

**MISCELLANEOUS ACTS (CROWN LANDS) AMENDMENT  
ACT 1989 No. 9**

**NEW SOUTH WALES**



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**MISCELLANEOUS ACTS (CROWN LANDS) AMENDMENT ACT  
1989 No. 9**

NEW SOUTH WALES



**Act No. 9, 1989**

An Act to amend certain Acts as a consequence of and in connection with the enactment of the Crown Lands Act 1989, the Crown Lands (Continued Tenures) Act 1989 and the Western Lands (Crown Lands) Amendment Act 1989. [Assented to 21 March 1989]

*Miscellaneous Acts (Crown Lands) Amendment 1989*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Miscellaneous Acts (Crown Lands) Amendment Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendments**

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

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**Coal Mining Act 1973 No. 81—**

**Section 6 (Definitions)—**

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

(i) In paragraph (c) of the definition, after "following tenures", insert "under the Crown Lands Acts".

(ii) From paragraph (c) of the definition, omit "Crown lease" wherever occurring, insert instead "Crown-lease".

(iii) Omit paragraph (d) of the definition, insert instead:

(d) land held under a closer settlement lease, group purchase lease or settlement purchase lease under the Closer Settlement Acts;

(da) land held under a returned soldiers' special holding, being a lease to a discharged soldier under section 4 of the Returned Soldiers Settlement Act 1916;

(db) land held under a lease granted under Part 4 of the Crown Lands Act 1989 other than a lease granted for grazing purposes;

(b) Section 6 (1), definition of "Crown Lands Acts"—

Omit the definition, insert instead:

"Crown Lands Acts" has the same meaning as in the Crown Lands Act 1989 and includes the Western Lands Act 1901;

(c) Section 6 (1), definition of "Crown lease for pastoral purposes"—

Omit "Crown lease" wherever occurring, insert instead "Crown-lease".

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SCHEDULE 1—AMENDMENTS—*continued*

**Conveyancing Act 1919 No. 6—**

**Section 6 (Application of Act to Real Property Act 1900 and other Acts)—**

(a) Section 6 (2)—

Omit “the Crown Lands Consolidation Act, 1913, Closer Settlement Act, 1904, Closer Settlement Promotion Act, 1910, Western Lands Act of 1901, Mining Act, 1973, Coal Mining Act, 1973, or any Act amending such Acts, or”, insert instead “the Crown Lands (Continued Tenures) Act 1989, the Western Lands Act 1901, the Mining Act 1973, the Coal Mining Act 1973 or the provisions”.

(b) Section 6 (2A)—

After section 6 (2), insert:

(2A) Division 4 (Easements and restrictive and positive covenants) of Part 6, so far as it is applicable, applies to and in respect of Crown land and land in holdings to which the Crown Lands (Continued Tenures) Act 1989 applies.

**Crown Lands (Amendment) Act 1932 No. 69—**

(1) Long title—

Omit “and for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, and certain other Acts;”.

(2) Sections 1, 1A—

Omit section 1, insert instead:

**Short title**

1. This Act may be cited as the Crown Lands (Amendment) Act 1932.

**Relationship with other Acts**

1A. This Act shall be read and construed with the Wentworth Irrigation Act 1890 and the Hay Irrigation Act 1902.

(3) Sections 3–18—

Omit the sections.

(4) Section 19 (**Waiver or remission of interest and rent—irrigation holdings**)—

Section 19 (1)—

Omit “Part VI of the Crown Lands Consolidation Act, 1913,”.

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SCHEDULE 1—AMENDMENTS—*continued*

**Finances Adjustment Act 1932 No. 27—**

Section 3 (**Interest**)—

Section 3 (3H)—

After section 3 (3G), insert:

(3H) Subsection (3A) does not apply to interest accruing due on or after the commencement of a provision of the Crown Lands (Continued Tenures) Act 1989 or Schedule D to the Western Lands Act 1901 in respect of money payable to the Crown under that provision.

**Forestry Act 1916 No. 55—**

(1) Section 4 (**Definitions**)—

(a) Definition of “Crown lands”—

Omit the definition, insert instead:

“Crown lands” has the same meaning as in the Crown Lands Act 1989.

(b) Definition of “Crown Lands Acts”—

Omit the definition, insert instead:

“Crown Lands Acts” has the same meaning as in the Crown Lands Act 1989.

(2) Section 16 (**Exchange of land**)—

Omit the section.

(3) Section 19 (**Revocation of dedication**)—

Section 19 (b)—

Omit “Crown Lands Consolidation Act 1913”, insert instead “Crown Lands Act 1989”.

(4) Section 22 (**Reservation of timber reserves**)—

Omit “Crown Lands Consolidation Act 1913”, insert instead “Crown Lands Acts”.

(5) Section 24 (**Lease or licence of land within a timber reserve**)—

(a) Omit “or permissive occupancy”.

(b) Omit “Crown Lands Consolidation Act 1913”, insert instead “Crown Lands Act 1989”.

