

1990 - No. 224

CROWN LANDS ACT 1989 - REGULATION

(Crown Lands Regulation 1990)

NEW SOUTH WALES



[Published in Gazette No. 51 of 20 April 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Crown Lands Act 1989, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY
Minister for Natural Resources.

PART 1 - PRELIMINARY

Citation

1. This Regulation may be cited as the Crown Lands Regulation 1990.

Commencement

2. This Regulation commences on 1 May 1990.

Definitions

3. (1) In this Regulation:

"**approved form**" means a form approved by the Minister under subclause (2) for the purposes of the provision of this Regulation in relation to which the expression is used;

"Lands Office" , in relation to land, means the Lands Office notified under clause 11 for the land district in which the land is situated;
"the Act" means the Crown Lands Act 1989.

(2) The Minister may approve forms for the purposes of this Regulation.

Fees and deposits

4. The fees and deposits specified in Schedule 1 are payable in respect of the matters referred to in that Schedule.

Minerals in relation to land not in irrigation areas

5. For the purposes of paragraph (a) of the definition of "mineral" in section 3 of the Act, the substances prescribed as minerals, in relation to land not in an irrigation area, are those specified in Schedule 2.

Divisions of the State - alteration or redefinition

6. For the purposes of section 4 (4) (a) of the Act, a notice describing a proposal to alter or redefine the boundary between the Eastern and Central Division and the Western Division of the State is required to be published:

- (a) in a newspaper circulating in the locality in which the alteration or redefinition of the boundary is to be made; or
- (b) in a newspaper circulating generally in the State.

PART 2 - ADMINISTRATION

Custody of seal of Ministerial Corporation

7. The seal of the Ministerial Corporation is to be kept in the custody of the Secretary.

Use of seal of Ministerial Corporation

8. The seal of the Ministerial Corporation may be affixed to an instrument or document only:

- (a) in the presence of the Minister or a person authorised by the Ministerial Corporation for the purposes of this clause; and

- (b) with an attestation by the signature of the Minister or person of the fact of the affixing of the seal.

Records of Ministerial Corporation

9. The Secretary is required to keep written records containing details of all acts, decisions and proceedings of the Ministerial Corporation.

Lodgment of applications etc.

10. (1) In this clause:

"document" includes application, appeal, instrument, transfer and notice;

"lodge" includes made and given.

(2) If any document is, under the Act or this Regulation, required to be lodged with the Minister, the Ministerial Corporation, the Department, the Western Lands Commissioner or a Lands Office, it is sufficient compliance with the requirement if the document is lodged with:

- (a) in the case of land in the Eastern and Central Division or in an irrigation area in the Western Division - any Lands Office or the office of the Department at Sydney, or
- (b) in the case of land (not being land in an irrigation area) in the Western Division - the office of the Western Lands Commissioner at Sydney.

(3) If the person with whom any such document is required to be lodged notifies in the Gazette a different place at which the document is to be lodged, the document is required to be lodged with the person at that place.

(4) If the Regional Manager for any Lands Office at which any such document is required to be lodged notifies in the Gazette a different place at which the document is required to be lodged, the document is required to be lodged at that place.

(5) If any document is, under the Act or this Regulation, required to be lodged with the Registrar of Local Land Boards and the document relates to land in more than one land district, it is sufficient compliance with the requirement if the document is lodged with the Registrar of Local Land Boards for any one of those land districts.

Lands Offices

11. (1) The Minister may, by notification in the Gazette, establish the Lands Office for a land district.

(2) The Minister may, by notification in the Gazette, abolish any Lands Office and establish a new Lands Office for any land district.

Jurisdiction of local land boards

12. (1) For the purposes of section 22 (1) (b) of the Act, the Minister may refer any of the following matters to a local land board or a Chairperson sitting alone for inquiry and report:

- (a) any matter arising out of the administration of any land, lease or licence which the Minister or the Ministerial Corporation administers under any arrangement entered into under section 18 of the Act;
- (b) any matter arising out of the administration of any land, lease or licence which the Minister or the Ministerial Corporation administers on behalf of the Crown;
- (c) any matter arising out of the administration of any land dedicated under the Act or the Crown Lands Acts or of any common within the meaning of the Commons Regulation Act 1898.

