, 1956—
 Section 21—
 Omit “grant”, insert instead “transfer”.

*Miscellaneous Acts (Crown Land Titles) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

Pipelines Act, 1967—

Amendment
of Act
No. 90,
1967.

Section 3 (1), definition of “Crown lands”—

Omit “grant has issued”, insert instead “folio of the Register kept under the Real Property Act, 1900, has been created”.

Aborigines Act, 1969—

Amendment
of Act
No. 7,
1969.

(1) Section 2 (1), definition of “Crown lands”—

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

(2) Section 10H (1)—

Omit “grant”, insert instead “transfer”.

(3) (a) Section 17 (1), (1A)—

Omit “grant” wherever occurring, insert instead “transfer”.

(b) Section 17 (1), (1A) (b)—

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

(c) Section 17 (1A) (a) (iii)—

Omit “Governor”, insert instead “Minister administering the Crown Lands Acts”.

(d) Section 17 (2), (3)—

Omit “granting” wherever occurring, insert instead “transfer”.

Imperial Acts Application Act, 1969—

Amendment
of Act
No. 30,
1969.

Section 37—

Omit “upon any grant in fee simple made”, insert instead “by way of the alienation of an estate in fee simple in land”.

Water, Crown Lands and Other Acts (Amendment) Act, 1970—

Amendment
of Act
No. 5,
1970.

(1) Section 4 (1) (c)—

Omit the paragraph.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (2) Section 4 (2)—
Omit the subsection.

Amendment of Act No. 26, 1970. Closer Settlement and Public Reserves Fund Act, 1970—

- (1) Section 5 (d)—
Omit “(iii) or (iv)”.
- (2) Section 5 (d)—
Omit “(6A) or (6B)”.
- (3) Section 5 (d)—
Omit “(4) or (5)”.
- (4) Section 5 (d)—
Omit “(5) or (6)”.
- (5) Section 5 (d)—
After “land”, insert “(being, in each case, an amount determined according to the unimproved value of the land)”.

Amendment of Act No. 18, 1971. Land Aggregation Tax Management Act, 1971—

- (1) Section 3 (1), definition of “de-restricted title land”—
- (a) In paragraph (a), after “has”, insert “, upon payment of an amount determined according to the unimproved value of the land,”.
- (b) From paragraph (a)—
- (i) Omit “(iii) or (iv)”.
- (ii) Omit “(6A) or (6B) (d)”.
- (iii) Omit “(4) or (5) (d)”.
- (iv) Omit “(5) or (6) (e)”.
- (2) Section 20—
Omit “grant”, insert instead “transfer”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Zoological Parks Board Act, 1973—

Amendment
of Act No.
34, 1973.

(1) Section 16 (3), (6)—

Omit "Governor" wherever occurring, insert instead "Minister".

(2) Section 16 (3) (a)—

Omit "grant", insert instead "transfer an estate in fee simple in".

(3) Section 16 (3) (a)—

Omit "for an estate in fee simple".

(4) Section 16 (3) (b)—

Omit "granted", insert instead "transferred".

(5) Section 16 (3) (b)—

Omit "grant", insert instead "transfer".

(6) Section 16 (4)–(6)—

Omit "grant" wherever occurring, insert instead "transfer".

Mining Act, 1973—

Amendment
of Act No.
42, 1973.

(1) Section 6 (1), definition of "Crown lands"—

From paragraph (c), omit "held under any grant issued", insert instead "comprised in a folio of the Register kept under the Real Property Act, 1900, being a folio created".

(2) Section 6 (1), definition of "exempted area"—

In paragraph (c), before "granted", insert "transferred,".

(3) Section 6 (1), definition of "owner"—

From paragraph (a), omit "grant the fee simple in", insert instead "sell".