SCHEDULE 1—AMENDMENTS—*continued*

- (6) **Section 25 (Existing leases and licences in State forests and timber reserves)—**
- (a) Section 25 (1), first proviso—  
Omit “such lease or licence”, insert instead “any such lease or licence under the Western Lands Act 1901”.
- (b) Section 25 (1), first proviso—  
Omit “impose:”, insert instead “impose. Any such other lease or licence shall not be renewed or extended.”.
- (7) **Section 25c (Definitions)—**
- (a) Definition of “owner”—  
From paragraph (a) of the definition, omit “conversion of the land was granted or confirmed under the Crown Lands Consolidation Act 1913”, insert instead “purchase of the land was granted under the Crown Lands (Continued Tenures) Act 1989”.
- (b) Definition of “prescribed lease from the Crown”—
- (i) After “special lease”, insert “granted”.
- (ii) After “prickly-pear lease”, insert “granted”.
- (iii) Omit “and any such tenure held as an additional tenure,”.
- (c) Definition of “prescribed officer”—  
Omit “Under” wherever occurring.
- (d) Definition of “purchase-tenure land”—  
Omit the definition, insert instead:  
“purchase-tenure land” means land held under a prescribed lease from the Crown which has been contracted to be sold under the Crown Lands Acts or the Western Lands Act 1901.
- (8) **Section 25E (Restriction on granting applications to purchase land subject to prescribed leases from the Crown)—**
- (a) Section 25E (1)—  
Omit “conversion of a prescribed lease from the Crown to a conditional purchase shall not be granted or confirmed”, insert instead “purchase of land held under a prescribed lease from the Crown shall not be granted”.
- (b) Section 25E (1) (b), (2)—  
Omit “or confirmation” wherever occurring.
- (c) Section 25E (3)—  
Omit “conversion of the prescribed lease from the Crown to a conditional purchase”, insert instead “purchase of the land”.

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SCHEDULE 1—AMENDMENTS—*continued*

- (d) Section 25E (5)—  
Omit “or confirmed”.
- (e) Section 25E (6)—  
Omit “conversion to a conditional purchase of a lease of lands held”, insert instead “purchase of land leased”.
- (f) Section 25E (7)—  
After section 25E (6), insert:  
(7) If the commission does not object to the application, the commission may certify to the prescribed officer to that effect and may, if it thinks fit, certify that section 25F is not to apply to the land concerned.
- (9) Section 25F (**Crown’s rights to timber and products on purchase-tenure land**)—  
Section 25F (1)—  
Omit “there is reserved”, insert instead “there is (unless the commission has certified under section 25E (7) that this section is not to apply to the land) reserved”.
- (10) Section 25I (**Commission to execute certificate releasing land from profit à prendre**)—  
Section 25I (2), (3)—  
Omit the subsections, insert instead:  
(2) The Commission shall after the execution of any such certificate in respect of any land—  
(a) if the land is not under the provisions of the Real Property Act 1900, lodge a copy of the certificate with the Registrar-General who shall record in the record of Crown holdings which are not under that Act, in such manner as the Registrar-General considers proper, the release of the profit à prendre;  
(b) if the land is under the provisions of the Real Property Act 1900, lodge with the Registrar-General in a form approved by the Registrar-General a copy of the certificate and upon receipt of it the Registrar-General shall, under section 32 of that Act, record in the Register kept under that Act, in such manner as the Registrar-General considers proper, the release of the profit à prendre and shall make a corresponding recording on the grant or certificate of title upon its being produced; and

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SCHEDULE 1—AMENDMENTS—*continued*

- (c) if the certificate was executed on application made by the owner of the land, furnish to the owner a copy of the certificate.
- (11) **Section 27 (Penalty for unlawfully taking timber, products or forest materials)—**
- (a) Section 27 (3) (b)—  
Omit the paragraph, insert instead:
- (b) by reason only of the person's taking timber or other materials as authorised by Schedule 6 to the Crown Lands (Continued Tenures) Act 1989 or section 18D (ii) of the Western Lands Act 1901 or as referred to in section 25F (7); or
- (b) Section 27 (4)—  
Omit "section 254 or 255 of the Crown Lands Consolidation Act 1913", insert instead "section 155 or 159 of the Crown Lands Act 1989".
- (12) **Section 30I (Taking of small quantities of timber etc. from certain lands)—**
- (a) Section 30I (2) (a) (i)—  
Omit "or".
- (b) Section 30I (2) (a) (ii)—  
Omit "lease,", insert instead "lease;".
- (c) Section 30I (2) (a) (iii), (iv)—  
After section 30I (2) (a) (ii), insert:
- (iii) a closer settlement lease, group purchase lease or settlement purchase lease granted under the Closer Settlement Acts; or
- (iv) a returned soldiers' special holding, being a lease to a discharged soldier granted under section 4 of the Returned Soldiers Settlement Act 1916,
- (13) **Section 31 (Permits to occupy and use land)—**  
Section 31 (3)—  
Omit "other than land held under a conditional lease and not reserved from sale or held as a conditional purchase lease.", insert instead:  
other than land held under—
- (a) a conditional lease and not reserved from sale;
- (b) a conditional purchase lease;



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SCHEDULE 1—AMENDMENTS—*continued*

- (c) a closer settlement lease, group purchase lease or settlement purchase lease granted under the Closer Settlement Acts; or
- (d) a returned soldiers' special holding, being a lease to a discharged soldier granted under section 4 of the Returned Soldiers Settlement Act 1916.

