



New South Wales

Crown Lands Amendment (Access to Property) Bill 2005

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Crown Lands Act 1989* to require that when determining or redetermining rent under that Act with respect to a lease, licence or enclosure permit that provides water access to the lease, licence or permit holder's residential property, regard is had as to whether the lease, licence or permit provides the only reasonable means of access to that property.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the *Crown Lands Act 1989* set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 [1] inserts proposed section 35A in the *Crown Lands Act 1989* to give effect to the object set out in the Overview above. **Schedule 1 [2] and [3]** provide for transitional matters.

Introduced by Mrs Judith Hopwood, MP

First print



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Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Crown Lands Act 1989 No 6	2
Schedule 1 Amendments	3

Crown Lands Amendment (Access to Property) Bill 2005

Contents

Page

Contents page 2



New South Wales

Crown Lands Amendment (Access to Property) Bill 2005

No. , 2005

A Bill for

An Act to amend the *Crown Lands Act 1989* in relation to the determination or redetermination of rent with respect to leases, licences or permits that provide water access to certain residential properties.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crown Lands Amendment (Access to Property) Act 2005</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Crown Lands Act 1989 No 6	7
The <i>Crown Lands Act 1989</i> is amended as set out in Schedule 1.	8

Schedule 1 Amendments

		1
	(Section 3)	2
[1]	Section 35A	3
	Insert after section 35:	4
35A	Determination or redetermination of rent—lease, licence or permit giving water access	5
		6
(1)	In making a determination or redetermination of rent under this Act with respect to a lease, licence or enclosure permit that provides water access to the lease, licence or permit holder's residential property, regard is to be had as to whether the lease, licence or permit provides the only reasonable means of access to that property.	7
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(2)	In this section:	13
	<i>enclosure permit</i> has the same meaning as in Division 6.	14
	<i>rent</i> , in relation to a licence, includes a royalty, fee or other amount determined in respect of the licence.	15
		16
[2]	Schedule 8 Savings, transitional and other provisions	17
	Insert at the end of clause 25 (1):	18
	<i>Crown Lands Amendment (Access to Property) Act 2005</i>	19

[3] Schedule 8	1
Insert at the end of the Schedule with appropriate Part and clause numbering:	2
Part Provision consequent on Crown Lands Amendment (Access to Property) Act 2005	3 4
Determinations and redeterminations of rent	5
Section 35A, as inserted by the <i>Crown Lands Amendment (Access to Property) Act 2005</i> , applies to a determination or redetermination of rent taking place after the commencement of that section even if the relevant lease, licence or enclosure permit came into effect before that date.	6 7 8 9 10