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- Amendment of Act No. 47, 1973. Private Irrigation Districts Act, 1973—
Section 4 (1), definition of “owner”—
From paragraph (b), omit “grant the fee-simple”, insert instead “sell the land”.
- Amendment of Act No. 58, 1973. Farm Water Storages and Bores Subsidies Act, 1973—
Section 2 (1), definition of “owner”—
From paragraph (b), omit “grant the fee simple in”, insert instead “sell”.
- Amendment of Act No. 81, 1973. Coal Mining Act, 1973—
(1) Section 6 (1), definition of “Crown lands”—
From paragraph (c), omit “held under any grant issued”, insert instead “comprised in a folio of the Register kept under the Real Property Act, 1900, being a folio created”.
(2) Section 6 (1), definition of “exempted area”—
In paragraph (c), before “granted”, insert “transferred”.
(3) Section 6 (1), definition of “owner”—
From paragraph (a), omit “grant the fee simple in”, insert instead “sell”.
- Amendment of Act No. 17, 1974. Conversion of Cemeteries Act, 1974—
Section 11 (1) (d)—
Omit “Crown grants”, insert instead “instruments of title”.
- Amendment of Act No. 80, 1974. National Parks and Wildlife Act, 1974—
(1) Section 5 (1), definition of “owner”—
From paragraph (b), omit “grant the fee simple”, insert instead “sell the lands”.

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(2) Sections 33 (8), 49 (5)—

Omit “deeds of grant” wherever occurring, insert instead “instruments of title”.

(3) Sections 33 (8), 49 (5)—

After “cancellation” wherever occurring, insert “or notation, as the case may require”.

Colleges of Advanced Education Act, 1975—

Amendment
of Act No.
11, 1975.

(1) Section 15 (1) (a)—

Omit “granted”, insert instead “transferred”.

(2) Section 15 (1) (a)—

Omit “Governor”, insert instead “Minister administering the Crown Lands Consolidation Act, 1913,”.

(3) Section 15 (2)—

Omit “grant,”.

Chipping Norton Lake Authority Act, 1977—

Amendment
of Act
No. 38,
1977.

Section 17 (2), (3)—

Omit the subsections, insert instead:—

(2) The Authority may not sell land vested in it unless the land has—

(a) before the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980, been granted; or

(b) after that commencement, been transferred from the Crown to the Authority in accordance with subsection (3).

(3) To enable the Authority to sell land that has been vested in it by this Act but which has not—

(a) before the commencement of Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act, 1980, been granted; or

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(b) after that commencement, been transferred from the Crown to the Authority,

the Minister administering the Crown Lands Consolidation Act, 1913, Part VI excepted, may, subject to the prior publication of a notification under section 18 (1), on behalf of the Crown transfer the land to the Authority subject to such trusts, conditions, covenants, provisions, exceptions and reservations as he thinks fit.

- Amendment of Act No. 78, 1977 (as amended by Act No. 29, 1978). Closer Settlement (Amendment) Act, 1977—
 Section 3A of the Closer Settlement (Amendment) Act, 1937, as to be inserted by section 7 of, and Schedule 4 to, the Closer Settlement (Amendment) Act, 1977 (as amended by section 5 of, and Schedule 3 (1) to, the Closer Settlement (Amendment) Act, 1978)—
 From subsection (1) (a), omit “lease in respect of which a perpetual lease grant has issued”, insert instead “holding which has been brought under the provisions of the Real Property Act, 1900,”.
- Amendment of Act No. 87, 1977 (as amended by Act No. 43, 1978). Western Lands (Amendment) Act, 1977—
 Section 36D of the Western Lands Act, 1901, as to be inserted by section 4 of, and Schedule 3 (3) to, the Western Lands (Amendment) Act, 1977 (as amended by section 2 of, and Schedule 1 (1) to, the Western Lands (Amendment) Act, 1978)—
 (a) From subsection (1) (a), omit “and”.
 (b) In subsection (1), after paragraph (a), insert:—
 (a1) “holding” includes a holding which has been brought under the provisions of the Real Property Act, 1900; and
- Amendment of Act No. 97, 1977 (as amended by Act No. 31, 1978). Crown Lands (Amendment) Act, 1977—
 Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977 (as amended by section 4 of, and Schedule 2 (1) to, the Crown Lands (Amendment) Act, 1978)—

Miscellaneous Acts (Crown Land Titles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

From subsection (1) (a). omit "homestead selection after grant and a lease in respect of which a perpetual lease grant has issued", insert instead "holding which has been brought under the provisions of the Real Property Act, 1900,".