

# Crown Land Legislation Amendment Act 2017 No 17

[2017-17]



New South Wales

## Status Information

### Currency of version

Historical version for 17 May 2017 to 17 May 2017 (accessed 17 September 2024 at 5:53)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

### Authorisation

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# Crown Land Legislation Amendment Act 2017 No 17



New South Wales

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# Crown Land Legislation Amendment Act 2017 No 17



New South Wales

An Act to amend certain legislation consequent on the enactment of the *Crown Land Management Act 2016*.

## 1 Name of Act

This Act is the *Crown Land Legislation Amendment Act 2017*.

## 2 Commencement

- (1) This Act commences on the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*, except as provided by this section.
- (2) Schedule 1 commences on the date of assent to this Act.

## Schedule 1 Amendment of *Crown Land Management Act 2016 No 58*

### [1] Section 1.5 Definitions

Omit paragraph (b) of the definition of **Crown Land Acts** from section 1.5 (1).

Insert instead:

- (b) each of the following Acts repealed by this Act:
  - (i) the *Hay Irrigation Act 1902*,
  - (ii) the *Public Reserves Management Fund Act 1987*,
  - (iii) the *Trustees of Schools of Arts Enabling Act 1902*,
  - (iv) the *Wentworth Irrigation Act 1890*,
  - (v) the *Western Lands Act 1901*,

### [2] Section 1.5 (1), definition of “Crown land manager”

Omit “for”. Insert instead “, in relation to,”.

**[3] Section 1.5 (1)**

Insert in alphabetical order:

***Crown managed land*** means:

- (a) dedicated or reserved Crown land, and
- (b) any other land that is required or permitted to be managed under this Act as if it were dedicated or reserved Crown land.

**Note—**

For example, clause 7 (4) of Schedule 7, when read with clause 9B of that Schedule, provides for certain land that is not vested in the Crown or the State to be managed as if it were reserved Crown land.

**[4] Section 1.5 (1)**

Insert in alphabetical order:

***Crown Reserves Improvement Fund*** means the Crown Reserves Improvement Fund established by Division 12.5.

**[5] Section 1.5 (1), definition of “Department”**

Omit “, Skills and Regional Development”.

**[6] Section 1.5 (1), definition of “Public Reserves Management Fund”**

Omit the definition.

**[7] Section 1.9 When land ceases to be or is not Crown land**

Insert after section 1.9 (4):

- (5) Land does not cease to be Crown land just because of the creation in respect of it of a folio of the Register in the name of the State.

**[8] Sections 2.18 (4) (a), 3.15 (5) (e) and 11.16 (1) (e)**

Omit “Public Reserves Management Fund” wherever occurring.

Insert instead “Crown Reserves Improvement Fund”.

**[9] Section 2.23 Minister taken to give consent for certain development applications over dedicated or reserved Crown land**

Omit “more than one storey” from section 2.23 (2) (a) (ii).

Insert instead “one or more storeys”.

**[10] Section 3.1 Responsibility for management of Crown land**

Insert at the end of section 3.1 (2):

**Note—**

This subsection does not affect any responsibility of a local council over a public reserve that is Crown land that it has under section 48 of the *Local Government Act 1993*. See section 1.15 (2).

**[11] Section 3.10**

Omit the section. Insert instead:

**3.10 Revocation of appointment**

- (1) The Minister may, by notice published in the Gazette, revoke a person’s appointment as a Crown land manager at any time for any or no reason.
- (2) A person whose appointment as a Crown land manager is revoked is not entitled to any compensation for the revocation of the appointment.

**Note—**

See Parts 6 and 7 of Schedule 5 for when the Minister dissolves a statutory land manager.

**[12] Section 3.12 End of appointment**

Insert after section 3.12 (2):

- (3) The Minister may, by notice published in the Gazette, provide for specified assets, rights and liabilities of a person whose appointment is ending or has ended to be transferred to one or more specified persons.
- (4) An asset, right or liability cannot be specified for the purposes of subsection (3) unless the Minister is satisfied that it was created, exercisable or incurred in connection with the exercise of functions as a Crown land manager.
- (5) A person specified for the purposes of subsection (3) must be:
  - (a) a public authority, or
  - (b) any new Crown land manager of the dedicated or reserved Crown land.
- (6) Schedule 6 applies to a transfer of any asset, right or liability to a person by a notice under this section.

**[13] Section 3.13 Functions of Crown land manager**

Insert “(including a Commonwealth Act)” after “another Act” in section 3.13 (4) (c).

**[14] Section 3.16 Application of proceeds of managed Crown land**

Omit section 3.16 (3) (b). Insert instead:

- (b) the purpose of purchasing, leasing or acquiring an easement over land under section 3.28A,
- (c) the purpose of preparing plans of management (whether under Division 3.6 or the *Local Government Act 1993*) or other plans (as required or permitted by the Minister under section 3.41) for land managed by the Crown land manager,
- (d) any other purpose referred to in section 2.12 that applies to the land.

**[15] Section 3.17 Application of certain special provisions to Crown land managers**

Insert after section 3.17 (2):

- (3) Despite any other provision of this Act, a Crown land manager cannot exercise any of the Minister’s functions under section 2.18 (Special provisions relating to Minister’s powers over dedicated or reserved Crown land).

**[16] Section 3.24 Application of Division**

Omit section 3.24 (3). Insert instead:

- (3) Any authority to exercise a function of the Minister in relation to dedicated or reserved Crown land conferred on its non-council manager by this Division does not authorise the manager to do anything that contravenes:
  - (a) any limitations or other restrictions specified by the provisions of the manager’s appointment instrument, or
  - (b) the regulations, or
  - (c) any applicable Crown land management rules, or
  - (d) any applicable plan of management under Division 3.6.

**[17] Section 3.26 Exercise of functions by category 1 non-council managers**

Omit section 3.26 (4). Insert instead:

- (4) A non-council manager must indemnify the State against any liability that the

manager may incur as a result of the manager doing any of the following unless the manager sought and obtained the written consent of the Minister before doing it:

- (a) granting a lease or licence (including any easements granted in connection with it),
- (b) changing a lease, licence or easement that the manager (or a previous manager) has granted.

**[18] Section 3.28A**

Insert after section 3.28:

**3.28A Acquisition of non-Crown land and certain interests in non-Crown land**

- (1) **When land and interests can be acquired** A non-council manager of dedicated or reserved Crown land may, with the Minister's written consent, purchase, lease or acquire an easement over any other land if it is required for use in connection with the dedicated or reserved Crown land.
- (2) A non-council manager may also, with the Minister's written consent, purchase any land so as to make it available for one or more proposed future uses as dedicated or reserved Crown land.

**Note—**

Section 4.4 enables the Minister to declare land to be Crown land if it is land acquired by a Crown land manager in the capacity of the Crown land manager of dedicated or reserved Crown land.

- (3) The Minister is to specify the proposed uses for land in a written consent given under subsection (2).
- (4) Land that is purchased or leased (or over which an easement is acquired) under this section does not have to be dedicated or reserved Crown land.
- (5) **How acquired land to be managed** Subject to the regulations, the non-council manager must manage any land it purchases or leases (or over which an easement is acquired) under this section as if it were:
  - (a) for land purchased or leased (or over which an easement is acquired) under subsection (1)—Crown land reserved or dedicated for the same purposes as the dedicated or reserved Crown land, and
  - (b) for land purchased under subsection (2)—Crown land reserved for the purposes of the proposed uses specified in the Minister's written consent for the purchase.
- (6) The regulations may make provision for or with respect to the modification of the provisions of this Act in their application to land that is purchased or leased

(or over which an easement is acquired) under this section.

- (7) **Minister may direct sale of land or interests that are no longer needed** The Minister may, by written notice given to the non-council manager, direct the manager to sell any land (or interest in land) acquired under this section if the Minister is satisfied that the land is no longer needed for the purposes for which it was acquired.
- (8) The direction may authorise the non-council manager to apply the proceeds of the sale:
- (a) for the purposes of the management and care of any dedicated or reserved Crown land that is managed by the manager, or
  - (b) for the purpose of acquiring other land.
- (9) The non-council manager must comply with the direction.
- (10) **Effect of section on non-management functions** Nothing in this section limits any power that a non-council manager has apart from this section to acquire land (or interests in land) when it is not exercising the functions of a non-council manager.

**Note—**

For example, a non-council manager may be a corporation that has other functions apart from being a non-council manager. In that case, this section does not limit the corporation's power to acquire land in exercise of its other functions.

**[19] Section 4.4 Certain land may be declared to be Crown land**

Insert "(including if it is acquired by or transferred to the manager under section 14 of the *Cemeteries and Crematoria Act 2013*)" after "reserved Crown land" in section 4.4 (1) (d).

**[20] Section 5.3 Powers of Minister generally**

Omit "dedicated or reserved Crown land" from section 5.3 (5).

Insert instead "Crown land that is dedicated or reserved for a public purpose".

**[21] Section 5.7 Requirements concerning approval of community engagement strategies**

Insert "to" after "is" in section 5.7 (3).

**[22] Section 6.5 General principles for rent determinations or redeterminations**

Insert "be" after "are to" in section 6.5 (2) (b).

**[23] Division 8.5**

Insert after Division 8.4:



## **Division 8.5 General**

### **8.14 Regulations concerning administration**

The regulations may make provision for or with respect to the following:

- (a) the obligations and liabilities of native title managers and responsible persons for relevant land in connection with the administration of this Part or the native title legislation,
- (b) compliance with this Part or the native title legislation in connection with relevant land.

#### **[24] Section 11.3 Penalty notices**

Omit section 11.3 (4) and (5). Insert instead:

- (4) Without limiting section 21 of the *Fines Act 1996*, a penalty notice for an offence to which section 11.8 applies that involves the entry, use or parking of a vehicle may be served by leaving it on, or attaching it to, the vehicle addressed to “the responsible person” (without stating the name or address of the responsible person).

**Note—**

Subject to certain exceptions, section 11.8 makes the responsible person for the vehicle liable for an offence of this kind unless the person nominates the actual offender.

- (5) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (6) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

#### **[25] Part 12 Administration**

Omit paragraph (e) from the introductory note. Insert instead:

- (e) the establishment and use of the Crown Reserves Improvement Fund, and
- (f) the service, giving and use of notices and other documents for the purposes of this Act.

#### **[26] Division 12.5**

Insert after Division 12.4:

## **Division 12.5 Crown Reserves Improvement Fund**

### **12.26 Definitions**

In this Division:

**Crown reserve** means:

- (a) any Crown managed land,
- (b) any other land set apart, dedicated, reserved, granted or held for:
  - (i) any public purpose under any Act administered by the Minister, or
  - (ii) a show ground.

**manager** of a Crown reserve or Crown road means:

- (a) for a Crown reserve—any person having the care, control and management of a Crown reserve, or
- (b) for a Crown road—the roads authority for the road under the [Roads Act 1993](#).

### **12.27 Establishment and administration of Crown Reserves Improvement Fund**

- (1) A Crown Reserves Improvement Fund is to be established in the Special Deposits Account.
- (2) The Fund is to be administered by the Minister.
- (3) The annual report of the Department is to include details of the amounts paid from the Fund during the financial year to which the report relates and the purposes for which those payments were made.

### **12.28 Payments into Crown Reserves Improvement Fund**

- (1) Each of the following is to be paid into the Crown Reserves Improvement Fund:
  - (a) any money provided by Parliament for the purchase or acquisition of land for Crown reserves and for the maintenance, improvement or development of Crown reserves,
  - (b) any repayments of the cost of premiums for fire insurance of improvements on Crown reserves and for insurance in respect of damage to property, death or bodily injury for which trustees of Crown reserves could become liable,
  - (c) any repayments of loans or advances (including interest) made at any time

by the Minister to managers of Crown reserves,

- (d) any money received by or on behalf of the State or the Minister for the purchase or acquisition of land for a Crown reserve, or for the maintenance, improvement or development of a Crown reserve,
  - (e) any money directed by the Minister to be paid into the Fund under Division 2.5 or this Division,
  - (f) any money directed by the Minister to be paid into the Fund out of compensation paid under a condition imposed under Division 5.9 if the condition is one subject to which an easement was created over land comprising the whole or part of a Crown reserve,
  - (g) any money required to be paid into the Fund under the Crown land management rules,
  - (h) any money that a court orders a person to pay into the Fund under Division 11.3,
  - (i) any rent, royalty or other money received from the holder of a holding or enclosure permit directed by the Minister under subsection (2) to be paid into the Fund,
  - (j) any money required or authorised to be paid into the Fund by or under this Act, the [Roads Act 1993](#) or another Act.
- (2) The Minister may, with the concurrence of the Treasurer, direct that rents, royalties or other money received from the holder of a holding or enclosure permit (or from a class of holder) be paid into the Fund.

