

[Act 1997 No 111]



New South Wales

Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Generally, leases, land in the course of purchase and land purchased from the Crown under Crown lands and irrigation legislation cannot be transferred or otherwise dealt with without the consent of the Minister (or the Lands Administration Ministerial Corporation).

In dealing with most applications for consent to transfer farming type lands, the Minister or Ministerial Corporation is required to refuse consent if the transfer will result in a person holding an area that is substantially in excess of a home maintenance area.

Provisions relating to transfer restrictions on non-irrigation area lands are contained in the *Crown Lands (Continued Tenures) Act 1989*.

Provisions relating to transfer restrictions on irrigation area lands are contained in the *Crown Lands (Continued Tenures) Act 1989*, the *Hay Irrigation Act 1902* and the *Wentworth Irrigation Act 1890*.

The object of this Bill is to amend those Acts:

- (a) to remove the requirement for the consent of the Minister or Ministerial Corporation to transfers of:
 - (i) all freehold land, and
 - (ii) all land comprised in incomplete purchases under the *Crown Lands (Continued Tenures) Act 1989*,
(consent will still be required for the transfer of most land under lease from the Crown or the Ministerial Corporation and most land under the *Hay Irrigation Act 1902* or the *Wentworth Irrigation Act 1890* that is in the course of purchase from the Ministerial Corporation), and
- (b) to remove the requirement for the Minister or Ministerial Corporation to take into consideration home maintenance areas when dealing with applications for consent to transfer leases or land in the course of purchase.

The Bill also removes some redundant provisions and makes other statute law revision amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act commences on the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the *Crown Lands (Continued Tenures) Act 1989* contained in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Hay Irrigation Act 1902* contained in Schedule 2.

Clause 5 is a formal provision that gives effect to the amendments to the *Wentworth Irrigation Act 1890* contained in Schedule 3.

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

Removal of transfer restrictions

Items [7], [10], [11], [13], [17], [19], [20], [23]-[26], [28]-[31], [36] and [37] relate to the removal of the requirement for the consent of the Minister to transfers of freehold land and land in the course of purchase.