(14) Section 33A (**Roads of access—declaration of**)—

(a) Section 33A (1) (a)—

Omit “to be a road of access for the purposes of section 279 of the Crown Lands Consolidation Act 1913”, insert instead “to be a road of access to land purchased or held under a lease or licence under the Crown Lands Acts if no access is provided to the land by means of a reserved or proclaimed road or track”.

(b) Section 33A (1) (b)—

Omit “published with the consent of the Minister for the time being administering that section,”.

(c) Section 33A (3)—

Omit “and section 279 of the Crown Lands Consolidation Act 1913”.

(15) Section 37—

Omit the section, insert instead:

**Savings, transitional and other provisions**

37. The Third Schedule has effect.

(16) First Schedule—

(a) Omit “Snow Lease,”.

(b) Omit “and any such tenure held as an additional tenure”, insert instead “lease or licence granted under the Crown Lands Act 1989”.

(17) Second Schedule—

Omit “any such lease held as an additional lease”, insert instead “a lease granted under the Crown Lands Act 1989”.

**SCHEDULE 1—AMENDMENTS—*continued*****(18) Third Schedule—**

After the Second Schedule, insert:

**THIRD SCHEDULE—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

(Sec. 37)

**Miscellaneous Acts (Crown Lands) Amendment Act 1988**

A declaration under section 33A, in force immediately before the commencement of the Miscellaneous Acts (Crown Lands) Amendment Act 1989, that a road is a road of access for the purposes of section 279 of the Crown Lands Consolidation Act 1913 is, on that commencement, deemed to be a declaration that the road is a road of access for the purposes of section 33A.

**Irrigation Act 1912 No. 73—****(1) Section 3 (Definitions)—**

Omit the definition of “Bank”, insert instead:

“Appropriate authority” means the State Bank or, if another person or body is prescribed for the purposes of this definition, that other person or body.

**(2) Section 6 (Constitution of irrigation areas)—****(a) Section 6 (1)—**

Omit “Eastern, Central,”, insert instead “Eastern and Central Division”.

**(b) Section 6 (1)—**

Omit “, but shall not be available for any class of holding thereunder until set apart for disposal by the Ministerial Corporation by notification in the Gazette:

Provided that:

- (i) any such land until so set apart; or
- (ii) any such land so set apart and not thereafter disposed of; or
- (iii) land which upon forfeiture and surrender under the provisions of the Crown Lands Consolidation Act 1913, becomes revested in the Crown,

may be used for such purposes or leased by the Ministerial Corporation for such terms and upon such conditions as it thinks fit”, insert instead “or used for such purposes as the Ministerial Corporation thinks fit”.

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SCHEDULE 1—AMENDMENTS—*continued*

(3) Section 7 (**Setting land apart as irrigation farms**)—

Omit the section.

(4) Section 7A—

Omit the section, insert instead:

**Water rights on subdivision etc.**

7A. (1) This section applies if—

- (a) a holding is subdivided; or
- (b) a holding is altered by the surrender or resumption of part or by the addition of land; or
- (c) a holding is affected by a redesign under section 16 of the Crown Lands (Continued Tenures) Act 1989; or
- (d) two or more holdings or parts of holdings are, under section 16 of the Crown Lands (Continued Tenures) Act 1989, constituted as one holding for the purposes of this Act; or
- (e) a declaration, under that section, that two or more holdings or parts of holdings are to be a single farm unit is revoked; or
- (f) the irrigable area of a holding is increased; or
- (g) the Ministerial Corporation provides additional facilities for watering a holding.

(2) If this section applies, the Ministerial Corporation may by notification in the Gazette—

- (a) determine the number of water rights (if any) which shall, for that reason, attach to the holding or to any part of the holding (or to each holding constituted by the subdivision, redesign or revocation of declaration); and
- (b) specify the number of those water rights which are to be a fixed charge on the holding or any part of the holding (or on each holding); and
- (c) attach to the holding, to the part of the holding or to each holding any provisions and conditions not inconsistent with this Act that the Ministerial Corporation thinks should apply to or in respect of, or be incidental to, the supply of water to, the drainage of, or the attachment of water rights to, the holding, part of the holding or each holding.