### **12.29 Payments from Crown Reserves Improvement Fund**

- (1) The following may be paid from the Crown Reserves Improvement Fund:
- (a) the cost of the purchase or acquisition of land required for Crown reserves,
  - (b) the cost of the maintenance, improvement or development of Crown reserves (whether by direct expenditure or by grants, loans or advances to the managers of the Crown reserves), but only if the payment is made with the approval of the Minister,
  - (c) the cost of premiums for fire insurance of improvements on Crown reserves and for insurance in respect of damage to property, death or bodily injury for which managers of Crown reserves could become liable,
  - (d) the cost of the repair or maintenance of Crown roads,

- (e) the remuneration (including travelling expenses) of an administrator of a statutory land manager if it is the manager of a Crown reserve,
  - (f) any administrative costs (including for the development of policy, procedures, guidelines and rules) in connection with the management or operation of Crown reserves or the Fund,
  - (g) any money required or authorised to be paid from the Fund by or under this Act or another Act or law.
- (2) For payments made from the Fund for the cost of the repair or maintenance of Crown roads:
- (a) money paid into the Fund under the *Roads Act 1993* can be used, but
  - (b) money paid into the Fund from any other source cannot be used.
- (3) Any money provided by Parliament to the Fund for any purpose specified by Parliament is to be used for that purpose only.
- (4) The Secretary may take a mortgage to secure all or any part of a loan made under subsection (1) (b) from a manager of a Crown reserve with the power to grant the mortgage.

### **12.30 Investment of money in Crown Reserves Improvement Fund**

The Secretary may invest money in the Crown Reserves Improvement Fund:

- (a) in any manner that may be authorised by the *Public Authorities (Financial Arrangements) Act 1987*, or
- (b) if that Act does not confer power on the Secretary to invest the money, in any other manner approved by the Treasurer.

### **12.31 Insurance premiums**

- (1) The cost of premiums for fire insurance of improvements on Crown reserves and for insurance in respect of damage to property, death or bodily injury for which the manager could become liable is, on demand, to be repaid into the Crown Reserves Improvement Fund by the manager of the Crown reserve concerned.
- (2) The cost of any premiums not repaid on demand may be recovered as a debt due to the Crown in any court of competent jurisdiction.

### **[27] Divisions 12.5 and 12.6**

Renumber existing Divisions 12.5 and 12.6 as Divisions 12.6 and 12.7, respectively.

**[28] Sections 12.26-12.32**

Renumber existing sections 12.26-12.32 as sections 12.32-12.38, respectively.

**[29] Section 12.28 Ministerial notices published in the Gazette may be combined**

Insert after section 12.28 (2):

- (3) This section does not apply in relation to a notice under section 2.7 revoking the dedication of dedicated Crown land or any other notice that is subject to disallowance by Parliament.

**[30] Section 13.5 Regulations**

Insert after section 13.5 (2) (l):

- (m) the disclosure to local councils of information about holdings and enclosure permits (including information about their holders) for use in connection with the exercise of local council functions under the [Local Government Act 1993](#),
- (n) the exemption of any person, matter or thing from the operation of this Act or any specified provision of this Act, either unconditionally or subject to conditions.

**[31] Schedule 3 Land in Western Division**

Omit "annual" from clause 44 (5).

**[32] Schedule 5 Statutory land managers**

Insert at the end of clause 2:

- (4) A statutory land manager has the functions that are conferred or imposed on it by or under this Act or another Act.

**[33] Schedule 5, clause 7**

Omit the clause. Insert instead:

**7 Chairperson and Deputy Chairperson**

- (1) The board is to have a Chairperson and a Deputy Chairperson, who must each be board members.
- (2) The Minister is to appoint the Chairperson whenever there is a vacancy if the statutory land manager is a category 1 non-council manager.
- (3) The board is to elect its Chairperson whenever there is a vacancy if the statutory

land manager is not a category 1 non-council manager.

- (4) The board is to elect its Deputy Chairperson whenever there is a vacancy (regardless of whether the statutory land manager is, or is not, a category 1 non-council manager).
- (5) If the Minister considers that a board required to elect its Chairperson or Deputy Chairperson will not or cannot do so, the Minister may instead appoint the Chairperson or Deputy Chairperson.
- (6) A person vacates office as Chairperson or Deputy Chairperson if the person:
  - (a) is removed from that office by the Minister under this clause, or
  - (b) resigns that office by written instrument given to the Minister, or
  - (c) ceases to be a board member of the board.
- (7) The Minister may at any time remove a person from office as the Chairperson or Deputy Chairperson.
- (8) In this clause:

**category 1 non-council manager** means a category 1 non-council manager under Division 3.5.

**[34] Schedule 5, clause 12**

Omit the clause. Insert instead:

**12 Acting members**

- (1) The Minister may, from time to time, appoint a person to act in the office of a board member during the absence of the member.
- (2) While acting in the place of a board member, the acting member has and may exercise all the functions of the board member and is taken to be a board member.
- (3) The Minister may remove an acting member from office at any time for any or no reason and without notice.
- (4) For the purposes of this clause, a vacancy in the office of a board member is taken to be an absence of the member.

**[35] Schedule 5, clause 36, note**

Omit "(6)". Insert instead "(2)".

**[36] Schedule 7 Savings, transitional and other provisions**

Omit the heading of Part 2. Insert instead:

Part 2 **Provisions consequent on enactment of this Act and [Crown Land Legislation Amendment Act 2017](#)**

**[37] Schedule 7, clause 2 (1)**

Omit the definition of **amending Act** from clause 2 (1). Insert instead:

**amending Act** means the [Crown Land Legislation Amendment Act 2017](#).

**[38] Schedule 7, clause 2 (1)**

Omit the definitions of **reserve trust** and **reserve trust board**. Insert instead:

**reserve trust** means any reserve trust (as defined in Part 5 of the [Crown Lands Act 1989](#)) except a special reserve trust, and includes each of the following:

- (a) a Crown cemetery trust (as defined in the [Cemeteries and Crematoria Act 2013](#)),
- (b) the Hawkesbury Racecourse Reserve Trust referred to in section 5 of the [Hawkesbury Racecourse Act 1996](#),
- (c) the Wagga Wagga Racecourse Reserve Trust referred to in section 5 of the [Wagga Wagga Racecourse Act 1993](#),
- (d) the Burrinjuck Waters State Park Trust referred to in clause 15 of Schedule 7 to the [National Park Estate \(Southern Region Reservations\) Act 2000](#),
- (e) the reserve trust referred to in section 47N (2) of the [National Parks and Wildlife Act 1974](#),
- (f) any other trust or a person or body that is taken to be constituted as a reserve trust for the purposes of the [Crown Lands Act 1989](#) (whether by that Act or another Act).

**reserve trust board**, in relation to a reserve trust, means the trust board appointed for the trust (whether under the provisions of the [Crown Lands Act 1989](#), the [Cemeteries and Crematoria Act 2013](#) or any other Act that provides for the appointment of trust board members for the trust concerned).

**[39] Schedule 7, clause 2 (1)**

Omit the definition of **special reserve trust**. Insert instead:

**special reserve trust** means each of the following:

- (a) the Luna Park Reserve Trust taken to have been established as provided by section 7 of the *Luna Park Site Act 1990*,
- (b) the National Parks and Wildlife Reserve Trust established as provided by section 9 of the *National Park Estate (Land Transfers) Act 1998*,
- (c) the Sydney Cricket and Sports Ground Trust constituted by the *Sydney Cricket and Sports Ground Act 1978*,
- (d) any other trust, or a person or body, prescribed by the regulations.

**[40] Schedule 7, clause 6 (1)**

Omit “Subject to subclause (2) and clause 7”.

Insert instead “Subject to this Division (including subclause (2))”.

**[41] Schedule 7, clause 6 (1) (b)**

Omit the paragraph. Insert instead:

- (b) any land in which an estate in fee simple is, or is taken to be, vested in a reserve trust (including land acquired by a reserve trust under section 101 of the *Crown Lands Act 1989* or acquired by or transferred to a reserve trust under section 14 of the *Cemeteries and Crematoria Act 2013*), but not including:
  - (i) any land where the estate in fee simple is not extinguished because of the operation of clause 7 (2), or
  - (ii) any land to which clause 7A applies,

**[42] Schedule 7, clause 7A**

Insert after clause 7:

**7A Land acquired for purpose of becoming Crown land once conditions met**

- (1) **Land to which clause applies** The Minister may, by notice published in the Gazette (whether before, on or after the repeal day), declare that this clause applies to specified land (**conditional Crown land**) if the Minister is satisfied that:
  - (a) the land was acquired by a reserve trust, and
  - (b) the land was not Crown land under the *Crown Lands Act 1989*, and
  - (c) the land was acquired for the purpose of it becoming Crown land once certain conditions (the **Crown vesting conditions**) were met (including, for example, conditions relating to obtaining appropriate planning consents or



approvals), and

(d) the Crown vesting conditions have not yet been met.

(2) **Special provisions for conditional Crown land** The following provisions apply to conditional Crown land:

(a) for land declared to be conditional Crown land on or before the repeal day—the land does not become Crown land under this Act on the repeal day,

(b) for land declared to be conditional Crown land after the repeal day—the land is taken not to have become Crown land under this Act on the repeal day,

(c) the land is taken to have been vested in the successor of the reserve trust on the repeal day,

(d) subject to the regulations, the land is to be managed under this Act by the successor of the reserve trust while it remains conditional Crown land as if it were reserved Crown land under this Act.

(3) Land remains conditional Crown land until it becomes Crown land, or is sold, under this clause.

(4) **When conditional Crown land can become Crown land** If the Minister is satisfied that the Crown vesting conditions for conditional Crown land have been met, the Minister may publish a notice (a **vesting notice**) to that effect in the Gazette.

(5) Conditional Crown land to which a vesting notice applies becomes Crown land when the notice takes effect.

**Note—**

See section 1.10 (When land becomes Crown land because of this Act).

(6) Without limiting section 12.34 (Ministerial notices published in the Gazette may be combined), the Minister may dedicate or reserve conditional Crown land in a vesting notice on it becoming Crown land. For this purpose, Part 2 of this Act applies to the land as if it were already Crown land.

(7) The appointment of the successor of the reserve trust as the Crown land manager of the land concerned is not affected by a vesting notice. However, if land is not dedicated or reserved under this Act when it becomes Crown land, the appointment in relation to that land is taken to have been revoked when the vesting notice takes effect.

(8) **When conditional Crown land can be sold** The Minister may, by written notice given to the successor of the reserve trust, direct the successor to sell conditional Crown land that is taken to be vested in the successor by this clause if the Minister is satisfied that the Crown vesting conditions for the land are unlikely to

be met.

- (9) The direction may authorise the successor of the reserve trust to apply the proceeds of the sale of any conditional Crown land:
- (a) for the purposes of the management and care of any Crown land that is managed by the successor of the reserve trust as its Crown land manager, or
  - (b) for the purpose of acquiring other land.
- (10) The successor of the reserve trust must comply with the direction.
- (11) **Regulations** The regulations may make provision for or with respect to the modification of the provisions of this Act in their application to conditional Crown land.
- (12) **Definition** In this clause:
- successor** of a reserve trust means a person that is taken by clause 11 to have been appointed as the Crown land manager of the former trust land (as defined in that clause).

**[43] Schedule 7, clause 9A**

Insert after clause 9:

**9A Completion of certain uncompleted functions under repealed Act or statutory rule**

- (1) **Meaning of “uncompleted function”** This clause applies to the exercise of a function under a repealed Act or repealed statutory rule (an **uncompleted function**) if it:
- (a) was begun (but not completed) before the repeal day, and
  - (b) cannot be completed under this Act because:
    - (i) there is no corresponding function under this Act, or
    - (ii) the corresponding function under this Act does not allow it to be completed in the same way as it was under the repealed Act or repealed statutory rule.
- (2) **If authorisation to complete was not required** The following provisions apply if the completion of the uncompleted function would not have required the granting of authorisation by the Minister under the repealed Act or repealed statutory rule:
- (a) the person who began to exercise the function (or the person’s successor if abolished) may complete the uncompleted function in accordance with the

repealed Act or repealed statutory rule,

- (b) anything that results from the completed function is taken to have the same effect that it would have had if the repealed Act or repealed statutory rule had not been repealed.

