



New South Wales

Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997 No 111

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Crown Lands (Continued Tenures) Act 1989 No 7	2
4 Amendment of Hay Irrigation Act 1902 No 57	2
5 Amendment of Wentworth Irrigation Act 1890 54 Vic No 7	2

Schedules

1 Amendment of Crown Lands (Continued Tenures) Act 1989	3
2 Amendment of Hay Irrigation Act 1902	8
3 Amendment of Wentworth Irrigation Act 1890	11



New South Wales

Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997 No 111

Act No 111, 1997

An Act to amend the *Crown Lands (Continued Tenures) Act 1989*, the *Hay Irrigation Act 1902* and the *Wentworth Irrigation Act 1890* so as to remove certain restrictions on the transfer of land; and for other purposes. [Assented to 9 December 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Crown Lands (Continued Tenures) Act 1989 No 7

The *Crown Lands (Continued Tenures) Act 1989* is amended as set out in Schedule 1.

4 Amendment of Hay Irrigation Act 1902 No 57

The *Hay Irrigation Act 1902* is amended as set out in Schedule 2.

5 Amendment of Wentworth Irrigation Act 1890 54 Vic No 7

The *Wentworth Irrigation Act 1890* is amended as set out in Schedule 3.

Schedule 1 Amendment of Crown Lands (Continued Tenures) Act 1989

(Section 3)

[1] Section 3 Definitions

Omit “ , a yearly lease” from the definition of *holding* in section 3 (1).

[2] Section 3(1), definitions of “quarry licence” and “yearly lease”

Omit the definitions.

[3] Section 4 Application of Act

Omit “ , permissive occupancies and quarry licences” from section 4 (b).
Insert instead “and permissive occupancies”.

[4] Section 5 Continued tenures

Omit “ , occupancy or licence” from section 5 (2).
Insert instead “or occupancy”.

[5] Section 5 (4)

Omit “ , yearly lease” from paragraph (b) of the definition of *tenure*.

[6] Section 5 (4)

Omit paragraph (d) from the definition of *tenure*.

[7] Section 6 Incomplete purchases etc

Omit section 6 (2) and (4).

[8] Section 9 Yearly leases

Omit the section.

[9] Section 12 Quarry licences

Omit the section.

**[10] Section 14 Freehold land acquired by way of exchange—
transfer restrictions**

Omit the section.

**[11] Section 15 Land held with closer settlement build-up holdings—
transfer restrictions**

Omit the section.

[12] Schedule 1 Continued tenures

Omit Part 4.

[13] Schedule 2 Provisions applicable to continued tenures etc

Omit clause 2 (b) and (c) of Part 1.

[14] Schedule 2, Part 4

Omit the Part.

[15] Schedule 2, Part 7

Omit the Part.

[16] Schedule 3 Transfer restrictions

Omit “(Sections 14, 15, Parts 1–3, 5 of Schedule 2, clause 7 (3) of Schedule 7)” from the heading to Schedule 3.

Insert instead “(Parts 2, 3 and 5 of Schedule 2)”.

[17] Schedule 3, Part 1, clause 1

Omit “, or formerly comprised, in a holding”.

Insert instead “in a perpetual lease, a term lease or a special lease”.

[18] Schedule 3, Part 1

Omit clause 1 (b).

[19] Schedule 3, Part 1

Omit clause 2 (2) (b).

[20] Schedule 3, Part 1

Omit “comprised, or formerly comprised, in an incomplete purchase or” from clause 2 (2) (c).

[21] Schedule 3, Part 1

Omit clause 5 (2)–(6).

[22] Schedule 3, Part 1

Omit clauses 6 and 7.

[23] Schedule 3, Part 1

Omit clause 8 (2A), (2B), (3) and (4).

[24] Schedule 3, Part 1

Omit clause 9.

[25] Schedule 3, Part 2 heading

Omit “, auction and tender purchases and town land leases and purchases”.

Insert instead “and town land leases”.