(2) In this clause, a reference to the administration of any land includes a reference to the use and management of the land.

Registrar of Local Land Boards

13. (1) The Secretary is required to appoint a Registrar of Local Land Boards for each land district.

(2) One Registrar may be appointed for several land districts.

Registrar to bring matters etc. before board

14. Subject to any direction by the Chairperson or the Senior Chairperson, the Registrar of Local Land Boards must bring all matters before the local land board or the Chairperson as soon as practicable after they are received.

Notice of proceedings before board

15. Notice of the time and place appointed for any proceedings before the local land board or Chairperson, and of the nature of the proceedings:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be served on the parties to the proceedings not less than 14 days before the time appointed for the proceedings (or such lesser period as may be directed by the Chairperson).

Substituted service of notice of proceedings

16. (1) If for any reason it is not possible or practicable to effect service of a notice of proceedings before a local land board or the Chairperson, the Chairperson may give directions for service or for the substitution of the advertisement of the proceedings in a newspaper circulating in the locality or in the State.

(2) If those directions are carried out, service of notice is to be taken to have been effected.

Proceedings may be heard in absence of a party

17. If the local land board or Chairperson is satisfied that notice of the time and place appointed for any proceedings has been given to a party, the board or Chairperson may proceed and adjudicate in the absence of that party.

Issue of summons

18. (1) Any summons to give evidence or for the production of deeds or other documents to the local land board:

- (a) may be issued by the Chairperson or other member of the local land board on payment of the fee specified in Schedule 1; and
- (b) is to be in or to the effect of the approved form.

(2) A telephonic generated facsimile of a summons issued by the Chairperson or other member of the local land board which is certified by a Registrar as having been received in a Lands Office may be dealt with as if it is the original of that summons.

Allowances payable to witnesses before local land boards

19. For the purposes of clause 3 (e) of Schedule 2 to the Act, the allowances for attendance and travelling payable to witnesses before a local land board are the same as those payable from time to time to witnesses attending Local Courts.

Form of warrant to apprehend witness

20. For the purposes of clause 3 (f) of Schedule 2 to the Act, the prescribed form of warrant to bring a person before a local land board to give evidence is the form specified in Schedule 3.

Appeals to Court against local land board decisions

21. (1) For the purposes of section 26 (3) of the Act, notice of appeal to the Land and Environment Court against a decision of a local land board:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Registrar of Local Land Boards for the land district in which the land is situated.

(2) The Registrar of Local Land Boards must, as soon as practicable after the receipt of the notice of appeal:

- (a) give a copy of the notice of appeal to all persons directly affected by the decision of the local land board; and
- (b) forward the notice of appeal and the relevant papers to the Registrar, Land and Environment Court.

PART 3 - LAND ASSESSMENT

Land evaluation criteria

22. For the purposes of section 32 of the Act the prescribed land evaluation criteria are as follows:

- (a) The susceptibility of:
 - (i) the land to hazards, including fire, flood, pondage, landslip, subsidence and coastal zone recession; and

- (ii) the soil to erosion, salinity or structural decline.
- (b) The significance of:
 - (i) inherent natural, cultural and heritage features, including scenic attributes and adjacent waterbodies; and
 - (ii) communities of representative, rare or endangered species of flora or fauna present; and
 - (iii) minerals, extractive material, wood products, surfacewater, groundwater and other natural resources.

Notification and public comment on land assessments

23. (1) This clause applies to draft land assessments which are part of the programme for the assessment of Crown land instituted by the Minister under Part 3 of the Act.

(2) The Minister is required to cause notice of the preparation of any draft land assessment to be published in:

- (a) the Gazette; and
- (b) a newspaper circulating in the locality in which the land concerned is situated or in a newspaper circulating generally in the State.

(3) Any such notice must:

- (a) invite representations from the public concerning the draft land assessment; and
- (b) specify the place and time at which the draft land assessment may be inspected by the public; and
- (c) specify the period (being not less than 28 days) within which any representations may be made and the person to whom they are to be forwarded.