**Note—**

For example, this subclause would cover situations where an expression of interest or tender for a lease under a repealed Act was issued by a reserve trust managed by a local council before the repeal day for a term that exceeds the maximum term for a lease that a local council can grant as a Crown land manager under this Act.

Division 3.4 generally requires local councils that are Crown land managers of dedicated or reserved Crown land to manage their land as community land under the [Local Government Act 1993](#), including in relation to the granting of leases. Section 46 of the [Local Government Act 1993](#) provides that a lease over community land cannot exceed 30 years.

- (3) **If authorisation to complete would have been required** The following provisions apply if the completion of the uncompleted function would have required the granting of authorisation by the Minister under the repealed Act or repealed statutory rule:
  - (a) the Minister may grant the authorisation in the same way as the Minister could under the repealed Act or repealed statutory rule if satisfied that it will enable an agreement, undertaking, commitment or other arrangement entered into or given in good faith before the repeal day (whether by the Minister or another person or body authorised to exercise the function) to be completed,
  - (b) the person who began to exercise the function (or the person's successor if abolished) may complete the uncompleted function in accordance with the authorisation and the repealed Act or repealed statutory rule,
  - (c) anything that results from the completed function is taken to have the same effect that it would have had if the repealed Act or repealed statutory rule had not been repealed.
- (4) **Effect of previous authorisation** Without limiting subclause (3), the following provisions apply if the Minister had previously granted authorisation for the exercise of the uncompleted function under the repealed Act or repealed statutory rule:
  - (a) the Minister may vary or revoke the authorisation in the same way as the Minister could under the repealed Act or repealed statutory rule,
  - (b) the person who began to exercise the function (or the person's successor if abolished) may complete the uncompleted function in accordance with the previous authorisation (as varied) and the repealed Act or repealed statutory

rule,

(c) anything that results from the completed function is taken to have the same effect that it would have had if the repealed Act or repealed statutory rule had not been repealed.

(5) **Relationship with this Act and Local Government Act 1993** Subject to the regulations, this clause has effect despite anything to the contrary in this Act or the *Local Government Act 1993* (including in respect of maximum terms for leases, licences or permits).

(6) **Definitions** In this clause:

**authorisation** includes the granting of approval or consent.

**complete** includes finalise.

**the Minister**, in relation to a repealed Act or repealed statutory rule, includes the Minister administering the Act or rule.

**[44] Schedule 7, clause 9B**

Insert before clause 10:

**9B Application of Division to non-dedicated or reserved Crown land**

(1) The following provisions apply if a provision of this Division operates to appoint a person as a Crown land manager of land that is not dedicated or reserved Crown land:

(a) the fact that the land is not dedicated or reserved Crown land does not prevent it from being managed under Part 3 of this Act,

(b) subject to the regulations, Part 3 of this Act applies to the land in the same way as Part 3 applies to reserved Crown land for which a Crown land manager has been appointed.

**Note—**

For example, a reserve trust may have acquired land under section 101 of the *Crown Lands Act 1989* that was not reserved or dedicated under that Act after its acquisition.

(2) Subclause (1) ceases to apply in relation to the land if:

(a) the land becomes dedicated or reserved Crown land, or

(b) the land ceases to have a Crown land manager, or

(c) the land is sold.

- (3) The Crown land manager must, as soon as practicable after the repeal day, give written notice to the Minister that the land is not dedicated or reserved Crown land.
- (4) The notice may include recommendations by the Crown land manager concerning purposes for which the land could be dedicated or reserved.
- (5) The Minister may, in accordance with Part 2 of this Act, dedicate or reserve the land for use for one or more purposes (including a recommended purpose).

**[45] Schedule 7, clause 11 (3)**

Omit “appointed under section 117 of the *Crown Lands Act 1989*”.

**[46] Schedule 7, clause 11 (4)**

Omit “appointed under section 95 of the *Crown Lands Act 1989*”.

**[47] Schedule 7, clause 11 (9)**

Insert at the end of paragraph (b) of the definition of **former trust land**:

, and

- (c) any other land acquired by or vested in the trust in its capacity as a trust (for example, land acquired or transferred under section 14 of the *Cemeteries and Crematoria Act 2013*).

**[48] Schedule 7, clause 13 (1), note**

Omit “7”. Insert instead “6”.

**[49] Schedule 7, clause 16A**

Insert after clause 16:

**16A Abolition of Public Reserves Management Fund**

- (1) The Public Reserves Management Fund under the *Public Reserves Management Fund Act 1987* (the **old Fund**) is abolished on the repeal day.
- (2) Any balance standing to the credit of the old Fund is transferred to the Crown Reserves Improvement Fund under this Act (the **new Fund**) on the repeal day and may be used for any purpose for which money in the new Fund may be used under this Act.
- (3) Any money that was payable into the old Fund immediately before its abolition is to be paid into the new Fund instead of the old Fund.

**[50] Schedule 7, clause 17 (2)**

Insert “that is” after “this Act”.

**[51] Schedule 7, clause 19 (2)**

Omit “land to which subclause (1) applies”. Insert instead “Crown park”.

**[52] Schedule 7, clause 19 (3)**

Insert after clause 19 (2):

(3) In this clause:

**Crown park** means:

- (a) any land to which subclause (1) applies, and
- (b) any other Crown land that is dedicated or reserved for the purpose of a park (whether or not the land is also dedicated or reserved for other purposes).

**[53] Schedule 7, clause 37A**

Insert after clause 37:

**37A Plans of management for former reserve land**

- (1) This clause applies to land (**former reserve land**) that was a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*.
- (2) If clause 11 operates to appoint a non-council manager as the Crown land manager of the former reserve land, a plan of management in force under Division 6 of Part 5 of the *Crown Lands Act 1989* for that land is taken on and from the repeal day to be a plan of management for that land under Division 3.6 of this Act.
- (3) However, a plan of management in force under Division 6 of Part 5 of the *Crown Lands Act 1989* for former reserve land does not continue in force under this Act if clause 11 operates to appoint a council manager as the Crown land manager of the land.

**Note—**

See section 3.23 concerning adoptions of plans of management by council managers.

**[54] Schedule 7, clause 41A**

Insert before clause 42:

#### **41A Transfer of certain regulatory authorisations**

- (1) This clause applies to each regulatory authorisation held by or on behalf of an abolished body (an **existing regulatory authorisation**).
- (2) Each of the existing regulatory authorisations becomes a regulatory authorisation of the successor body for the abolished body (the **transferred regulatory authorisation**) on the repeal day for the purposes of the Act or statutory rule (the **relevant State legislation**) under which the existing regulatory authorisation was issued.
- (3) The provisions of the relevant State legislation apply in relation to a successor body in relation to a transferred regulatory authorisation subject to any modifications prescribed by the regulations.
- (4) The Minister is not to recommend the making of a regulation for the purposes of subclause (3) unless the Minister administering the Act or statutory rule proposed to be modified has consented to the modification concerned.
- (5) The person or body (a **regulatory body**) that has the function under the relevant State legislation of issuing regulatory authorisations of the same kind as a transferred regulatory authorisation must, at the request of the successor body, re-issue the transferred regulatory authorisation in the name of the successor body (with substantially the same terms, conditions and endorsements as the transferred regulatory authorisation).
- (6) No fee or charge is payable by a successor body to a regulatory body for or in respect of the exercise of any function by the regulatory body in connection with the transfer or re-issue of a regulatory authorisation by operation of, or under, this clause.
- (7) In this clause:  
**abolished body** means each of the following:
  - (a) an abolished reserve trust,
  - (b) an abolished trust for special trust land referred to in clause 12,
  - (c) an abolished trust over institutional public trust land,
  - (d) the abolished Trust for the Orange Show Ground.

**issued** includes given.

**regulatory authorisation** means a licence, permit, consent, entitlement, accreditation or other authority under an Act or statutory rule, including (but not limited to) the following:

- (a) a licence under the *Betting and Racing Act 1998*,
- (b) a licence under the *Liquor Act 2007*,
- (c) a poker machine entitlement or licence under the *Gaming Machines Act 2001*,
- (d) a licence under the *Totalizator Act 1997*,
- (e) any other licence, permit, consent, entitlement, accreditation or other authority of a kind prescribed by the regulations.

**successor body** means:

- (a) for an abolished reserve trust—a statutory land manager, local council or corporation that is taken by clause 11 to have been appointed as the Crown land manager of the former trust land (as defined in that clause), and
- (b) for an abolished trust for special trust land referred to in clause 12—a statutory land manager taken by clause 12 to have been appointed as the Crown land manager of the trust’s land, and
- (c) for an abolished trust over institutional public trust land—a statutory land manager taken by clause 13 to have been appointed as the Crown land manager of the trust’s land, and
- (d) for the abolished Trust for the Orange Show Ground—the Orange City Council.

#### **[55] Schedule 8 Repeal of certain legislation**

Insert after paragraph (f):

- (f1) the *Public Reserves Management Fund Act 1987 No 179*,

### **Schedule 2 Amendment of legislation referring to reserve trusts**

#### **2.1 Betting and Racing Act 1998 No 114**

##### **Section 4 Definitions**

Omit paragraph (c) of the definition of **approved body** in section 4 (1). Insert instead:

- (c) a statutory land manager within the meaning of the *Crown Land Management Act 2016*.



## 2.2 Cemeteries and Crematoria Act 2013 No 105

### [1] Section 3 Objects of Act

Omit “section 11 of the *Crown Lands Act 1989*” from section 3 (f).

Insert instead “section 1.4 of the *Crown Land Management Act 2016*”.

### [2] Section 4 Interpretation

Omit section 4 (3). Insert instead:

- (3) An expression that is used in this Act and that is defined in the *Crown Land Management Act 2016* (not being an expression that is defined in this Act) has the same meaning in this Act in relation to a Crown cemetery or Crown cemetery operator as it has in that Act in relation to dedicated or reserved Crown land or a person responsible for the care, control and management of dedicated or reserved Crown land, respectively.

#### Note—

Expressions used in this Act (or in a particular provision of this Act) that are defined in the *Interpretation Act 1987* have the meanings set out in that Act.

See also section 3.1 (Responsibility for management of Crown land) of the *Crown Land Management Act 2016*.

### [3] Section 5 Relationship of Act and *Crown Land Management Act 2016* and other legislation

Omit “*Crown Lands Act 1989*” wherever occurring in section 5 (1)–(3).

Insert instead “*Crown Land Management Act 2016*”.

### [4] Section 5 (1)

Omit “by-law” and “a reserve” wherever occurring.

Insert instead “regulations” and “dedicated or reserved Crown land”, respectively.

### [5] Section 14 Reserve power to acquire land in the public interest

Omit “Crown cemetery trust” wherever occurring.

Insert instead “Crown cemetery operator”.

### [6] Section 14 (1) (b)

Omit “*Crown Lands Act 1989*”. Insert instead “*Crown Land Management Act 2016*”.

**[7] Section 14 (3) (b)**

Omit “trust”. Insert instead “operator”.

**[8] Section 14 (4) and (5)**

Omit “*Public Works Act 1912*” wherever occurring.

Insert instead “*Public Works and Procurement Act 1912*”.

**[9] Section 22 The Cemeteries Agency Fund**

Omit the note to section 22 (1) (b).

**[10] Section 71**

Omit the section. Insert instead:

**71 Interpretation**

In this Part and Schedule 2:

***Crown cemetery operator*** means:

- (a) the Crown land manager of a Crown cemetery, or
- (b) any other person responsible under the *Crown Land Management Act 2016* for the care, control and management of a Crown cemetery.

***Crown land manager***, in relation to a Crown cemetery, means the Crown land manager of the cemetery under the *Crown Land Management Act 2016*.

***operator board*** means the board or other governing body of a Crown cemetery operator.

***operator member***, in relation to a Crown cemetery operator, means:

- (a) for an operator with an operator board—each member of the board, and
- (b) for an operator without an operator board:
  - (i) if the operator is under administration—the administrator, or
  - (ii) if the operator is not under administration—each person involved in the management of the affairs of the operator.

***statutory land manager*** means a statutory land manager within the meaning of the *Crown Land Management Act 2016*.

**Note—**

Section 5 provides that:

- (a) if provision is made both by or under the *Crown Land Management Act 2016* and this Act in relation to the exercise of functions by, or in respect of, a Crown cemetery operator in the same or substantially the same circumstances the function is not exercisable under the *Crown Land Management Act 2016*, and
- (b) in the event of any inconsistency between the provisions of this Act or the regulations and a provision of the *Crown Land Management Act 2016*, the provisions of this Act or the regulations (as the case may be) prevail to the extent of the inconsistency.