[26] Schedule 3, Part 2

Omit “, or formerly comprised,” from clause 1.

[27] Schedule 3, Part 2

Omit clause 1 (b).

[28] Schedule 3, Part 2

Omit “comprised, or formerly comprised, in an incomplete purchase or” from clause 2 (2) (b).

[29] Schedule 3, Part 2

Omit clause 6 (3).

[30] Schedule 3, Part 2

Omit clause 6 (5) (b) and (c).

[31] Schedule 3, Part 3

Omit the Part.

[32] Schedule 4 Subdivision of holdings

Omit “irrigation areas” from the heading to clause 6.
Insert instead “special land districts”.

[33] Schedule 4, clause 6

Insert “(as in force before its amendment by the *Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997*)” after “Schedule 3 (removal of restrictions on transfer)”.

[34] Schedule 5 Rent etc

Omit “, a yearly lease” from clause 1 (1).

[35] Schedule 5, clause 7

Omit the clause.

[36] Schedule 7 Purchase of land held under lease

Omit clause 7 of Part 1.

[37] Schedule 7, Part 2

Omit clause 5.

[38] Schedule 8 Savings and transitional provisions

Insert at the end of clause 1 (1):
Schedule 1 to the *Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997*

[39] Schedule 8, Part 3

Insert at the end of the Schedule:

**Part 3 Provisions consequent on enactment of
Crown Lands and Irrigation Legislation
Amendment (Removal of Transfer
Restrictions) Act 1997**

4 Definition

In this Part:

amending Act means the *Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997*.

5 Applications for consent to transfer

An application for consent made under clause 4 of Part 1 of Schedule 3 that was not determined before the amendment of clause 5 of Part 1 of Schedule 3 by Schedule 1 [21] to the amending Act is to be dealt with under clause 5 of Part 1 of Schedule 3 as so amended.

6 Certain references on folios of the Register to cease to have effect

On commencement of the amending Act, any reference to Part 1 or 2 of Schedule 3 on a folio of the Register created in respect of an incomplete purchase or land formerly comprised in an incomplete purchase ceases to have effect in respect of that purchase or land.

Schedule 2 Amendment of Hay Irrigation Act 1902

(Section 4)

[1] Section 19A Power to sell land

Omit “Minister” from section 19A (7) (b).
Insert instead “Ministerial Corporation”.

[2] Section 19B Purchase price of leased lands

Omit “Minister’s” from section 19B (4) (b).
Insert instead “Ministerial Corporation’s”.

[3] Section 20 Application of Part

Omit section 20 (c).

[4] Section 21 Consent to transfer

Omit section 21(2) (b).

[5] Section 24 Dealing with applications

Omit “due to the Minister or the Ministerial Corporation” from section 24 (2) (a).
Insert instead “due to the Ministerial Corporation”.

[6] Section 24 (2) (a)

Omit “required to be paid by the Minister or the Ministerial Corporation”.
Insert instead “required by the Ministerial Corporation to be paid”.

[7] Section 24 (2) (b)

Insert “if the land is land in the course of purchase in fee simple from the Ministerial Corporation,” before “the proposed transferee”.

[8] Section 24 (2) (b) (i)

Omit “Minister or”.

[9] Section 24 (2) (b) (i)

Omit “Minister as the Minister may require or to the”.

[10] Section 24 (3)–(7)

Omit the subsections.

[11] Section 25 Restrictions on exercise of mortgagee’s powers

Omit the section.

[12] Section 26 Devolution under a will or on intestacy

Omit the section.

[13] Section 27 Removal of restrictions

Omit the section.

[14] Section 28 Valuation of land

Omit the section.

[15] Section 28A Savings and transitional provisions

Omit the section.

[16] Section 30

Omit the section. Insert instead:

30 Savings and transitional provisions

The Third and Fourth Schedules have effect.

[17] Fourth Schedule Savings and transitional provisions

Omit “(Section 28A)” from the heading to the Schedule.
Insert instead “(Section 30)”.