PART 4 - SALE, LEASE ETC. OF CROWN LAND

Application for consent to transfer

24. (1) This clause applies to an application for consent to transfer land which is subject to a recording under the following provisions of the Act:

- (a) section 36 (4) (a) (condition in contract for sale);
- (b) section 37 (2) (a) (conditions on a sale to a purchaser);
- (c) section 38 (a) (transfer restrictions on purchases);
- (d) section 44 (1) (a) (transfer restrictions on leases).
- (2) Any such application to transfer land:**
 - (a) is to be in or to the effect of the approved form; and
 - (b) is to be lodged with the Lands Office, together with the fee specified in Schedule 1.

Activities prohibited on easements for public access

25. For the purposes of section 57 (1) of the Act, the following activities may not be carried on on land the subject of an easement for public access:

- (a) Camping.
- (b) Carrying or using firearms or any other weapon or thing used for hunting (other than a fishing rod, line or net).
- (c) Lighting fires.
- (d) Taking any animal onto the land.
- (e) Damaging or injuring any fauna or flora.
- (f) Setting traps.
- (g) Driving any motor vehicle, trail bike or other vehicle propelled by mechanical power (except if a sign is displayed with the authority of the Minister on the site of the easement authorising the use of any such vehicle).
- (h) Depositing or leaving any rubbish, litter, dead animal or other similar matter.

Structures that may be erected on easements for public access

26. For the purposes of section 58 (1) (b) of the Act, the following types of structures (in addition to fences and gates) may be erected, without the written consent of the Minister, on land the subject of an easement for public access by the owner or lessee of land affected by the easement:

- (a) Cattle ramp.

Enclosure of roads or watercourses

27. For the purposes of section 61 (1) of the Act, an application for a permit to enclose wholly or in part any road or watercourse:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Lands Office, together with the fee specified in Schedule 1.

Enclosure of additional roads or watercourses

28. For the purposes of section 62 (1) of the Act, an application by the holder of an enclosure permit to enclose any additional road or watercourse:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Lands Office, together with the fee specified in Schedule 1.

Transfer of land with which enclosure permit held

29. For the purposes of section 64 (2) of the Act:

- (a) the prescribed manner of notifying the Department of the transfer of land with which an enclosure permit is held is by a notice in writing lodged with the Lands Office; and
- (b) the prescribed time for giving that notice is within the period of 28 days of the date of the transfer.

Amalgamation of enclosure permits

30. For the purposes of section 68 (1) of the Act, an application by the holder of 2 or more enclosure permits to amalgamate the permits:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Lands Office, together with the fee specified in Schedule 1.

Application for direction to erect gates etc.

31. For the purposes of section 69 (1) of the Act, an application for a direction by a local land board under section 70 of the Act:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Registrar of Local Land Boards for the land district in which the land is situated, together with the fee specified in Schedule 1.

Cultivation of enclosed roads

32. For the purposes of section 72 (1) of the Act, an application for a dispensation from any requirement to erect gates or provide other means of access to, and an authority to cultivate, an enclosed road:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Lands Office, together with the fee specified in Schedule 1.

PART 5 - DEDICATION AND RESERVATION OF LAND

Disclosure of pecuniary interests

33. For the purposes of clause 1 (3) of Schedule 4 to the Act, the prescribed fee for inspection of the book containing particulars of disclosures of pecuniary interests of members of a trust board is the fee specified in Schedule 1.

Temporary licences

- 34.** For the purposes of section 108 of the Act:
- (a) in addition to grazing, the purposes for which a temporary licence may be granted are as follows:
 - Advertising.
 - Camping.
 - Catering.
 - Hiring of equipment.
 - Entertainments.
 - Equestrian events.
 - Exhibitions.
 - Functions.
 - Markets.
 - Meetings.
 - Sales.

Shows.
Sporting activities.
Stabling of horses.

- (b) in addition to any other condition subject to which a temporary licence is granted, the licence is subject to the condition that the relationship of landlord and tenant is not created between the parties; and
- (c) unless it is revoked sooner or is granted for a shorter period, a temporary licence ceases to have effect on the expiration of 1 year after it is granted.