**[11] Section 72 Exemption power—Cemeteries Agency**

Omit “a trust member” and “trust members” from section 72 (1).

Insert instead “an operator member” and “operator members”, respectively.

**[12] Part 5, Division 2, heading**

Omit “**Cemetery trust operators**”. Insert instead “**Crown cemetery operators**”.

**[13] Part 5, Division 2, Subdivision 1**

Omit the Subdivision. Insert instead:

## **Subdivision 1 Appointment of Crown cemetery operators**

### **73 Cemeteries Agency may make recommendations about appointments of operators**

- (1) The Cemeteries Agency may make recommendations to the Minister administering the *Crown Land Management Act 2016* concerning the appointment of a Crown land manager as a Crown cemetery operator (including the members of its operator board) for any Crown cemetery.
- (2) The Minister may (but need not) make appointments based on any such recommendations.

### **74 Special provisions for Crown cemetery operators that are statutory land managers**

Schedule 2 contains provisions that apply to Crown cemetery operators that are statutory land managers with boards.

### **75 Delegation of functions by Crown cemetery operators**

- (1) A Crown cemetery operator may, with the approval of the Cemeteries Agency, delegate any of its functions (other than this power of delegation) as an operator to any other person or body.

- (2) Without limiting section 49 of the *Interpretation Act 1987*, a delegation by an operator under subsection (1) may, with the approval of the Cemeteries Agency, be revoked by an operator at any time.
- (3) The regulations may make provision for or with respect to delegations under this section.
- (4) In particular, the regulations may require records to be kept of delegations of all or any particular functions or the revocation of such delegations.

**[14] Section 80A**

Insert before section 81:

**80A Application of Subdivision**

- (1) The obligations imposed by this Subdivision are intended to apply in relation to all Crown cemetery operators and their operator boards and members and, in particular, to Crown cemetery operators that are statutory land managers and their operator boards and members.
- (2) This Subdivision applies only in relation to the exercise of a Crown cemetery operator's functions as an operator.
- (3) If a Crown cemetery operator is not a statutory land manager, this Subdivision applies subject to the following:
  - (a) any modifications to the provisions of this Subdivision prescribed by the regulations,
  - (b) the constitution of, and any other governance provisions applicable to, the operator under another Act (including a Commonwealth Act, but not the *Crown Land Management Act 2016*) that the operator and its board are required to comply with.
- (4) However, this Subdivision does not apply in relation to Crown cemetery operators that are councils within the meaning of the *Local Government Act 1993*.
- (5) In this section:

**modification** includes addition, exception, omission or substitution.

**[15] Part 5, Division 2, Subdivision 2**

Omit each expression specified in Column 1 of the following Table wherever occurring (including headings and notes) except as otherwise amended by this Schedule.

Insert instead the expression specified in Column 2 opposite the expression specified in Column 1:

**Table**

<b>Column 1</b>	<b>Column 2</b>
“A trust member”	“An operator member”
“a trust member”	“an operator member”
“the trust member”	“the operator member”
any other reference to “trust member”	“operator member”
“trust members”	“operator members”
“trust member’s”	“operator member’s”
“Crown cemetery trust”	“Crown cemetery operator”
“Crown cemetery trust’s”	“Crown cemetery operator’s”
“a trust board”	“an operator board”
“the trust board”	“the operator board”

**[16] Section 85 Notification of significant events**

Omit the note to section 85 (1). Insert instead:

**Note—**

Part 3 of the [Crown Land Management Act 2016](#) also imposes other obligations on Crown cemetery operators (including those with operator boards).

**[17] Section 86 Codes of conduct**

Omit section 86 (1). Insert instead:

- (1) A Crown cemetery operator must prepare and adopt a code of conduct to be observed by operator members and persons employed by the operator within 3 months after becoming the operator.
- (1A) A code of conduct in force under this section for a Crown cemetery trust for a Crown cemetery immediately before this section was amended by the [Crown Land Legislation Amendment Act 2017](#) continues in force for the purposes of this Act as if:
  - (a) the code had been adopted by the Crown cemetery operator for that cemetery on the date it was originally adopted, and
  - (b) the members of the board of the operator and its employees had been

signatories to the code.

**[18] Section 89 Liability of operator board, members and other persons**

Omit “(other than a director or officer of a corporation referred to in subsection (2))” from section 89 (1) (a).

**[19] Section 89 (2)**

Omit the subsection.

**[20] Section 90**

Omit the section. Insert instead:

**90 Strategic plans**

- (1) A strategic plan identifies the main priorities for the future of a Crown cemetery for the period to which the plan relates.
- (2) A Crown cemetery operator must:
  - (a) prepare a draft strategic plan for the management of the operation of each Crown cemetery for which the operator is responsible in accordance with this section, and
  - (b) submit the strategic plan to the Cemeteries Agency for review.
- (3) A Crown cemetery operator who is responsible for more than one Crown cemetery may prepare a single draft strategic plan for all those cemeteries.
- (4) The Crown cemetery operator must prepare the first draft strategic plan for a Crown cemetery within 12 months after the operator becomes the operator.
- (5) A strategic plan in force under this section for a Crown cemetery trust immediately before this section was substituted by the *Crown Land Legislation Amendment Act 2017* continues in force for the purposes of this Act for each Crown cemetery for a Crown cemetery operator to which the plan applied.
- (6) Subsequent draft strategic plans must be prepared at such times as the Cemeteries Agency directs.
- (7) The strategic plan must be in the form and provide for such matters as may be required by the Cemeteries Agency and must be prepared in accordance with any guidelines made by the Cemeteries Agency under section 91.
- (8) The Cemeteries Agency may require an operator to amend and re-submit a draft strategic plan that is not prepared in accordance with the guidelines.

(9) The Cemeteries Agency may:

- (a) approve a strategic plan, or
- (b) approve a strategic plan with amendments, or
- (c) refuse to approve a strategic plan.

(10) A Crown cemetery operator must advise the Cemeteries Agency if the operator wishes to exercise the operator's functions in a manner inconsistent with an approved strategic plan.

(11) A Crown cemetery operator must ensure that an approved strategic plan is published in the Gazette and is made available to members of the public on request.

**[21] Section 91 Guidelines for strategic plans**

Omit "trust" from section 91 (2).

**[22] Section 93 Preparation of draft plan of management**

Omit "a cemetery for which a Crown cemetery trust has been established and the affairs of which are managed by the operator" from section 93 (1).

Insert instead "a Crown cemetery the operator manages".

**[23] Section 93 (6)**

Omit "Crown cemetery trust" and "all cemeteries the subject of those trusts".

Insert instead "Crown cemetery" and "all of the cemeteries", respectively.

**[24] Section 94 Guidelines for draft plans of management**

Omit "trust" from section 94 (2) (a).

**[25] Section 98A**

Insert after section 98:

**98A Saving of certain plans of management**

A plan of management in force under this Subdivision for a Crown cemetery before this section was inserted by the [Crown Land Legislation Amendment Act 2017](#) continues in force for the purposes of this Subdivision for that Crown cemetery.

**[26] Section 99**

Omit the section. Insert instead:

## 99 Annual report

- (1) A Crown cemetery operator must, within 4 months after the end of each financial year, submit an annual report of the operator's operations in connection with the Crown cemeteries the operator operates for the financial year to the Cemeteries Agency.
- (2) The annual report must include the following:
  - (a) an audited financial statement for the period to which the report relates,
  - (b) a report about the operations of the operator and the performance of the operator's functions under this Act during the period to which the annual report relates prepared in accordance with this Act and the regulations,
  - (c) such financial reports, opinions, budgets, reports and other matters as may be prescribed by the regulations.
- (3) The financial statement is to be prepared in accordance with Australian Accounting Standards.
- (4) The financial statement is to be audited by an independent auditor and a report is to be provided by the auditor.
- (5) A person is not qualified to be an auditor for the purposes of this section unless the person is a registered company auditor (within the meaning of the [Corporations Act 2001](#) of the Commonwealth).
- (6) An auditor of a Crown cemetery operator is not an independent auditor:
  - (a) if (otherwise than as an auditor) the person is an officer or employee of the operator, or
  - (b) if the person is a partner, employer, employee, spouse, de facto spouse or immediate family member of a person who is (otherwise than as an auditor) an officer or employee of the operator.
- (7) The Cemeteries Agency may extend, or further extend, the period for submission of an annual report to it by a total period of up to 3 months.
- (8) In this section:

**Australian Accounting Standards** means Accounting Standards issued by the Australian Accounting Standards Board.



**[27] Section 100 Nature of report of operations**

Omit “for which the Crown cemetery trust concerned was established” from section 100 (1).

Insert instead “managed by the Crown cemetery operator”.

**[28] Section 101 Additional information—civil obligation**

Omit “trust” from section 101 (1). Insert instead “operator”.

**[29] Section 102 Inspection etc of Crown cemetery operator**

Omit “trust” wherever occurring. Insert instead “operator”.

**[30] Section 103 Establishment and functions of committees**

Omit “A trust board” and “the trust board” wherever occurring.

Insert instead “An operator board” and “the operator board”, respectively.

**[31] Section 104 Membership and procedure of committees**

Omit “trust board” wherever occurring. Insert instead “operator board”.

**[32] Section 105 Committee guidelines**

Omit “trust board” from section 105 (2). Insert instead “operator board”.

**[33] Section 142 Regulations**

Insert after section 142 (2) (d):

(e) the granting, transfer and revocation of exclusive rights of burial in relation to Crown cemeteries,

(f) the measures to be taken by way of compensation to former holders of exclusive rights of burial in Crown cemeteries in the event those rights are revoked.

**[34] Schedule 2**

Omit the Schedule. Insert instead:

**Schedule 2 Special provisions for Crown cemetery**

## operators that are statutory land managers

(Section 74)

### Part 1 Preliminary

#### 1 Application of Schedule

This Schedule applies in relation to a Crown cemetery operator (a **statutory operator**) if it is a statutory land manager with a board.

**Note—**

The provisions of this Schedule prevail to the extent of any inconsistency with the [Crown Land Management Act 2016](#). See section 5 of this Act.

#### 2 Definitions

In this Schedule:

**board member** means a member of a statutory operator board.

**statutory operator**—see clause 1.

**statutory operator board** means the board of a statutory operator.

### Part 2 Members

#### 3 Acknowledgment of duties and liabilities for effective appointment

The appointment of a person as a board member is ineffective unless the person has acknowledged the duties and liabilities imposed on the person as such a member by signing the instrument appointing the person as a board member.

#### 4 Ex officio members

(1) **Application** This clause applies to a board member who is appointed as a board member by reference to an office the person holds (an **ex officio member**).

**Note—**

Board members are appointed under clause 4 of Schedule 5 to the [Crown Land Management Act 2016](#). Members can be appointed under that clause by reference to the offices they hold (that is, ex officio members) because of section 49 of the [Interpretation Act 1987](#).

(2) **Nominees may act for ex officio members** An ex officio member may, with the approval of the Minister, appoint a nominee.

(3) The nominee may attend a meeting of the members in the place of the ex officio member.

(4) For the purposes of the meeting the nominee is taken to be the ex officio

member.

- (5) **Vacation of office** Without limiting clause 13 of Schedule 5 to the *Crown Land Management Act 2016*, a person who is an ex officio member vacates office as an ex officio member when the person ceases to hold the ex officio office concerned.
- (6) However, if the person is an ex officio member because the person holds a local government office and the person ceases to hold the local government office, the person continues as a member until:
- (a) one month has elapsed, or
  - (b) the local government office is filled,
- whichever first occurs.
- (7) Subclause (6) does not apply if the member ceased to hold office:
- (a) in circumstances giving rise to a vacancy in civic office under section 234 of the *Local Government Act 1993*, or
  - (b) because of a declaration under section 255 of that Act.
- (8) **Definition** In this clause:
- local government office** means the office of a councillor (including a mayor) under the *Local Government Act 1993*.

## Part 3 Administration

### 5 Officers and employees

- (1) A statutory operator board may appoint and employ a chief executive officer, chief financial officer, rangers and such other officers and employees as may be necessary for the efficient operation of the statutory operator.
- (2) One person may be appointed to the positions of chief executive officer and chief financial officer of the statutory operator.
- (3) A board member may be appointed and employed under this clause but only with the approval of the Minister.

### 6 Duties of chief executive officer and chief financial officer

- (1) The chief executive officer is:
  - (a) to keep and maintain minutes of each meeting of the statutory operator board, and

- (b) to keep and maintain the book (disclosure of material personal interests of operator members) required by section 87 (3), and
  - (c) to perform other duties as directed by the statutory operator board.
- (2) The chief financial officer is:
- (a) to be responsible to the statutory operator board for the keeping and maintaining of proper financial records, and
  - (b) to keep and maintain the records required to be kept by the statutory operator board for the purposes of section 3.13 of the *Crown Land Management Act 2016* and section 42 of this Act.