(3) In this section, “holding” means—

- (a) an irrigation farm lease; or

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- (b) an irrigation farm purchase; or
  - (c) a purchase under the Crown Lands (Continued Tenures) Act 1989 of land comprised in an irrigation farm lease; or
  - (d) land formerly comprised in an irrigation farm purchase or a purchase referred to in paragraph (c); or
  - (e) any two or more holdings or parts of holdings for the time being declared to be a single farm unit under section 16 of the Crown Lands (Continued Tenures) Act 1989, whether or not the lease, purchase, land, holdings or parts of holdings has or have been brought under the provisions of the Real Property Act 1900.
- (5) Section 7B (**Water rights etc. on conversion or purchase**)—
- (a) Section 7B (1)—  
After “irrigation farm purchase”, insert “or an application to purchase the land comprised in an irrigation farm lease is granted”.
  - (b) Section 7B (1)—  
Omit “took effect shall as from that date continue to apply to the purchase”, insert instead “or purchase took effect shall continue to apply to the land formerly comprised in the lease, before and after completion of the purchase”.
  - (c) Section 7B (2)—  
Omit the subsection.
  - (d) Section 7B (5)—  
Omit “or (2)” wherever occurring.
- (6) Section 7C (**Alteration of number of water rights**)—
- Section 7C (2) (c)—  
Omit “Crown Lands Consolidation Act, 1913”, insert instead “Crown Lands Acts”.
- (7) Section 7D—  
After section 7C, insert:
- Leases and sales under Crown Lands Act 1989**
- 7D. Section 7A applies—
- (a) to a lease under the Crown Lands Act 1989 in the same way as it applies to an irrigation farm lease; and
  - (b) to a sale of land under the Crown Lands Act 1989 in the same way as it applies to an irrigation farm purchase,

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if the land sold or leased is in an irrigation area and is served with water by works provided by the Ministerial Corporation.

- (8) Section 8 (**Powers, authorities, duties and functions of Commission**)—  
Section 8 (b)—  
Omit the paragraph.
- (9) Section 8AA (**Price of water rights**)—  
(a) Section 8AA (1) (b)—  
After “section 7 (1)”, insert “and made before the repeal of that section”.  
(b) Section 8AA (1) (c)—  
Omit “(a)”, insert instead “(a)–(g)”.  
(c) Section 8AA (1) (d)–(f)—  
Omit section 8AA (1) (d) and (e), insert instead:  
(d) land comprised or formerly comprised in a purchase referred to in section 7B (1);  
(e) a lease under the Crown Lands Act 1989 referred to in section 7D of this Act; and  
(f) land sold under the Crown Lands Act 1989 as referred to in section 7D of this Act.
- (10) Section 8B (**Sinking of bores or wells**)—  
(a) Section 8B (3)—  
Omit “Bank”, insert instead “appropriate authority”.  
(b) Section 8B (3), (3A) (b)—  
Omit “bank” wherever occurring, insert instead “appropriate authority”.
- (11) Section 9A (**Unauthorised removal, damage to or destruction of buildings or other improvements**)—  
Omit “bank” wherever occurring, insert instead “appropriate authority”.
- (12) Section 11C (**Conversion of leaseholds**)—  
Section 11C (3) (a) (ii), (d)—  
Omit “bank” wherever occurring, insert instead “appropriate authority”.
- (13) Section 11D (**Power to apply for reappraisal of rentals**)—  
Section 11D (3) (b)—  
Omit “Bank”, insert instead “appropriate authority”.

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- (14) Section 11G (**Reserves for public purposes**)—
- (a) Section 11G (1)—  
Omit “lands”, insert instead “land”.
- (b) Section 11G (1), (2), (4)—  
Omit “Crown Lands Consolidation Act, 1913,” wherever occurring, insert instead “Crown Lands Act 1989”.
- (15) Section 15 (**Payment of rates and charges**)—  
Section 15 (4)—  
Omit “Crown Lands Consolidation Act, 1913”, insert instead “Crown Lands Acts”.
- (16) Section 18 (**Collection of rent etc.**)—  
Section 18 (1), (2)—  
Omit “bank” wherever occurring, insert instead “appropriate authority”.
- (17) Section 18A (**Payment of rent and instalments to be made on 30 June in each year**)—  
Omit the section.

**Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act 1955 No. 12—**

- Section 20 (**Reduction of rentals in certain cases**)—
- (a) Section 20 (5A)—  
After section 20 (5), insert:  
(5A) On the commencement of clause 13 of Schedule 5 to the Crown Lands (Continued Tenures) Act 1989, this section ceases to apply to a lease referred to in subsection (1) (a).
- (b) Section 20 (6)—  
After “section”, insert “(except subsection (5A))”.

**Justices Act 1902 No. 27—**

- Section 100i (**Definitions**)—  
In paragraph (a) of the definition of “penalty notice”, insert in appropriate alphabetical order:  
Crown Lands Act 1989, section 162;

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SCHEDULE 1—AMENDMENTS—*continued*

**Land Aggregation Tax Management Act 1971 No. 18—**

(1) Section 3 (**Definitions**)—

(a) Section 3 (1), definition of “de-restricted title land”—

(i) In paragraph (a) after “1916”, insert “, or Part 1 of Schedule 3 to the Crown Lands (Continued Tenures) Act 1989”.

(ii) In paragraph (b) after “provision”, insert “or in accordance with subsection (1A)”.

(b) Section 3 (1A)—

After section 3 (1), insert:

(1A) If—

(a) a certificate that land may be transferred or otherwise dealt with without the Minister’s consent is issued under Part 1 of Schedule 3 to the Crown Lands (Continued Tenures) Act 1989; and

(b) the area of the land in respect of which the certificate is issued exceeds 4 050 square metres,

the Registrar-General shall record on the folio of the Register for the land the following notification:

Attention is directed to section 8, Land Aggregation Tax Management Act 1971.