Reserve trust reports

35. (1) For the purposes of section 122 (1) (a) of the Act, a reserve trust must furnish to the Minister each year, within 3 months of the close of the trust's financial year, a report on its activities.

(2) Any such report is to include details of income, expenditure, assets, liabilities, improvements effected, leases and licences granted or in force, uses made of the reserve and any particulars of pecuniary interests recorded in the book referred to in clause 33.

(3) If directed by the Minister by notice in writing to do so, a reserve trust must arrange for any such report to be audited by a person approved by the Minister.

Reserve trust records

36. For the purposes of section 122 (1) (b) of the Act, a reserve trust must keep the records specified in Schedule 4.

Notification and public comment on draft plans of management

37. (1) This clause applies to a plan of management under Division 6 of Part 5 of the Act which is required (before its adoption by the Minister) to be placed on public display.

(2) The Minister is required to cause notice of a plan of management to be published in:

- (a) the Gazette; and
- (b) a newspaper circulating in the locality in which the land concerned is situated or in a newspaper circulating generally in the State.

(3) Any such notice must:

- (a) invite representations from the public concerning the plan; and
- (b) specify the place and time at which the plan may be inspected by the public; and
- (c) specify the period (being not less than 28 days) within which any representations may be made and the person to whom they are to be forwarded.

PART 6 - MISCELLANEOUS

Compensation for land withdrawn from lease or licence

38. For the purposes of section 136 (5) of the Act, the provisions of the Public Works Act 1912 relating to payment of compensation for resumed land are modified (in their application to the payment of compensation under section 136 of the Act) as specified in Schedule 5.

Surrender of land

39. (1) For the purposes of section 137 of the Act, an application for the Minister's consent to surrender any land or any lease from the Crown under the Act or the Crown Lands (Continued Tenures) Act 1989:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Lands Office, together with the deposit specified in Schedule 1 towards the cost of dealing with the surrender.

(2) If the Minister consents to the surrender, the holder of the land or the lease must lodge an instrument in or to the effect of the approved form with the Lands Office, together with

- (a) the balance, if any, of the cost of dealing with the surrender; and
- (b) the Crown grant or certificate of title, if any, relating to the land the subject of the surrender.

(3) If the deposit in Schedule 1 exceeds the cost of dealing with the surrender, the balance is to be refunded.

(4) If a surrender is proposed to be made at the instance or for the benefit of the Crown, application for the Minister's consent is not required and no costs may be charged.

Alteration etc. of conditions or purposes

40. For the purposes of section 139 (1) of the Act, an application by the holder for the alteration, modification or revocation of, or addition to, any condition attaching to a holding or land or the purposes of a holding

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Lands Office, together with the fee specified in Schedule 1.

Exemption from conditions

41. For the purposes of section 139 (2) of the Act, an application by the holder for exemption from complying with a condition attaching to a holding or land:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Lands Office, together with the fee specified in Schedule 1.

Objections to, and appeals against, determination or redetermination of rent

42. (1) For the purposes of section 142 (3) of the Act, an objection to the Minister's determination or redetermination of the rent of a lease, licence or enclosure permit:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Lands Office within 28 days of service on the holder of the notice of the determination or redetermination of the rent.

(2) For the purposes of section 142 (5) of the Act, notice of an appeal to the local land board or the Land and Environment Court against the Minister's decision on any such objection:

- (a) is to be in or to the effect of the approved form; and
- (b) is to be lodged with the Registrar of Local Land Boards for the land district in which the land is situated, within 28 days of service on the objector of the Minister's decision on the objection, together with the fee specified in Schedule I.

(3) The Registrar of Local Land Boards must, as soon as practicable after the receipt of the notice of appeal:

- (a) give notice of the appeal to all persons directly affected by the Minister's decision on the objection; and
- (b) if the appeal is to the Land and Environment Court, forward the notice of appeal and the relevant papers to the Registrar of that Court.