## **7 Receipts and disbursements**

- (1) All money received by the statutory operator board is to be deposited to the credit of an account established with any authorised deposit-taking institution in the name of the statutory operator.
- (2) Each item of expenditure by or on behalf of the statutory operator board is to be authorised or confirmed for payment, at a duly convened and constituted meeting of the statutory operator board, by tabling and approval of a report by the chief financial officer relating to that item of expenditure.

## **Part 4 Miscellaneous**

### **8 Regulations**

The regulations may make further provision for or with respect to the functions of statutory operator boards, board members, chief executive officers, chief financial officers, rangers and other officers or employees in connection with the administration, management or operation of statutory operators or their operator boards.

#### **[35] Schedule 4 Conversion of cemeteries**

Omit “*Crown Lands Act 1989*” from the definition of **Minister** in clause 2.

Insert instead “*Crown Land Management Act 2016*”.

#### **[36] Schedule 4, clause 7 (2)**

Omit “section 80 of the *Crown Lands Act 1989*”.

Insert instead “section 2.3 of the *Crown Land Management Act 2016*”.

**[37] Schedule 4, clause 9 Council sole Crown land manager**

Omit clause 9 (1). Insert instead:

- (1) Subject to this Part, the council is to be the sole Crown land manager of the converted land and is taken to have been appointed as the sole Crown land manager under section 3.3 of the *Crown Land Management Act 2016*.

**[38] Schedule 5 Transferred and other provisions relating to certain cemeteries and crematoria**

Insert after clause 2:

**2A References to abolished reserve trusts**

- (1) A reference in this Schedule to a trust that was a reserve trust for a reserve immediately before the repeal day (or a reference to its trustees) is to be read, on and from that day, as a reference to the Crown land manager of the land that was comprised by that reserve.
- (2) Subclause (1) does not affect any matter or thing that had already taken effect before the commencement of this clause.
- (3) In this clause:

**Crown land manager** means the Crown land manager of the land concerned under the *Crown Land Management Act 2016*.

**repeal day** means the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*.

**reserve** and **reserve trust** have the same meanings as they had in Part 5 of the *Crown Lands Act 1989* immediately before the repeal day.

**[39] Schedule 5, clause 22 (5)**

Omit the subclause. Insert instead:

- (5) Section 6.4 and Division 6.3 of the *Crown Land Management Act 2016* do not apply to or in respect of the general crematorium lease.

**[40] Schedule 6 Amendment of Acts and subordinate instruments**

Omit Schedule 6.1 and 6.2.

**[41] Dictionary**

Omit paragraph (a) of the note to the definition of **cemetery**. Insert instead:

- (a) Crown land, or part of Crown land, that is dedicated or reserved under the [Crown Land Management Act 2016](#) for use for the purposes of a public cemetery or crematorium (or both),

**[42] Dictionary**

Insert in alphabetical order:

**council** has the same meaning as in the [Local Government Act 1993](#).

**[43] Dictionary, definition of “Crown cemetery”**

Omit the definition. Insert instead:

**Crown cemetery** means Crown managed land, or part of Crown managed land, dedicated, reserved or used (whether before or after the commencement of this definition) for the purposes of a public cemetery or crematorium (or both) under the [Crown Lands Act 1989](#) or [Crown Land Management Act 2016](#).

**[44] Dictionary, definition of “Crown cemetery trust”**

Omit the definition.

**[45] Dictionary, definition of “Government agency”**

Omit “(within the meaning of the [Local Government Act 1993](#))” from paragraph (d).

## **2.3 Coastal Protection Act 1979 No 13**

**[1] Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

**Crown land** has the same meaning as in the [Crown Land Management Act 2016](#).

**Crown managed land** has the same meaning as in the [Crown Land Management Act 2016](#).

**[2] Section 4 (1), definition of “public land”**

Omit paragraph (a). Insert instead:

(a) Crown land (including Crown managed land), or

**[3] Section 4C Designated authorities for land**

Omit section 4C (c). Insert instead:

(c) in relation to Crown land (including Crown managed land)—the Minister administering the *Crown Land Management Act 2016*,

**[4] Section 6 Coastal Authorities**

Omit “*Crown Lands Act 1989*” from section 6 (1) (b).

Insert instead “*Crown Land Management Act 2016*”.

**[5] Section 6 (1) (e)**

Omit “reserve trust within the meaning of Part 5 of the *Crown Lands Act 1989*”.

Insert instead “Crown land manager within the meaning of the *Crown Land Management Act 2016*”.

**[6] Section 55N Modification of doctrine of erosion and accretion**

Omit “*Crown Lands Act 1989*” from section 55N (4).

Insert instead “*Crown Land Management Act 2016*”.

**[7] Section 55V Notification of other issuing authority**

Omit section 55V (c). Insert instead:

(c) the Secretary of the Department of Industry—if the temporary coastal protection works are to be placed on Crown land (including Crown managed land) or the placement or maintenance of those works requires the use or occupation of Crown land (or Crown managed land).

**[8] Section 55X Notice to council and others of placement of temporary coastal protection works**

Omit section 55X (3). Insert instead:

(3) For the purposes of subsection (1) (b), public land that is Crown land (including Crown managed land) is taken to be owned by, or under the care, control or management of, the Minister administering the *Crown Land Management Act 2016*.

**[9] Section 55ZA Order to remove certain materials and structures unlawfully placed on**

**beaches (other than temporary coastal protection works)**

Omit section 55ZA (5). Insert instead:

- (5) Before giving an order under this section that relates to Crown land (including Crown managed land), a Coastal Authority must consult the Minister administering the *Crown Land Management Act 2016*.

**[10] Section 55ZC Orders relating to temporary coastal protection works**

Omit section 55ZC (7). Insert instead:

- (7) Before giving an order under this section that relates to Crown land (including Crown managed land), a Coastal Authority must consult the Minister administering the *Crown Land Management Act 2016*.

## **2.4 Game and Feral Animal Control Act 2002 No 64**

**[1] Section 4 Definitions**

Omit paragraph (b) of the definition of ***national park estate land***. Insert instead:

- (b) any dedicated or reserved Crown land under the *Crown Land Management Act 2016* of which the National Parks and Wildlife Reserve Trust is the Crown land manager, or

**[2] Section 4, definition of “public land”**

Omit “*Crown Lands Act 1989*” from paragraph (a).

Insert instead “*Crown Land Management Act 2016*”.

**[3] Section 4, definition of “public land”**

Omit “under the *Western Lands Act 1901*” from paragraph (f).

Insert instead “under a Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*”.

## **2.5 Government Information (Public Access) Regulation 2009**

**Schedule 3 Agencies declared to be part of other agencies**

Omit the matters relating to a local land board under the *Crown Lands Act 1989* and reserve trust established under the *Crown Lands Act 1989*.



## 2.6 Hawkesbury Racecourse Act 1996 No 74

### [1] Section 4

Omit the section. Insert instead:

#### 4 Status of racecourse

- (1) The Hawkesbury Racecourse continues, on and from the repeal day, to be Crown land that is dedicated for the following purposes under the *Crown Land Management Act 2016*:
  - (a) for use as a racecourse,
  - (b) for use as a training ground,
  - (c) for use as a sports ground,
  - (d) for any other form of public amusement or public purpose (whether or not related to sports) that the Governor has, by order published in the Gazette (whether before or after the repeal day), declared to be a form of public amusement or public purpose for which the Racecourse or a specified part of the Racecourse is permitted to be used.

#### Note—

Clause 11 of Schedule 7 to the *Crown Land Management Act 2016* operated on the repeal day:

- (a) to abolish the Hawkesbury Racecourse Reserve Trust, and
  - (b) to replace it with a statutory land manager under that Act, and
  - (c) to appoint the members of the trust board of the Hawkesbury Racecourse Reserve Trust as members of the board of the statutory land manager, and
  - (d) to appoint the statutory land manager as the Crown land manager of the Hawkesbury Racecourse.
- (2) Subsection (1) does not limit or prevent the revocation of the dedication of the Hawkesbury Racecourse, or the removal, alteration or addition of purposes for which it is dedicated, in accordance with the provisions of the *Crown Land Management Act 2016*.
  - (3) In this section:

**repeal day** means the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*.

### [2] Section 5 Continuation of reserve trust

Omit the section.

## 2.7 Hunter Water Act 1991 No 53

### [1] Section 3 Definitions

Omit “*Crown Lands Act 1989*” from paragraph (b) of the definition of **owner** in section 3 (2).

Insert instead “*Crown Land Management Act 2016*”.

### [2] Section 54 Crown land in special areas

Omit “*Crown Lands Act 1989*” from section 54 (1).

Insert instead “*Crown Land Management Act 2016*”.

### [3] Section 54 (2)

Omit the subsection. Insert instead:

- (2) The Secretary may, in a special area, exercise the functions of a statutory land manager within the meaning of the *Crown Land Management Act 2016* that has been appointed as a Crown land manager of dedicated or reserved Crown land under that Act without being appointed as such.

## 2.8 Impounding Act 1993 No 31

### [1] Dictionary

Omit the matter relating to an impounding officer appointed by the Minister administering the *Crown Lands Act 1989* from the definition of **area of operations**.

Insert instead:

- in the case of an impounding officer appointed by the Minister administering the *Crown Land Management Act 2016*, any Crown land (including Crown managed land) as defined in that Act that is not the subject of a holding (as defined in that Act) or any land in the Western Division (as defined in that Act) that is not within the area of a local council,

### [2] Dictionary, definition of “area of operations”

Omit the matter relating to an impounding officer appointed by the Western Lands Commissioner.

### [3] Dictionary, definition of “impounding authority”

Omit “*Crown Lands Act 1989*”.

Insert instead "*Crown Land Management Act 2016*".

**[4] Dictionary, definition of "impounding authority"**

Omit the matter relating to the Western Lands Commissioner.

**[5] Dictionary, definition of "private land"**

Omit the first dot point. Insert instead:

- all land, except Crown land (including Crown managed land) as defined in the *Crown Land Management Act 2016* for which there is no Crown land manager under that Act, and

## **2.9 Independent Commission Against Corruption Regulation 2010**

**Clause 18 Definition of "public authority"**

Omit clause 18 (b). Insert instead:

- (b) each person appointed as a Crown land manager under the *Crown Land Management Act 2016* of Crown land or part of Crown land that is dedicated or reserved for the purposes of a public cemetery or crematorium or a related purpose.

## **2.10 Local Government Act 1993 No 30**

**[1] Section 4 Does this Act bind the Crown?**

Omit "Crown lands, reserves under Part 5 of the *Crown Lands Act 1989*" from the note.

Insert instead "Crown land (including Crown managed land)".

**[2] Section 5 To what parts of the State does this Act apply?**

Omit "*Western Lands Act 1901*" from the note.

Insert instead "*Crown Land Management Act 2016*".

**[3] Chapter 6 What are the service functions of councils?**

Omit "*Crown Lands Act 1989*" from the note at the beginning of Part 2.

Insert instead "*Crown Land Management Act 2016*".

**[4] Section 30 Reclassification of community land as operational**

Omit "*Crown Lands Act 1989*" from section 30 (1) (b).

Insert instead “*Crown Land Management Act 2016*”.

**[5] Section 31 Classification of land acquired after 1 July 1993**

Insert “or the *Crown Land Management Act 2016*” after “*Crown Lands Act 1989*” in section 31 (1) (a).

**[6] Section 45 What dealings can a council have in community land?**

Omit “a Crown reserve” from section 45 (4). Insert instead “Crown managed land”.

**[7] Section 48 Responsibility for certain public reserves**

Omit “section 98A of the *Crown Lands Act 1989*” from section 48 (1).

Insert instead “section 2.22 of the *Crown Land Management Act 2016*”.

**[8] Section 50 Public garden and recreation space and drainage reserves provided for in subdivisions approved before 15.6.1964**

Omit “*Crown Lands Act 1989*” from section 50 (2) (b).

Insert instead “*Crown Land Management Act 2016*”.

**[9] Section 54B Transfer of certain institutional private trust land**

Omit the definition of *institution* from section 54B (1). Insert instead:

*institution* has the same meaning as in Division 6 of Part 2 of Schedule 7 to the *Crown Land Management Act 2016*.

**[10] Chapter 6, Part 2, Division 3, note**

Omit “Land to which the *Crown Lands Act 1989* applies” and “Land subject to the *Trustees of Schools of Arts Enabling Act 1902*”.