[18] Fourth Schedule

Insert at the end of clause 1 (1):

*Schedule 2 to the Crown Lands and Irrigation
Legislation Amendment (Removal of Transfer
Restrictions) Act 1997*

[19] Fourth Schedule, clause 3 heading

Omit “removal of transfer restrictions”.
Insert instead “consent to transfer”.

[20] Fourth Schedule, clause 3

Omit “under Part 3”. Insert instead “under section 23”.

[21] Fourth Schedule, Part 3

Insert at the end of the Schedule:

**Part 3 Provisions consequent on enactment of
Crown Lands and Irrigation Legislation
Amendment (Removal of Transfer
Restrictions) Act 1997**

4 Definition

In this Part:

amending Act means the *Crown Lands and Irrigation
Legislation Amendment (Removal of Transfer
Restrictions) Act 1997*.

5 Applications for consent to transfer

An application for consent made under section 23 that was not determined before the amendment of section 24 by Schedule 2 [10] to the amending Act is to be dealt with under section 24 as so amended.

Schedule 3 Amendment of Wentworth irrigation Act 1890

(Section 5)

[1] Section 22B Power to sell land

Omit “Minister” from section 22B (7) (b).
Insert instead “Ministerial Corporation”.

[2] Section 22C Purchase price of leased lands

Omit “Minister’s” from section 22C (4) (b).
Insert instead “Ministerial Corporation’s”.

[3] Section 23 Application of Part

Omit section 23 (c).

[4] Section 24 Consent to transfer

Omit section 24 (2) (b).

[5] Section 27 Dealing with applications

Omit “due to the Minister or the Ministerial Corporation” from section 27 (2) (a).
Insert instead “due to the Ministerial Corporation”.

[6] Section 27 (2) (a)

Omit “required to be paid by the Minister or the Ministerial Corporation”.
Insert instead “required by the Ministerial Corporation to be paid”.

[7] Section 27 (2) (b)

Insert “if the land is land in the course of purchase in fee simple from the Ministerial Corporation,” before “the proposed transferee”.

[8] Section 27 (2) (b) (i)

Omit “Minister or”.

[9] Section 27 (2) (b) (i)

Omit “Minister as the Minister may require or to the”.

[10] Section 27 (3)–(7)

Omit the subsections.

[11] Section 28 Restrictions on exercise of mortgagee’s powers

Omit the section.

[12] Section 29 Devolution under a will or on intestacy

Omit the section.

[13] Section 30 Removal of restrictions

Omit the section.

[14] Section 31 Valuation of land

Omit the section.

[15] Section 32 Savings and transitional provisions

Omit the section.

[16] Section 35

Omit the section. Insert instead:

35 Savings and transitional provisions

Schedules 2 and 3 have effect.

[17] Schedule 3 Savings and transitional provisions

Omit “(Section 32)” from the heading to the Schedule.
Insert instead “(Section 35)”.

[18] Schedule 3

Insert at the end of clause 1 (1):

*Schedule 3 to the Crown Lands and Irrigation
Legislation Amendment (Removal of Transfer
Restrictions) Act 1997*

[19] Schedule 3, clause 3 heading

Omit “removal of transfer restrictions”.
Insert instead “consent to transfer”.

[20] Schedule 3, clause 3

Omit “under Part 3”. Insert instead “under section 26”.

[21] Schedule 3, Part 3

Insert at the end of the Schedule:

**Part 3 Provisions consequent on enactment of
Crown Lands and Irrigation Legislation
Amendment (Removal of Transfer
Restrictions) Act 1997**

4 Definition

In this Part:

amending Act means the *Crown Lands and Irrigation
Legislation Amendment (Removal of Transfer
Restrictions) Act 1997*.

5 Applications for consent to transfer

An application for consent made under section 26 that was not determined before the amendment of section 27 by Schedule 3 [10] to the amending Act is to be dealt with under section 27 as so amended.

[Minister's second reading speech made in—
Legislative Assembly on 12 November 1997
Legislative Council on 26 November 1997]