Classes of holding - payment of arrears

43. For the purposes of sections 144 and 145 of the Act, the following classes of holding are prescribed:

- (a) Any lease or licence under the Act.
- (b) Any incomplete purchase, perpetual lease, term lease, yearly lease, special lease or permissive occupancy under the Crown Lands (Continued Tenures) Act 1989.

Minimum rents

44. (1) For the purposes of section 146 of the Act:

- (a) the minimum annual rent of a holding; and
- (b) the minimum annual rent of an enclosure permit in relation to which the Minister has authorised the cultivation of the land enclosed is \$70; and
- (c) the minimum annual rent of any other enclosure permit is \$50.

(2) Pursuant to clause 25 of Schedule 8 to the Act, section 146 of the Act and this clause apply to a lease to the Commonwealth referred to in Part 8 of Schedule 2 to the Crown Lands (Continued Tenures) Act 1989 as if it were a holding.

Interest on arrears

45. For the purposes of sections 148 (2) and 150 (2) (a) of the Act, the prescribed rate of interest is 18 per cent per annum.

Rebates of rent

46. For the purposes of section 151 of the Act, the following classes of holder are prescribed:

- (a) An eligible pensioner (as defined in section 160AA of the Local Government Act. 1919) whose holding is occupied as his or her sole place of residence and is not used for any commercial purpose.

- (b) A community service, sporting or recreational organisation:
- (i) which is registered or exempt from registration under the Charitable Collections Act 1934; or
 - (ii) which is incorporated under the Associations Incorporation Act 1984; or
 - (iii) which the Minister is satisfied is a non-profit organisation,
- whose holding is used as a help or service facility of benefit to the general community or as an active sporting, passive recreational or youth advancement facility of general benefit to a local community.

Protection of public land - authorised persons

47. For the purposes of paragraph (b) of the definition of "authorised person" in section 153 of the Act, the following offices, positions and ranks are prescribed (except for the purposes of section 159 of the Act):

Department of Lands

Secretary
Director, Land Management Division
Assistant Director, Land Management Division
Regional Manager, Lands Office
Manager, Lands Office
Deputy Manager, Metropolitan Lands Office
Lands Officer, Lands Office, Class 1 and above
Clerk, Lands Office, Grade 5 and above
Surveyor, Lands Office, Grade 1 and above

Western Lands Commission

Commissioner
Assistant Commissioner
Secretary
Rangelands Director
Rangelands Management Inspector

Lands Officer, Class 2 and above
Clerk, Grade 6 and above

Dumping of materials

48. For the purposes of section 155 (1) (i) (ii) of the Act, the following classes or descriptions of matter are prescribed:

- (a) Vehicles or parts of them.
- (b) Marine craft or aircraft or parts of them.
- (c) Household effects, appliances, materials or waste.
- (d) Clothing.
- (e) Agriculture, building, commercial or industrial materials or waste.
- (f) Machinery, plant or equipment or parts of them.
- (g) Chemicals or metals.
- (h) Vegetable matter.
- (i) Stone, sand, shells, clay, earth or ash.
- (j) Radioactive material.

Unauthorised activities on public land

49. For the purposes of section 156 (3) of the Act, the following activities are prescribed:

- (a) Conducting any entertainment, instruction or performance for money or consideration of any kind.
- (b) Operating television, cinematographic or photographic equipment for commercial purposes.
- (c) Conducting or taking part in any sporting activity that forms part of an organised competition.
- (d) Selling, offering for sale or distributing any article or thing.
- (e) Affixing any sign, bill, poster, banner or bunting on, or to, any post, building, fence, seat, table, enclosure or other structure.

- (f) Camping.
- (g) Lighting of fires other than in a properly constructed fire place.
- (h) Driving a vehicle or riding a horse.
- (i) Carrying or using firearms.
- (j) Discharging fireworks.
- (k) Using any bow and arrow or throwing any stone or other dangerous missile.

Penalty notices for certain offences

50. For the purposes of section 162 (1) of the Act, the prescribed offences are as follows:

- (a) an offence under section 155 (1) (h) or (i) of the Act;
- (b) an offence under section 160 (6) of the Act.