Insert instead “Land to which the *Crown Land Management Act 2016*”.

**[11] Chapter 6, Part 2, Division 3, note**

Omit “CROWN LANDS—*Crown Lands Act 1989*” and “MECHANICS’ INSTITUTES AND SCHOOLS OF ARTS—*Trustees of Schools of Arts Enabling Act 1902*”.

Insert instead “CROWN LAND—*Crown Land Management Act 2016*”.

**[12] Section 126 Giving orders to public authorities**

Omit “a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*” from section 126 (1).

Insert instead “Crown managed land”.

**[13] Section 126 (2)**

Omit “lands or a reserve within the meaning of Part 5 of the *Crown Lands Act 1989* until after the Minister has consulted the Minister administering the *Crown Lands Act 1989*”.

Insert instead “land or Crown managed land until after the Minister has consulted the Minister administering the *Crown Land Management Act 2016*”.

**[14] Section 571 What happens if land is transferred?**

Omit “*Crown Lands Act 1989*” from section 571 (2).

Insert instead “*Crown Land Management Act 2016*”.

**[15] Section 574 Appeal on question of whether land is rateable or subject to a charge**

Omit “*Crown Lands Act 1989*” from section 574 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[16] Section 724 Special provisions concerning leases of land owned by the Crown**

Omit “*Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* and the *Western Lands Act 1901*” from section 724 (2) (c).

Insert instead “*Crown Land Management Act 2016*”.

**[17] Section 733 Exemption from liability—flood liable land, land subject to risk of bush fire and land in coastal zone**

Omit “Crown land, land within a reserve as defined in Part 5 of the *Crown Lands Act 1989*” from section 733 (3) (f2).

Insert instead “Crown land (including Crown managed land)”.

**[18] Section 742 Dispute resolution**

Omit the matter relating to the Western Lands Commissioner from section 742 (7).

**[19] Section 742 (7)**

Omit “trustees of any public reserve, water reserve, or cemetery, or of any land, appointed by or under the *Crown Lands Act 1989*”.

Insert instead “Crown land manager of any public reserve, water reserve, or cemetery, or of any land, appointed by or under the *Crown Land Management Act 2016*”.

**[20] Dictionary**

Omit the definition of **Crown land**. Insert instead:

**Crown land** has the same meaning as in the [Crown Land Management Act 2016](#).

**Crown managed land** has the same meaning as in the [Crown Land Management Act 2016](#).

**[21] Dictionary, definition of “Crown reserve”**

Omit the definition.

**[22] Dictionary, definition of “public land”**

Omit the definition. Insert instead:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the [Crown Land Management Act 2016](#) applies, or
- (c) a common, or
- (d) a regional park under the [National Parks and Wildlife Act 1974](#).

**[23] Dictionary, definition of “public reserve”**

Omit paragraph (g). Insert instead:

- (g) Crown managed land that is dedicated or reserved:
  - (i) for public recreation or for a public cemetery, or
  - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the [Crown Land Management Act 2016](#),  
being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or

## 2.11 Luna Park Site Act 1990 No 59

### [1] Section 4 Definitions

Omit “pursuant to section 5 (1) (b)” from the definition of **dedicated use** in section 4 (1).  
Insert instead “as referred to in section 5A (1)”.

### [2] Section 4 (1)

Omit “the reserve consisting of” from the definition of **Luna Park Reserve**.

### [3] Section 4 (1)

Insert in alphabetical order:

**Luna Park Reserve Trust** means the Luna Park Reserve Trust as reconstituted by section 5B.

### [4] Part 2

Omit the Part. Insert instead:

## Part 2 Dedication and management of Luna Park site

### 5 Definitions

In this Part:

**Crown land Minister** means the Minister administering the [Crown Land Management Act 2016](#).

**repeal day** means the day on which the [Crown Lands Act 1989](#) is repealed by the [Crown Land Management Act 2016](#).

### 5A Dedication of Luna Park site

- (1) The Luna Park site continues, on and from the repeal day, to be Crown land that is dedicated under the [Crown Land Management Act 2016](#) for the purposes of public recreation, public amusement and public entertainment.
- (2) However, the dedication of the Luna Park site for any of these purposes cannot be revoked under the [Crown Land Management Act 2016](#).

### 5B Luna Park Reserve Trust is Crown land manager of Luna Park Reserve

- (1) On and from the repeal day:
  - (a) the Luna Park Reserve Trust in existence immediately before the repeal day

(the **existing Luna Park Reserve Trust**) is taken to have been reconstituted as a statutory land manager under the *Crown Land Management Act 2016* with the same name (the **reconstituted Luna Park Reserve Trust**), and

- (b) each member of the trust board of the existing Luna Park Reserve Trust immediately before the repeal day is taken to have been appointed as a member of the board of the reconstituted Luna Park Reserve Trust for the balance of their terms of office, and
- (c) the reconstituted Luna Park Reserve Trust is taken to have been appointed as the sole Crown land manager under the *Crown Land Management Act 2016* of the Luna Park Reserve, and
- (d) the reconstituted Luna Park Reserve Trust is taken for all purposes (including the rules of private international law) to be a continuation of, and the same legal entity as, the existing Luna Park Reserve Trust.

**Note—**

As a result of paragraph (d), the reconstituted Luna Park Reserve Trust retains all the assets, rights and liabilities of the existing Luna Park Reserve Trust, subject to subsection (2) (d).

- (2) The *Crown Land Management Act 2016* applies in relation to the Luna Park Reserve and to the reconstituted Luna Park Reserve Trust in its capacity as its Crown land manager, subject to section 5A (2) and the following modifications:
  - (a) the Trust's appointment as the Crown land manager of the Luna Park Reserve cannot be revoked under the *Crown Land Management Act 2016*,
  - (b) no other person can be appointed under the *Crown Land Management Act 2016* as a Crown land manager of the Luna Park Reserve,
  - (c) the Trust is taken to have been assigned as a category 2 non-council manager of the Luna Park Reserve for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (d) clause 7 (1) of Schedule 7 to the *Crown Land Management Act 2016* is taken to apply to any estate in fee simple in the Luna Park Reserve vested in the existing Luna Park Reserve Trust by section 100 of the *Crown Lands Act 1989*,
  - (e) if the Minister is not also the Crown land Minister, the Minister can:
    - (i) exercise the functions of the Crown land Minister under Part 2 of the *Crown Land Management Act 2016* instead of the Crown land Minister in relation to the Luna Park Reserve, except a function under any of the provisions referred to in paragraph (f), and



- (ii) grant written consent for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (f) the regulations under this Act may prescribe kinds of functions for the purposes of section 3.27 (2) (c) of the *Crown Land Management Act 2016* in addition to any functions prescribed by the regulations under that Act and, consequently, written Ministerial consent is not required for the exercise of such a function by the Trust,
  - (g) the *Crown Land Management Act 2016* does not apply in relation to the Luna Park Reserve or the Trust to the extent provided by other provisions of this Act or the regulations.
- (3) If the Minister exercises any function of the Crown land Minister permitted by this section, the exercise of the function has the same effect as if it had been duly exercised by the Crown land Minister.

## **6 Plan of management**

- (1) Any plan of management for the Luna Park Reserve in force immediately before the repeal day continues in force on or after that day as a plan of management for the purposes of Division 3.6 of the *Crown Land Management Act 2016*, and can be altered or cancelled under that Division accordingly.
- (2) The plan of management (or a replacement plan of management) is required to include provision for the following matters:
  - (a) there must be public access to the boardwalk/foreshore area (within the meaning of Part 2A) at all times,
  - (b) the use of the Luna Park Reserve must be limited to purposes which are sympathetic to the historic and community significance of the land comprising the Luna Park site,
  - (c) the following uses of the Luna Park Reserve are to be prohibited:
    - (i) dwellings and other buildings used or designed or intended for use for the purpose of permanent residential accommodation, hotels, motels, hostels, tourist or other holiday accommodation, caravan parks and other facilities providing for temporary or overnight accommodation,
    - (ii) the erection of any permanent structure (not including structure in the nature of landscaping) on the land comprised in Lot 1186 in Deposited Plan 48335 is to be prohibited.
- (3) This section does not prevent the plan of management including provisions for other matters that are not inconsistent with the matters referred to in subsection

(2).

**[5] Section 6D**

Omit the section. Insert instead:

**6D Crown Lands dedication does not prevent uses authorised by Act**

To avoid doubt, the use of the Luna Park Reserve for the purposes of any use that is authorised under this Act is an authorised purpose for section 2.12 (c) of the [Crown Land Management Act 2016](#) in its application to the Reserve.

**Note—**

Section 2.12 of the [Crown Land Management Act 2016](#) provides that dedicated or reserved Crown land may be used only for the following purposes:

- (a) the purposes for which it is dedicated or reserved,
- (b) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved,
- (c) any other purposes authorised by or under this Act or another Act.

**[6] Section 6G Control of Access to Luna Park**

Omit “section 8” from section 6G (4). Insert instead “section 6”.

**[7] Part 3 The Luna Park Reserve Trust**

Omit the Part.

**[8] Section 10 Claim for compensation by the lessee**

Omit “under section 5” from section 10 (1).

**[9] Section 14 Removal of improvements at the request of the lessee**

Omit “under section 5” from section 14 (4).

**[10] Section 15 Removal of improvements at the direction of the Minister**

Omit “under section 5” from section 15 (2).

**[11] Section 18 Right to possession of the Luna Park Reserve**

Omit the section.

**[12] Section 19 Removal etc of structures**

Omit the section.

## 2.12 Mining Act 1992 No 29

### [1] Section 12 Fossicking

Omit “*Crown Lands Act 1989*” where firstly occurring from section 12 (2A).

Insert instead “*Crown Land Management Act 2016*”.

### [2] Section 12 (2A) (a)

Omit “*Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*”.

Insert instead “*Crown Land Management Act 2016*”.

### [3] Section 76 Fencing of land subject to mining lease

Omit “*Crown Lands Act 1989*” from section 76 (2) (b).

Insert instead “*Crown Land Management Act 2016*”.

### [4] Section 164 Rights of way

Omit “section 35S of the *Western Lands Act 1901*” from section 164 (2).

Insert instead “Part 6 of Schedule 3 to the *Crown Land Management Act 2016*”.

### [5] Section 188 Dwelling-houses, gardens and significant improvements

Omit “lease for residential purposes under the *Western Lands Act 1901*” from section 188 (2A) (b).

Insert instead “Western lands lease (as defined in Schedule 3 to the *Crown Land Management Act 2016*) for residential purposes”.

### [6] Section 211 Rights of way

Omit “section 35S of the *Western Lands Act 1901*” from section 211 (2) (a).

Insert instead “Part 6 of Schedule 3 to the *Crown Land Management Act 2016*”.

### [7] Section 220 Opal prospecting areas

Omit section 220 (2) and (3). Insert instead:

(2) For the purposes of this section, **prescribed land** is:

(a) any land held under a lease or licence for grazing purposes under the *Crown Land Management Act 2016*, or

(b) Crown land other than:

- (i) land that is held under a lease or licence (not being a lease or licence referred to in paragraph (a)) under the *Crown Land Management Act 2016*, or
- (ii) land in respect of which a Crown land manager has been appointed or that is under the control of a council pursuant to section 48 of the *Local Government Act 1993*, or
- (iii) land that is subject to an easement, or
- (iv) any land of a class or description prescribed by the regulations.

(3) In subsection (2):

**Crown land** has the same meaning as in the *Crown Land Management Act 2016*.

**licence** includes a permissive occupancy.

**[8] Section 235C Rights of way**

Omit “section 35S of the *Western Lands Act 1901*” from section 235C (2) (a).

Insert instead “Part 6 of Schedule 3 to the *Crown Land Management Act 2016*”.

**[9] Section 244 Definitions**

Omit the definition of **landholder**. Insert instead:

**landholder** of land means the owner of an estate in fee simple of the land, the controlling body in relation to reserved land or the holder, over or in the land, of:

- (a) a lease or licence under the *Crown Land Management Act 2016*, or
- (b) any continued incomplete tenure purchase within the meaning of Schedule 1 to the *Crown Land Management Act 2016*.

**[10] Dictionary**

Omit the definition of **Crown Lands Acts**.

**[11] Dictionary, definition of “landholder”**

Omit “granted under the *Crown Lands Act 1989*” from paragraph (c).

Insert instead “under the *Crown Land Management Act 2016*”.