(2) Section 20 (**Conditional purchases etc.**)—

Omit “Crown Lands Consolidation Act, 1913,” insert instead “Crown Lands Acts”.

**Local Government Act 1919 No. 41—**

(1) Section 4 (**Definitions**)—

(a) Definition of “City”, “village”, “town”—

Omit “meanings given to them in the Crown Lands Consolidation Act, 1913”, insert instead “areas declared to be such under the Crown Lands Acts”.

(b) Definition of “Crown Lands”—

Omit the definition, insert instead:

“Crown lands” has the same meaning as in the Crown Lands Act 1989.

(c) Definition of “Public reserve”—

Omit “section 37AAA of the Crown Lands Consolidation Act, 1913”. insert instead “section 76 of the Crown Lands Act 1989”.

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- (d) Definition of “Western Division”—  
Omit the definition, insert instead:  
“Western Division” has the same meaning as in the Crown Lands Act 1989.
- (2) Section 118 (**General rate**)—  
Section 118 (1), definition of “town” and “village”—  
Omit “section 23 of the Crown Lands Consolidation Act, 1913,”  
insert instead “section 9 of the Crown Lands Act 1989”.
- (3) Section 160E (**Rating of certain classes of lease from the Crown**)—  
Section 160E (2) (c)—  
After section 160E (2) (b), insert:  
(c) held under a lease or licence, or permit to enclose a road  
or watercourse, granted under Part 4 of the Crown Lands  
Act 1989;
- (4) Section 251B (**Rental of enclosed public roads**)—  
Section 251B (3), definition of “Local land board”—  
Omit the definition, insert instead:  
“Local land board” means the local land board constituted  
under the Crown Lands Act 1989 or the Western Lands Act  
1901 for the land district or administrative district in which  
the public road or part of the public road concerned is  
situated.
- (5) Section 289H (**Licences**)—  
Section 289H (3) (a)—  
Omit the paragraph, insert instead:  
(a) in respect of Crown lands, or land in a reserve within the  
meaning of Part 5 of the Crown Lands Act 1989, except  
in accordance with the consent of the Minister  
administering that Act;
- (6) Section 317AB (**Application for building certificate**)—  
Section 317AB (4)—  
Omit “Crown Lands Consolidation Act 1913”, insert instead  
“Crown Lands Act 1989”.
- (7) Section 340A (**Public garden and recreation spaces**)—  
Section 340A (1)—  
Omit “Crown Lands Consolidation Act, 1913, as amended by  
subsequent Acts,” wherever occurring, insert instead “Crown  
Lands Act 1989”.



*Miscellaneous Acts (Crown Lands) Amendment 1989***SCHEDULE 1—AMENDMENTS—continued****(8) Section 343 (Application)—**

Section 343 (2)—

Omit the subsection, insert instead:

(2) Despite anything in this Part, but subject to section 98 of the Crown Lands Act 1989, if under Part 5 of that Act a council holds office as the sole corporate member of a reserve trust which is trustee of a public reserve that is wholly or partly outside the area of the council, the powers and duties conferred and imposed on the council under this Part (other than sections 344 and 345) apply in relation to the reserve as if the reserve were wholly within the area of the council.

**(9) Section 432 (Entire stock—extra damages)—**

Section 432 (4)—

Omit “, notwithstanding the provisions of section 250 of the Crown Lands Consolidation Act, 1913, to the contrary,”.

**(10) Section 452B (Interpretation)—**

Section 452B (2)—

Omit the subsection, insert instead:

(2) For the purposes of this Division, a reference to rules, regulations or by-laws in sections 81 (2) and 88 (2) of the Crown Lands Act 1989 includes a reference to ordinances.

**(11) Section 475C (Leasing of commons and reserves)—****(a) Section 475C (1), (7), (8)—**

Omit “Crown Lands Consolidation Act, 1913” wherever occurring, insert instead “Crown Lands Act 1989”.

**(b) Section 475C (9)—**

Omit “Crown Lands Consolidation Act, 1913,” insert instead “Crown Lands Act 1989”.

**(12) Section 489 (Power to appear before local land boards)—**

Omit “Crown Lands Consolidation Act, 1913,” insert instead “Crown Lands Act 1989”.

**(13) Section 518 (Power to sell or exchange property)—****(a) Section 518 (2A)—**

Omit “Crown Lands Consolidation Act, 1913, as amended by subsequent Acts” wherever occurring, insert instead “Crown Lands Act 1989”.

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SCHEDULE 1—AMENDMENTS—*continued*

(b) Section 518 (5)—

Omit “section 37AAA of the Crown Lands Consolidation Act, 1913”, insert instead “section 76 of the Crown Lands Act 1989”.

(14) Section 519C (**Leases and licences—land in certain public reserves**)—

Section 519C (1) (a)—

Omit “section 37M (1) of the Crown Lands Consolidation Act, 1913”, insert instead “Part 5 of the Crown Lands Act 1989”.

