

[Act 1997 No 67]



New South Wales

# **Crown Lands and Irrigation Legislation Amendment (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 relation to both irrigation and non-irrigation area land there are provisions for removal of these transfer restrictions in certain circumstances. For example, restrictions on some small areas of land and on some non-farming land (generally small areas) may be removed on payment of a nominal fee. However, in regard to non-irrigation area land the restrictions may also be removed from large areas (farming or non-farming) on payment of an amount equivalent to 3 per cent of the land value.

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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:

- to allow transfer restrictions to be removed from large areas of irrigation area land in the same way as they may be removed from large areas of non-irrigation area land, and
- to extend the provisions for the removal of transfer restrictions from some small areas of irrigation area land (2 hectares or less), on payment of a nominal fee, to all small areas of irrigation area land.

The Bill also:

- amends those Acts to remove a requirement for the Minister (or the Lands Administration Ministerial Corporation) to take into account a spouse's land when determining whether or not a proposed transfer of land will result in a person holding land substantially in excess of a home maintenance area, and
- amends the *Crown Lands (Continued Tenures) Act 1989* to remove prohibitions on corporations and trustees acquiring certain land (generally farming land) in irrigation areas, and
- amends the *Hay Irrigation Act 1902* and the *Wentworth Irrigation Act 1890* to bring the provisions in those Acts relating to transfer restrictions into line with the transfer restriction provisions in the *Crown Lands (Continued Tenures) Act 1989*.

## Outline of provisions

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act commences on a day or days to be appointed by proclamation.

**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 from land in irrigation areas**

Items [4], [5] and [7]–[10] amend Schedule 3 to the Act to allow transfer restrictions to be removed from large areas of irrigation area land in the same way as they may be removed from large areas of non-irrigation area land (in the Act, irrigation area land is referred to as land in a special land district).

### **Taking into account a spouse's land**

Item [6] removes a requirement for the Minister to take into account a spouse's land when determining whether or not a proposed transfer of land will result in a person holding land substantially in excess of a home maintenance area.

### **Statutory corporations and trustees**

Items [2], [3] and [12] remove prohibitions on corporations and trustees acquiring certain land in irrigation areas.

### **Other amendments**

Items [1] and [13] insert savings and transitional provisions.

Item [11] is a consequential amendment.

## **Schedule 2      Amendment of Hay Irrigation Act 1902**

### **Transfer restrictions**

Item [1] repeals a section relating to transfer restrictions.

Item [2] inserts a new Part (sections 20–28) on the lines of Schedule 3 (Transfer restrictions) to the *Crown Lands (Continued Tenures) Act 1989*, as to be amended by the proposed Act. Sections 27 and 28 relate to the removal of transfer restrictions from land within the Hay irrigation area.

### **Other amendments**

Item [3] is a consequential amendment.

Items [4] and [5] insert savings and transitional provisions.

### **Schedule 3      Amendment of Wentworth Irrigation Act 1890**

#### **Transfer restrictions**

Item [2] repeals a section relating to transfer restrictions.

Item [3] inserts a new Part (sections 23–31) on the lines of Schedule 3 (Transfer restrictions) to the *Crown Lands (Continued Tenures) Act 1989*, as to be amended by the proposed Act. Sections 30 and 31 relate to the removal of transfer restrictions from land within the Wentworth irrigation area.

#### **Other amendments**

Item [1] is a statute law revision amendment.

Item [4] is a consequential amendment.

Items [5] and [6] insert savings and transitional provisions.