Amount of penalty under penalty notice

51. For the purposes of section 162 (2) of the Act, the amount of penalty payable under a penalty notice is as follows:

- (a) in relation to an offence under section 155 (1) (h) or (i) of the Act - \$200;
- (b) in relation to an offence under section 160 (6) of the Act - \$50.

Value of abandoned vehicle on public land

52. For the purposes of section 163 of the Act, the prescribed amount in respect of the value of an abandoned vehicle on public land is \$500.

Abandoned goods on public land

53. For the purposes of section 164 of the Act:

- (a) the prescribed amount in respect of the value of abandoned goods is \$250; and
- (b) the form specified in Schedule 6 is prescribed.

Removal of improvements on forfeiture etc.

54. For the purposes of section 174 (2) of the Act, an application by the former holder for permission to remove improvements on forfeiture, surrender or other determination of a holding:

Columbium	Radioactive Mineral
Copper	Rare Earth Minerals
Corundum	Reef Quartz
Cryolite	Rhodonite
Diamond	Rock Salt
Diatomaceous Earth	Rubidium
Dolomite	Ruby
Emerald	Rutile
Emery	Sapphire
Felspar	Scheelite
Fluorspar	Selenium
Fuller's Earth	Shale
Galena	Shale Ash
Garnet	Silver
Germanium	Steatite
Gold	Sulphur
Graphite	Talc
Gypsum	Tantalum
Halite	Thorium
Iceland Spar	Tin
Ilmenite	Titanium
Iron	Topaz
Iron Ore	Tourmaline
Ironstone	Tungsten & its ores
Jade	Turquoise
Kerosene	Vanadium
Laterite	Wolfram
Lead	Wollastonite
Limestone	Wulfenite
Lithium	Zinc
Manganese	Zircon
Magnetite	Zirconia
Marble	

SCHEDULE 3

(Cl. 20)

**CROWN LANDS ACT 1989
WARRANT TO APPREHEND A WITNESS**

To all Members of the Police Force in the State of New South Wales:

WHEREAS

(hereinafter called the witness)

was served with a summons requiring appearance as a witness before
the Local Land Board on in the
matter of

and was paid or tendered reasonable expenses for attendance but did
not obey the summons, The hearing of the proceedings for which the
witness is required is now set down at the

on the at
day of 19
at the hour of

You are hereby ordered to apprehend the witness before that time and
to take him before the Local Land Board to be dealt with according
to law.

If this warrant is not executed before that time, you are ordered to
return it to the Chairperson of the Local Land Board forthwith.

Dated this day of 19 .

Chairperson

SCHEDULE 4

(Cl. 36)

RECORDS TO BE KEPT BY RESERVE TRUST

1. *Where a reserve trust is managed by a trust board:*
 - (1) Minutes of all meetings.
 - (2) Receipts for all money received.
 - (3) Documentation of all expenditure.
 - (4) Cash Book.
 - (5) Bank deposit book.
 - (6) Plant and asset register.

2. *Where a reserve trust is managed by a council as defined in the Local Government Act 1919:*

Such records as the council is required to keep under the Local Government Act 1919 and in such a manner that will permit dissection of:

 - (1) Monetary details in respect of each reserve from which the Council receives revenue of any nature; and
 - (2) Details of improvements effected on each reserve; and
 - (3) Details of all leases and licences granted or in force.

3. *Where a reserve trust is managed by a corporation other than a council as defined in the Local Government Act 1919:*

Such records as the corporation is required to keep under the legislation under which it is established and in such a manner that will permit dissection of details of income, expenditure, assets, liabilities, improvements effected and leases and licences granted or in force in respect of the reserve separate from any other activity of the corporation.