(15) Section 654 (**Disputes between councils etc.**)—

Section 654 (5) (l)—

Omit “Crown Lands Consolidation Act, 1913”, insert instead “Crown Lands Act 1989”.

**Mining Act 1973 No. 42—**

Section 6 (**Definitions**)—

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

(i) In paragraph (c), after “following tenures”, insert “under the Crown Lands Acts”;

(ii) From paragraph (c), omit “Crown lease” wherever occurring, insert instead “Crown-lease”;

(iii) Omit paragraph (d), insert instead:

(d) land held under a closer settlement lease, group purchase lease or settlement purchase lease granted under the Closer Settlement Acts;

(da) land held under a returned soldiers’ special holding, being a lease to a discharged soldier granted under section 4 of the Returned Soldiers Settlement Act 1916;

(db) land held under a lease granted under Part 4 of the Crown Lands Act 1989 other than a lease granted for grazing purposes;

(b) Section 6 (1), definition of “Crown Lands Acts”—

Omit the definition, insert instead:

“Crown Lands Acts” has the same meaning as in the Crown Lands Act 1989;

(c) Section 6 (1), definition of “Crown lease for pastoral purposes”—

Omit “Crown lease” wherever occurring, insert instead “Crown-lease”.

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SCHEDULE 1—AMENDMENTS—*continued*

**Pastures Protection Act 1934 No. 35—**

(1) Section 4 (**Definitions**)—

(a) Definition of “Central Division”—

Omit the definition.

(b) Definitions of “Crown lands”, “Crown Lands Acts”—

Omit the definitions, insert instead:

“Crown lands” has the same meaning as in the Crown Lands Act 1989.

“Crown Lands Acts” has the same meaning as in the Crown Lands Act 1989.

(c) Definition of “District Surveyor”—

Omit the definition.

(d) Definition of “Eastern Division”—

Omit the definition, insert instead:

“Eastern and Central Division” has the same meaning as in the Crown Lands Act 1989.

(e) Definition of “Local land board”—

Omit the definition, insert instead:

“Local land board” means a local land board constituted under the Crown Lands Act 1989 or, in relation to the Western Division, constituted under the Western Lands Act 1901.

(f) Definition of “Travelling stock reserve” or “reserve”—

Omit “travelling stock route, camping place or”.

(g) Definition of “Western Division”—

Omit the definition, insert instead:

“Western Division” has the same meaning as in section 4 of the Crown Lands Act 1989.

(2) Section 17 (**Board may be represented by counsel before local land board**)—

After “conversion”, insert “or purchase”.

(3) Section 41 (**Control of travelling stock and camping reserves**)—

Section 41 (5)—

Omit the subsection.

(4) Section 42 (**Withdrawal of lands from reserves**)—

Section 42 (1)—

Omit “Crown Lands Consolidation Act, 1913,”, insert instead “Crown Lands Act 1989”.

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- (5) Section 53 (**Stock not to be driven at night without consent**)—  
 Section 53 (1)—  
 Omit “Eastern or Central Division”, insert instead “Eastern and Central Division”.
- (6) Section 68 (**Proclamation of public watering-places**)—  
 (a) Section 68 (1)—  
 Omit “under the provisions of section 197”, insert instead “or resumed under the provisions”.  
 (b) Section 68 (2)—  
 After “acquired”, insert “or resumed”.
- (7) Section 70 (**Improvement of public watering-places**)—  
 (a) Section 70 (3)—  
 Omit “under the provisions of section 197”, insert instead “or resumed under the provisions”.  
 (b) After “acquired” where secondly occurring, insert “or resumed”.
- (8) Section 78 (**Application of rents, charges etc.**)—  
 Section 78 (2) (a)—  
 Omit “Eastern or Central”, insert instead “Eastern and Central”.
- (9) Section 121 (**Notice of intention to fence occupation licence or annual lease etc.**)—  
 Omit the section.
- (10) Section 123 (**Contribution to the cost of fence**)—  
 Section 123 (9)—  
 Omit “district surveyor for the land board”, insert instead “Regional Manager of the Lands Office for the”.
- (11) Section 170 (**Ownership**)—  
 Omit “Under Secretary”, wherever occurring, insert instead “Secretary”.
- Public Roads Act 1902 No. 95—**
- (1) Section 6 (**Definitions**)—  
 (a) Definition of “Crown Land Agent”—  
 Omit the definition.  
 (b) Definition of “Crown lands”—  
 Omit the definition, insert instead:  
 “Crown lands” has the same meaning as in the Crown Lands Act 1989.