**[12] Dictionary, definition of “landholder”**

Omit paragraph (d). Insert instead:

(d) the holder of a continued tenure within the meaning of Schedule 1 to the *Crown Land Management Act 2016*, or

**[13] Dictionary, definition of “landholder”**

Omit paragraph (f).

**[14] Dictionary, definition of “landholder”**

Omit “*Crown Lands Act 1989*” from paragraph (g) (iii).

Insert instead “*Crown Land Management Act 2016*”.

**[15] Dictionary, definition of “permissive occupancy”**

Omit “has the same meaning as in the *Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “means a continued permissive occupancy within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

## **2.13 National Park Estate (Land Transfers) Act 1998 No 163**

**[1] Section 3 Definitions**

Omit “*Crown Lands Act 1989*” from paragraph (d) of the definition of ***national park estate***.

Insert instead “*Crown Land Management Act 2016*”.

**[2] Section 9**

Omit the section. Insert instead:

### **9 Dedication of certain former State forests and their management by National Parks and Wildlife Reserve Trust**

- (1) Any land described in Schedule 4 (the ***dedicated land***) that was taken to be dedicated under the *Crown Lands Act 1989* as provided by this section immediately before the repeal day continues on and from that day to be Crown land dedicated for the same purposes under the *Crown Land Management Act 2016*.

**Note—**

This section was substituted on the repeal day by the *Crown Land Legislation Amendment Act 2017*.

- (2) On and from the repeal day:

- (a) the National Parks and Wildlife Reserve Trust in existence immediately before the repeal day (the ***existing National Parks and Wildlife Reserve***

**Trust**) is taken to have been reconstituted as a statutory land manager under the *Crown Land Management Act 2016* with the same name (the **reconstituted National Parks and Wildlife Reserve Trust**), and

- (b) the Chief Executive of the Office of Environment and Heritage is taken to control the affairs of the reconstituted National Parks and Wildlife Reserve Trust for the purposes of clause 5 of Schedule 5 to the *Crown Land Management Act 2016*, and
- (c) the reconstituted National Parks and Wildlife Reserve Trust is taken to have been appointed as the sole Crown land manager under the *Crown Land Management Act 2016* of the dedicated land, and
- (d) the reconstituted National Parks and Wildlife Reserve Trust is taken for all purposes (including the rules of private international law) to be a continuation of, and the same legal entity as, the existing National Parks and Wildlife Reserve Trust.

**Note—**

As a result of paragraph (d), the reconstituted National Parks and Wildlife Reserve Trust retains all the assets, rights and liabilities of the existing National Parks and Wildlife Reserve Trust, subject to subsection (3) (d).

- (3) The *Crown Land Management Act 2016* applies in relation to the dedicated land and to the reconstituted National Parks and Wildlife Reserve Trust in its capacity as its Crown land manager, subject to the following modifications:
  - (a) the Trust's appointment as the Crown land manager of the dedicated land cannot be revoked under the *Crown Land Management Act 2016*,
  - (b) no other person can be appointed under the *Crown Land Management Act 2016* as a Crown land manager of the dedicated land,
  - (c) the Trust is taken to have been assigned as a category 2 non-council manager of the dedicated land for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (d) clause 7 (1) of Schedule 7 to the *Crown Land Management Act 2016* is taken to extend to any estate in fee simple in the dedicated land vested in the existing National Parks and Wildlife Reserve Trust by section 100 of the *Crown Lands Act 1989*,
  - (e) if the Minister is not also the Crown land Minister, the Minister can:
    - (i) exercise the functions of the Crown land Minister under Part 2 of the *Crown Land Management Act 2016* instead of the Crown land Minister in relation to the dedicated land, except a function under any of the

provisions referred to in paragraph (f), and

- (ii) grant written consent for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (f) the regulations under this Act may prescribe kinds of functions for the purposes of section 3.27 (2) (c) of the *Crown Land Management Act 2016* in addition to any functions prescribed by the regulations under that Act and, consequently, written Ministerial consent is not required for the exercise of such a function by the Trust,
  - (g) the *Crown Land Management Act 2016* does not apply in relation to the dedicated land or the Trust to the extent provided by other provisions of this Act or the regulations.
- (4) If the Minister exercises any function of the Crown land Minister permitted by this section, the exercise of the function has the same effect as if it had been duly exercised by the Crown land Minister.
- (5) Nothing in this section prevents any land to which this section applies from being reserved, dedicated or acquired under the *National Parks and Wildlife Act 1974*.
- (6) In this section:

**Crown land Minister** means the Minister administering the *Crown Land Management Act 2016*.

**repeal day** means the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*.

**[3] Section 10 Vesting in NPW Minister of certain former State forests subject to existing leases**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989*” from section 10 (2).

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

**[4] Schedule 4, heading**

Omit the heading. Insert instead:

Schedule 4 **State forests as dedicated Crown land**

**[5] Schedule 7 Land transfers—ancillary and special provisions**

Omit clause 1 (1) (b). Insert instead:

- (b) under a continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*,

**[6] Schedule 7, clause 2 (3)**

Omit "*Crown Lands Act 1989*". Insert instead "*Crown Land Management Act 2016*".

**[7] Schedule 7, clause 6 (3) (b) and (c)**

Omit the paragraphs. Insert instead:

- (b) in respect of interests that were existing interests under the former *Crown Lands Act 1989* or *Crown Lands (Continued Tenures) Act 1989*—the powers of the Minister administering the *Crown Land Management Act 2016*.

**[8] Schedule 7, clause 7 (1)**

Omit "*Crown Lands Act 1989*" from paragraph (b) of the definition of **private land holding**.

Insert instead "*Crown Land Management Act 2016*".

**[9] Schedule 7, clause 10**

Omit the clause. Insert instead:

**10 Access roads over dedicated Crown land**

- (1) The following provisions apply to access roads referred to in clause 7 (2) (a)–(c) within the lands referred to in Schedule 4 immediately before the commencement of Part 2 of this Act:
- (a) the access roads may continue, subject to this clause and the *Crown Land Management Act 2016*, to be used for the purposes for which they were used immediately before the commencement of Part 2 of this Act,
  - (b) the Trust may not close any such access road while it comprises the only practical means of access to a private land holding (within the meaning of clause 7),
  - (c) the Trust may, in accordance with the *Crown Land Management Act 2016*, grant any right over, or interest in, the land for the purpose of its continued use as an access road.

- (2) In this clause:

**Trust** means the National Parks and Wildlife Reserve Trust as reconstituted by section 9.



## 2.14 National Park Estate (Reservations) Act 2002 No 137

### [1] Section 3 Definitions

Omit “*Crown Lands Act 1989*” from the definition of **Crown land**.

Insert instead “*Crown Land Management Act 2016*”.

### [2] Section 8 Vesting in NPW Minister of certain former State forests

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act)” from section 8 (2).

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

### [3] Section 11 Adjustment of description of land transferred to national park estate

Omit “*Crown Lands Act 1989*” from section 11 (4) (c).

Insert instead “*Crown Land Management Act 2016*”.

### [4] Schedule 8 Land transfers—ancillary and special provisions

Omit “perpetual lease, a special lease or a term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989*” from clause 1 (1) (b).

Insert instead “continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

### [5] Schedule 8, clause 1 (1) (c)

Omit “incomplete purchase within the meaning of the *Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “incomplete purchase within the meaning of the *Crown Land Management Act 2016* if the land was formerly under a lease of the kind referred to in paragraph (b)”.

### [6] Schedule 8, clause 2 (3)

Omit “*Crown Lands Act 1989*”. Insert instead “*Crown Land Management Act 2016*”.

### [7] Schedule 8, clause 5

Omit “Section 109 of the *Crown Lands Act 1989* does not apply to or in respect of a lease or licence granted by a reserve trust under that Act”.

Insert instead “Section 3.43 of the *Crown Land Management Act 2016* does not apply to or in respect of a lease or licence granted by a reserve trust under the *Crown Lands Act 1989*”.

**[8] Schedule 8, clause 6 (2)**

Omit “*Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “*Crown Land Management Act 2016*”.

**[9] Schedule 8, clause 6 (3)**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or rights or interests arising under an incomplete purchase within the meaning of that Act)”.

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

**[10] Schedule 8, clause 7 (1)**

Omit “*Crown Lands Act 1989*” from paragraph (b) of the definition of **private land holding**.

Insert instead “*Crown Land Management Act 2016*”.

## **2.15 National Park Estate (Southern Region Reservations) Act 2000 No 103**

**[1] Section 3 Definitions**

Omit “*Crown Lands Act 1989*” wherever occurring in the definitions of **Crown land** and **national park estate**.

Insert instead “*Crown Land Management Act 2016*”.

**[2] Section 3**

Insert in alphabetical order:

**National Parks and Wildlife Reserve Trust** means the National Parks and Wildlife Reserve Trust as reconstituted by section 9 of the *National Park Estate (Land Transfers) Act 1998*.

**[3] Section 8**

Omit the section. Insert instead:

## **8 Dedication of certain former State forests, Crown land and other land and their management by National Parks and Wildlife Reserve Trust**

- (1) Any land described in Schedule 4 (the **dedicated land**) that was taken to be dedicated under the *Crown Lands Act 1989* as provided by this section immediately before the repeal day continues on and from that day to be Crown land dedicated for the same purposes under the *Crown Land Management Act 2016*.
- (2) The National Parks and Wildlife Reserve Trust is taken to have been appointed on and from the repeal day as the sole Crown land manager under the *Crown Land Management Act 2016* of the dedicated land.
- (3) The *Crown Land Management Act 2016* applies in relation to the dedicated land and to the National Parks and Wildlife Reserve Trust in its capacity as its Crown land manager, subject to the following modifications:
  - (a) the Trust's appointment as the Crown land manager of the dedicated land cannot be revoked under the *Crown Land Management Act 2016*,
  - (b) no other person can be appointed under the *Crown Land Management Act 2016* as a Crown land manager of the dedicated land,
  - (c) the Trust is taken to have been assigned as a category 2 non-council manager of the dedicated land for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (d) clause 7 (1) of Schedule 7 to the *Crown Land Management Act 2016* is taken to extend to any estate in fee simple in the dedicated land vested in the National Parks and Wildlife Reserve Trust (before it was reconstituted) by section 100 of the *Crown Lands Act 1989*,
  - (e) if the Minister is not also the Crown land Minister, the Minister can:
    - (i) exercise the functions of the Crown land Minister under Part 2 of the *Crown Land Management Act 2016* instead of the Crown land Minister in relation to the dedicated land, except a function under any of the provisions referred to in paragraph (f), and
    - (ii) grant written consent for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (f) the regulations under this Act may prescribe kinds of functions for the purposes of section 3.27 (2) (c) of the *Crown Land Management Act 2016* in addition to any functions prescribed by the regulations under that Act and, consequently, written Ministerial consent is not required for the exercise of

such a function by the Trust,

(g) the *Crown Land Management Act 2016* does not apply in relation to the dedicated land or the Trust to the extent provided by other provisions of this Act or the regulations.

(4) If the Minister exercises any function of the Crown land Minister permitted by this section, the exercise of the function has the same effect as if it had been duly exercised by the Crown land Minister.

(5) In this section:

**Crown land Minister** means the Minister administering the *Crown Land Management Act 2016*.

**repeal day** means the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*.

**[4] Section 9 Vesting in NPW Minister of certain former State forests**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act)” from section 9 (2).

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

**[5] Section 10 Adjustment of description of land transferred to national park estate**

Omit “*Crown Lands Act 1989*” from section 10 (4) (c).

Insert instead “*Crown Land Management Act 2016*”.

**[6] Section 11 Changes within national park estate**

Omit “Part 5 of the *Crown Lands Act 1989*” from section 11 (2) (b).

Insert instead “the *Crown Land Management Act 2016*”.

**[7] Schedule 4, heading**

Omit the heading. Insert instead:

Schedule 4 **State forests and other land as dedicated Crown land**

**[8] Schedule 7 Land transfers—ancillary and special provisions**

Omit clause 1 (1) (b) and (c). Insert instead:

- (b) a person holds under a continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*, or
- (c) is comprised of a continued incomplete tenure purchase within the meaning of Schedule 1 to the *Crown Land Management Act 2016*,

**[9] Schedule 7, clause 2 (3)**

Omit "*Crown Lands Act 1989*". Insert instead "*Crown Land Management Act 2016*".

**[10] Schedule 7, clause 7 (3) (b) and (c)**

Omit the paragraphs. Insert instead:

- (b) in respect of interests that were existing interests under the former *Crown Lands Act 1989* or *Crown Lands (Continued Tenures) Act 1989*—the powers of the Minister administering the *Crown Land Management Act 2016*.