SCHEDULE 5

(Cl. 38)

**MODIFICATION OF THE PUBLIC WORKS ACT 1912
RELATING TO PAYMENT OF COMPENSATION FOR
LAND WITHDRAWN FROM LEASE OR LICENCE
FOR PUBLIC PURPOSES**

1. In sections 45, 53 to 76 inclusive, 101 to 104 inclusive, 124, 126 to 131 inclusive and 134 to 136 inclusive of the Public Works Act 1912:
 - "**resume**", "**resumed**" and similar expressions in relation to the taking of land are to be taken to mean the withdrawal of land from a lease or licence under section 136 of the Crown Lands Act 1989;
 - "**resumed land**", "**land resumed**" and similar expressions are to be taken to mean land withdrawn from a lease or licence under section 136 of the Crown Lands Act 1989;
 - "**Constructing Authority**" is to be taken to mean the Minister;
 - "**authorised work**" is to be taken to mean a public purpose in relation to which land may be withdrawn from a lease or licence under section 136 of the Crown Lands Act 1989.
2.
 - (a) Omit from section 53 the words "seised, possessed or entitled as aforesaid".
 - (b) Omit from section 53 the words "as in the preceding section mentioned" and insert instead the words "and may claim compensation in respect of the land resumed and agree to, settle and determine with the Constructing Authority the amount of such compensation".
 - (c) Insert in section 53 (3) after the word "release" the words "and to claim, agree to, settle and determine with the Constructing Authority the amount of compensation".
 - (d) Omit section 53 (5).
3. Omit section 101, insert instead the following section:

101. A person holding an estate or interest in land withdrawn for a public purpose under section 136 of the Crown Lands Act 1989 is entitled to be paid compensation in accordance with this Part in respect of the withdrawal.

4. (a) Insert in section 102 after the word "time" where secondly occurring, the words "as the Constructing Authority allows or, in default of any such allowance of further time, within such time".
(b) Omit from section 102 the words "land upon the Crown Solicitor".
5. Omit from section 103 the words "Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who", insert instead the words "Constructing Authority it".

6. Omit section 124, insert instead the following section:

124. (1) For the purpose of ascertaining the compensation to be paid, regard shall in every case be had by the Court not only to the value of the land taken but also to the damage (if any) caused by the severing of the lands taken from other land or by the exercise of any statutory powers of the Constructing Authority otherwise injuriously affecting such other land and the Court shall assess the compensation according to what it finds to have been the value of such land, estate or interest at the time the notification was published in the Gazette and without being bound in any way by the amount of the valuation notified to such claimant and without reference to any alteration in such value arising from the construction of any works upon the land taken.

(2) Despite subsection (1), the Court in ascertaining such compensation, shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken, or severed from the land by the construction of any works on the land taken, but in no case does this subsection operate so as to require any payment to be made by such owner to the Constructing Authority in consideration of such enhancement in value as aforesaid.

(3) Despite subsection (1), in the case of land under the surface taken or acquired by notification in the Gazette for the purpose of constructing a subterranean tunnel, no compensation shall be allowed or awarded unless:

- (a) the surface of the overlying soil is disturbed;
 - (b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel; or
 - (c) any mines or underground working in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.
7. Omit section 126 (3).
8. (a) Omit from section 135 (1) the words "such conveyances", insert instead the words "conveyances or assurances of lands taken".
- (b) Omit from section 135 (2) the word "incurred on the part as well of the vendor as of the purchaser".

SCHEDULE 6

(Cl. 53 (b))

NOTICE IN RESPECT OF ABANDONED GOODS

Section 164 (5) of the Crown Lands Act 1989

NOTICE IS HEREBY GIVEN THAT THE GOODS DESCRIBED BELOW ARE IN POSSESSION OF THE MINISTER AS THEY APPARENTLY HAVE BEEN ABANDONED ON CROWN LAND AT

THE MINISTER FOR NATURAL RESOURCES INTENDS TO EXERCISE HIS/HER POWERS UNDER SECTION 164 OF THE CROWN LANDS ACT 1989 IN RESPECT OF THE SAID GOODS FOURTEEN DAYS AFTER THE PUBLICATION/FROM THE DATE OF THIS NOTICE.

Description of Goods

Name of Authorised Officer
Position

Authorised Officer
On behalf of the Minister for Natural Resources

Date:

NOTE

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SCHEDULE 6 - NOTICE IN RESPECT OF ABANDONED GOODS

EXPLANATORY NOTE

The object of this Regulation is to prescribe the matters necessary to give effect to the Crown Lands Act 1989. In particular, the Regulation prescribes the form of various applications etc. under the Act, the manner of their lodgment and the fees payable.