*Miscellaneous Acts (Crown Lands) Amendment 1989***SCHEDULE 1—AMENDMENTS—*continued***

- (c) Definition of “Crown Lands Acts”—  
Omit the definition, insert instead:  
“Crown Lands Acts” has the same meaning as in the Crown Lands Act 1989 and includes the Irrigation Act 1912.
- (d) Definition of “Incomplete purchase”—  
Omit the definition, insert instead:  
“Incomplete purchase” means a purchase, by auction or otherwise, of land from the Crown under the Crown Lands Acts in respect of which a balance of the purchase money remains unpaid.
- (e) Definition of “Surveyor-General”—  
Omit the definition.
- (2) Section 7 (**Notices of intention to open a road**)—  
Section 7 (3)—  
Omit “office of the Crown Land Agent”, insert instead “local Lands Office of the Department of Lands”.
- (3) Section 10 (**Compensation etc. to be provided for road opening**)—  
Section 10 (4)—  
Omit “section 251 of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts”, insert instead “section 147 of the Crown Lands Act 1989”.
- (4) Section 11 (**Withdrawal of land subject to certain leases etc.**)—  
(a) Section 11 (1), definition of “holder”—  
Omit “trustees means those trustees and”, insert instead “a reserve trust means the reserve trust;”.
- (b) Section 11 (1), definition of “holding”—  
Omit paragraph (d), insert instead:  
(d) reserve under Part 5 of the Crown Lands Act 1989 that is under the control of a reserve trust.
- (5) Section 12 (**Compensation generally**)—  
(a) Section 12 (4)—  
Omit “notwithstanding that the maximum area prescribed for any lease in perpetuity by the Crown Lands Acts be thereby exceeded”.
- (b) Section 12 (6A), definition of “prescribed assessment”—  
From paragraph (b), omit “resumed or”, insert instead “resumed and”.

SCHEDULE 1—AMENDMENTS—*continued*

- (c) Section 12 (6A), definition of “prescribed assessment”—  
Omit paragraph (c).
- (d) Section 12 (6A), definition of “prescribed determination”—  
Omit the definition, insert instead:  
“prescribed determination” means the amount of the purchase price, value, capital value or rent for the purposes of the Crown Lands Acts.
- (e) Section 12 (6A), definition of “rent”—  
Omit the definition, insert instead:  
“rent” means the rent of a holding for the purposes of the Crown Lands Acts.
- (f) Section 12 (6A) (c) (i)—  
Before “price”, insert “purchase”.
- (g) Section 12 (6A) (c) (ii), (iii)—  
Omit the subparagraphs, insert instead:  
(ii) where it is rent—by increasing the rent by the amount calculated in accordance with the following formula:  

$$P \times \frac{A}{R}$$
where—  
P = the prescribed proportion of the rent;  
A = the prescribed value of the land added;  
R = the prescribed value of the land resumed.
- (h) Section 12 (7)—  
After section 12 (6A), insert:  
(7) If the rent to be increased under subsection (6A) (c) (ii) is not subject to periodic redetermination—  
(a) the rent to be increased is the rent base for the lease under Schedule 5 to the Crown Lands (Continued Tenures) Act 1989, being the rent determined under clause 4 of that Schedule (as increased by any previous operation of this section); and  
(b) that rent base is, for the purposes of Schedule 5 to the Crown Lands (Continued Tenures) Act 1989, increased as required by this section.
- (6) Section 13 (**Mode of assessing compensation**)—  
Section 13 (3) (b)—  
Omit the paragraph.

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SCHEDULE 1—AMENDMENTS—*continued*

- (7) Section 14 (**Compensation in the case of lands withdrawn under s. 11**)—  
 Section 14 (1)—  
 After “capital value”, insert “or purchase price”.
- (8) Section 17 (**Surplus lands—how disposed of**)—  
 (a) Section 17 (1) (c)—  
 Omit “notwithstanding in the case of a lease that the maximum area prescribed therefor by the Crown Lands Acts is thereby exceeded”.
- (b) Section 17 (2)–(5)—  
 Omit section 17 (2) and (3), insert instead:  
 (2) The purchase price, value or rent of land which it is proposed to add to any adjoining land under subsection (1) (c) and of any improvements on the land to be added shall be as agreed upon between the Minister and the person to whose land it is proposed to be added or, failing agreement, as determined by the local land board.  
 (3) The value of any improvements on land proposed to be added to an incomplete purchase shall be included in the price of the land.  
 (4) The rent to be determined by the local land board under subsection (2) in the case of addition to a homestead selection or lease shall be the fair annual rent for such added land and any improvements thereon.  
 (5) If land containing improvements is proposed to be added to a lease in perpetuity, the value of the improvements shall be determined separately from the rent for the land and the holder of the lease shall pay the value of the improvements to the Crown within 3 months after demand for payment is made.
- (9) Section 19 (**Notice of intention to close unnecessary road**)—  
 Section 19 (4)—  
 Omit the subsection.
- (10) Section 20 (**Closing of unnecessary road**)—  
 (a) Section 20 (2) (b) (i)–(iii)—  
 Omit the subparagraphs, insert instead:  
 (i) be dedicated or reserved under Part 5 of the Crown Lands Act 1989 or

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SCHEDULE 1—AMENDMENTS—*continued*

- (b) Section 20 (3)—  
Omit “subparagraph (i) (ii) (iii) or (iv) of paragraph (b) of subsection (2)”, insert instead “subsection (2) (b) (i) or (iv)”.
- (c) Section 20 (3) (b)—  
Omit “notwithstanding in the case of a lease that the maximum area prescribed therefor by the Crown Lands Acts is thereby exceeded”.
- (11) Section 20A (**Determination of value etc. of closed road**)—
- (a) Section 20A (1)—  
Omit “a capital value and rent”, insert instead “purchase price”.
- (b) Section 20A (2)—(2B)—  
Omit section 20A (2), insert instead:
- (2) The value of any improvements on land added to an incomplete purchase shall be included in the price of the land.
- (2A) In the case of an addition under section 20 to a lease, the rent for the added land and the improvements on the land shall be the fair annual rent for the added land and improvements.
- (2B) If land containing improvements is added to a lease in perpetuity, the value of the improvements shall be determined separately from the rent for the land and the holder of the lease shall pay the value of the improvements to the Crown within 3 months after demand for payment is made.
- (12) Section 25 (**Notice of re-marking of road to be published**)—  
Section 25 (3)—  
Omit “office of the Crown Land Agent”, insert instead “local Lands Office of the Department of Lands”.
- (13) Section 27 (**Definition of boundaries and realignment**)—  
Section 27 (5) (e)—  
Omit “Surveyor-General”, insert instead “Minister”.
- (14) Section 30 (**Powers of entry**)—
- (a) Heading—  
Omit the heading.
- (b) Section 30 (1)—  
Omit “Surveyor-General”, insert instead “Minister”.



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SCHEDULE 1—AMENDMENTS—*continued*

(15) Section 34 (**References to local land board**)—

Section 34 (1)—

Omit “Crown Lands Consolidation Act, 1913, as amended by subsequent Acts except to the extent that by that Act as so amended”, insert instead “Crown Lands Act 1989 except to the extent that by that Act”.

**Real Property Act 1900 No. 25—**

(1) Section 13 (**Application of this Part**)—

(a) Section 13 (1)—

Omit “the Crown Lands Consolidation Act, 1913”, insert instead “the Crown Lands Acts”.

(b) Section 13 (2)—

Omit “Crown Lands Consolidation Act, 1913”, insert instead “Crown Lands Act 1989”.

(2) Section 13A (**Bringing of purchases etc. of Crown land under Act**)—

Section 13A (1)—

Omit “Crown Lands Consolidation Act, 1913”, insert instead “Crown Lands Acts”.

(3) Section 13H (**Land that becomes Crown land**)—

Section 13H (1)—

Omit “Crown Lands Consolidation Act, 1913”, insert instead “Crown Lands Act 1989”.

(4) Section 13K (**Conversions, purchases, extensions of term, subdivisions etc.**)—

Section 13K (1) (f)–(h)—

Omit section 13K (1) (f) and (g), insert instead:

- (f) land comprised in it is exchanged for other land;
- (g) being a holding in an irrigation area, it is included in a scheme for the redesign of irrigation area holdings under the Crown Lands (Continued Tenures) Act 1989; or
- (h) it is otherwise dealt with (except by way of a dealing registrable under this Act),

SCHEDULE 1—AMENDMENTS—*continued*

- (5) Section 13L (**Execution of instruments in respect of land to which this Part applies**)—
- (a) Section 13L (1)—  
Omit “the required instrument”, insert instead “any instrument required to effect the transfer or dealing or required in connection with the administration of any resulting interest”.
- (b) Section 13L (1) (d)—  
After “Minister”, insert “or Ministerial Corporation”.
- (c) Section 13L (1) (d)—  
Omit “him for the purposes of this section); or”, insert instead “the Minister or Corporation for the purposes of this section).”.
- (d) Section 13L (1) (e)—  
Omit the paragraph.
- (e) Section 13L (2)—  
Omit “Water Administration Ministerial Corporation”, insert instead “Ministerial Corporation”.
- (6) Section 43B (**Statutory restrictions on alienation etc.**)—
- (a) Section 43B (1), definition of “land”—  
Omit “section 37M (1) of the Crown Lands Consolidation Act, 1913”, insert instead “Part 5 of the Crown Lands Act 1988”.
- (b) Section 43B (1), definition of “statutory restriction”—  
Omit “by the Crown Lands Consolidation Act, 1913, the Returned Soldiers Settlement Act, 1916, the Western Lands Act, 1901, any Act relating to closer settlement”, insert instead “by or under the Crown Lands Acts (as defined in the Crown Lands Act 1989), the Western Lands Act 1901”.
- (c) Section 43B (5) (b)—  
Omit the paragraph.
- (7) Section 45B (**Definitions**)—
- Section 45B (2)—  
Omit “section 235B of the Crown Lands Consolidation Act, 1913,”, insert instead “section 170 of the Crown Lands Act 1989”.

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SCHEDULE 1—AMENDMENTS—*continued*

**Western Lands (Amendment) Act 1977 No. 87—**

**Schedule 3 (Amendments to the Western Lands Act 1901 relating to the  
Payment of Arrears by Incoming Holders on Transfer of Holdings)—**

Omit Schedule 3 (3).

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[*Minister's second reading speech made in—  
Legislative Assembly on 15 November 1988  
Legislative Council on 2 March 1989 a.m.*]