**[11] Schedule 7, clause 8 (1)**

Omit "*Crown Lands Act 1989*" from paragraph (b) of the definition of **private land holding**.

Insert instead "*Crown Land Management Act 2016*".

**[12] Schedule 7, clause 11**

Omit the clause. Insert instead:

**11 Access roads over dedicated Crown land**

The following provisions apply to access roads referred to in clause 8 (2) (a)–(c) within the lands referred to in Schedule 4 immediately before the commencement of this Act:

- (a) the access roads may continue, subject to this clause and the *Crown Land Management Act 2016*, to be used for the purposes for which they were used immediately before the commencement of this Act,
- (b) the National Parks and Wildlife Reserve Trust may not close any such access road while it comprises the only practical means of access to a private land holding (within the meaning of clause 8),
- (c) the National Parks and Wildlife Reserve Trust may, in accordance with the *Crown Land Management Act 2016*, grant any right over, or interest in, the land for the purpose of its continued use as an access road.

**[13] Schedule 7, clause 15**

Omit the clause. Insert instead:

**15 Special provisions relating to Burrinjuck State Recreation Area**

- (1) This clause has effect for the purposes of section 11 (2).
- (2) The land referred to in section 11 (2) (b) (the **Burrinjuck State Recreation Area**) immediately before the repeal day continues on and from that day to be Crown land dedicated under the [Crown Land Management Act 2016](#) for the purposes of public recreation.
- (3) Clause 11 of Schedule 7 to the [Crown Land Management Act 2016](#) operated on the repeal day:
  - (a) to abolish the Burrinjuck Waters State Park Trust, and
  - (b) to replace it with a statutory land manager under that Act, and
  - (c) to appoint the members of the trust board of the Burrinjuck Waters State Park Trust as members of the board of the statutory land manager, and
  - (d) to appoint the statutory land manager as the Crown land manager of the land comprised by the Burrinjuck State Recreation Area.
- (4) In this clause:

**repeal day** means the day on which the [Crown Lands Act 1989](#) is repealed by the [Crown Land Management Act 2016](#).

**2.16 National Parks and Wildlife Act 1974 No 80**

**[1] Section 5 Definitions**

Omit "[Crown Lands Act 1989](#)" from paragraph (a) of the definition of **Crown lands** in section 5 (1).

Insert instead "[Crown Land Management Act 2016](#)".

**[2] Section 5 (1), definition of "National Parks and Wildlife Reserve Trust"**

Omit the definition. Insert instead:

**National Parks and Wildlife Reserve Trust** means the National Parks and Wildlife Reserve Trust as reconstituted by section 9 of the [National Park Estate \(Land Transfers\) Act 1998](#).

**[3] Section 5 (1), definition of “owner”**

Omit “*Crown Lands Consolidation Act 1913*” from paragraph (b).

Insert instead “*Crown Land Management Act 2016*”.

**[4] Section 5 (2)**

Omit the subsection. Insert instead:

(2) In this Act, a reference to the Minister administering the *Crown Land Management Act 2016* is:

- (a) in relation to lands that are not within an area that was an irrigation area within the meaning of the *Crown Lands Act 1989* immediately before its repeal—a reference to the Minister administering the *Crown Land Management Act 2016*, or
- (b) in relation to lands that are within such an irrigation area—a reference to the Minister administering the *Water Management Act 2000*.

**[5] Section 8 Miscellaneous functions of Chief Executive**

Omit “trustees of any lands dedicated or reserved under the *Crown Lands Consolidation Act 1913*, or the Closer Settlement Acts,” from section 8 (7) (d).

Insert instead “Crown land managers of any dedicated or reserved Crown land under the *Crown Land Management Act 2016*”.

**[6] Section 12 Powers and functions of Service**

Omit “trustee” from section 12 (a). Insert instead “Crown land manager”.

**[7] Section 21 Delegation**

Omit section 21 (3) (c) (i). Insert instead:

- (i) on the Minister by section 5.57 (3) of the *Crown Land Management Act 2016*, or

**[8] Section 30B Land that may be reserved under this Division**

Omit section 30B (d). Insert instead:

- (d) land in respect of which the National Parks and Wildlife Reserve Trust is appointed the Crown land manager under section 9 of the *National Park Estate (Land Transfers) Act 1998* or under section 8 of the *National Park Estate (Southern Region Reservations) Act 2000*, or

**[9] Section 30B (e)**

Omit “Crown Lands Acts (within the meaning of the *Crown Lands Act 1989*)”.

Insert instead “Crown Land Acts (within the meaning of the *Crown Land Management Act 2016*)”.

**[10] Section 40 Restrictions on disposal of or dealing with lands within parks or sites**

Omit “*Crown Lands Consolidation Act 1913*” from section 40 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[11] Section 47I Restrictions on dealing with land in state conservation areas**

Omit “Part 5 of the *Crown Lands Act 1989*” from section 471 (2).

Insert instead “Parts 2 and 3 of the *Crown Land Management Act 2016*”.

**[12] Section 47J Provisions relating to mining**

Omit section 47J (7) (a)–(c). Insert instead:

- (a) where the lands are not within an area that was an irrigation area as defined in the *Crown Lands Act 1989* immediately before its repeal—the Minister, or
- (b) where the lands are within such an irrigation area—the Minister administering the *Water Management Act 2000*.

**[13] Section 47N Special provisions relating to certain state recreation areas**

Omit section 47N (2) (b)–(d).

**[14] Section 47N (2A)**

Insert after section 47N (2):

- (2A) Any land that was taken to be dedicated for the purposes of public recreation under Part 5 of the *Crown Lands Act 1989* immediately before the day on which that Act was repealed by the *Crown Land Management Act 2016* continues, on and from that day, to be Crown land dedicated for the same purposes under the *Crown Land Management Act 2016*.

**Note—**

Clause 11 of Schedule 7 to the *Crown Land Management Act 2016* operated on the day the *Crown Lands Act 1989* was repealed:



- (a) to abolish the reserve trust for the land, and
- (b) to replace it with a statutory land manager under that Act, and
- (c) to appoint the members of the trust board of the reserve trust as members of the board of the statutory land manager, and
- (d) to appoint the statutory land manager as the Crown land manager of the land.

**[15] Section 47Z Restrictions on dealing with land within regional parks**

Omit “Part 5 of the *Crown Lands Act 1989*” from section 47Z (2).

Insert instead “Parts 2 and 3 of the *Crown Land Management Act 2016*”.

**[16] Section 53 Restrictions on disposal of or dealing with lands within nature reserves**

Omit “*Crown Lands Consolidation Act 1913*” from section 53 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[17] Section 58N Restriction on disposal of or dealing with lands within karst conservation reserves**

Omit “*Crown Lands Act 1989*”. Insert instead “*Crown Land Management Act 2016*”.

**[18] Section 68 Wildlife refuges**

Omit “*Crown Lands Consolidation Act 1913*” from section 68 (3) (a) (i).

Insert instead “*Crown Land Management Act 2016*”.

**[19] Section 69A Definitions**

Omit the definition of **owner** from section 69A (1). Insert instead:

**owner**, in relation to land, includes a person who leases land under the *Crown Land Management Act 2016*.

**[20] Section 69B Conservation agreements**

Omit section 69B (2). Insert instead:

- (2) The Minister must not enter a conservation agreement for land leased under the *Crown Land Management Act 2016* except with the consent of the Minister administering that Act.

**[21] Section 69K Exhibition of proposed agreements**

Omit section 69K (5). Insert instead:

(5) This section does not apply to land leased by a person (other than a statutory authority or a Minister) under the *Crown Land Management Act 2016*.

**[22] Section 138 Payments into Fund**

Omit “trustee” wherever occurring in section 138 (1) (a1) and (b) (i), (iia) and (vii).

Insert instead “the Crown land manager”.

**[23] Section 139 Payments out of Fund**

Omit “trustee” from section 139 (2) (b1). Insert instead “the Crown land manager”.

**[24] Section 153E Easements to repair and maintain the Border Fence**

Omit “*Western Lands Act 1901*” from section 153E (4).

Insert instead “*Crown Land Management Act 2016*”.

**[25] Section 155 Regulations relating to parks**

Omit “a by-law might be made under the *Crown Lands Act 1989* in relation to a reserve within the meaning of Part 5 of that Act” from section 155 (2C).

Insert instead “regulations may be made for the purposes of section 9.25 of the *Crown Land Management Act 2016* in relation to dedicated or reserved Crown land”.

**[26] Section 187 Administration of existing interests in reserved land**

Omit “, the *Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*” from section 187 (1).

Insert instead “or Crown land Acts”.

**[27] Section 187 (3) (b)-(d)**

Omit the paragraphs. Insert instead:

(b) in respect of existing interests under the Crown land Acts, the powers of the Minister administering the *Crown Land Management Act 2016*.

**[28] Section 187 (4)**

Insert after section 187 (3):

(4) In this section:

***Crown land Acts*** means each of the following:

(a) the *Crown Land Management Act 2016*,

- (b) the *Crown Lands Act 1989*,
- (c) the *Crown Lands (Continued Tenures) Act 1989*,
- (d) the *Western Lands Act 1901*.

**[29] Section 188 Administration of existing telecommunications interests**

Omit paragraph (a) of the definition of ***broadcasting or telecommunications facility*** from section 188 (1).

Insert instead:

- (a) the use of which is authorised under the *Forestry Act 2012* or *Crown Land Management Act 2016*, or

**[30] Section 188C Adjustment of boundaries of reserved and acquired lands**

Omit “*Crown Lands Act 1989*” from section 188C (4) (b).

Insert instead “*Crown Land Management Act 2016*”.

**[31] Schedule 2 Revocation of reservation or dedication of certain land**

Insert after clause 3 (3):

- (4) Despite subclause (3) (b), the land becomes subject to the *Crown Land Management Act 2016* on the repeal of the *Crown Lands Act 1989*.

**[32] Schedule 2, clause 22 (2)**

Insert at the end of the clause:

- (2) Despite subclause (1) (b), the land continues as Crown land under the *Crown Land Management Act 2016* on the repeal of the *Crown Lands Act 1989*.

## **2.17 Rural Fires Regulation 2013**

**[1] Clause 41 Reduction of fire hazards on managed land**

Omit clause 41 (e). Insert instead:

- (e) land that is under the care, control and management of:
  - (i) the Minister for Primary Industries, or
  - (ii) the Lands Administration Ministerial Corporation constituted by the *Crown Land*

*Management Act 2016*, or

- (iii) a person employed in Property NSW who is the administrator of a statutory land manager appointed under Schedule 5 to the *Crown Land Management Act 2016*, but excluding any land subject to a holding or enclosure permit (within the meaning of the *Crown Land Management Act 2016*).

**[2] Clause 45 Development excluded from requirements for bush fire safety authority**

Omit “the *Western Lands Act 1901*” from clause 45 (1) (e).

Insert instead “a Western lands lease (within the meaning of Schedule 3 to the *Crown Land Management Act 2016*)”.

## **2.18 Sydney Cricket and Sports Ground Act 1978 No 72**

**[1] Section 4 Definitions**

Omit the definition of ***scheduled lands*** from section 4 (1). Insert instead:

***scheduled lands*** means:

- (a) the land described in Part 1 of Schedule 2, and
- (b) the land described in Part 2 of Schedule 2, and
- (c) the land described in Part 3 of Schedule 2.

**[2] Part 3**

Omit the Part. Insert instead:

## **Part 3 The Sydney Cricket Ground and the Sydney Sports Ground**

### **8 Definitions**

In this Part:

***Crown land Minister*** means the Minister administering the *Crown Land Management Act 2016*.

***repeal day*** means the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*.

## **9 Dedication of scheduled lands**

- (1) The scheduled lands continue, on and from the repeal day, to be Crown land dedicated for the purpose of public recreation under the *Crown Land Management Act 2016*.
- (2) However, the dedication of any of the scheduled lands cannot be revoked unless it is by an Act of Parliament.

## **10 Trust is Crown land manager of scheduled lands**

- (1) The Trust is taken, on and from the repeal day, to have been appointed as the sole Crown land manager under the *Crown Land Management Act 2016* of the scheduled lands.
- (2) The *Crown Land Management Act 2016* applies in relation to the scheduled lands and to the Trust in its capacity as their Crown land manager, subject to the following modifications:
  - (a) the Trust's appointment as the Crown land manager of the scheduled lands cannot be revoked under the *Crown Land Management Act 2016*,
  - (b) no other person can be appointed under the *Crown Land Management Act 2016* as a Crown land manager of the scheduled lands,
  - (c) the Trust is taken to have been assigned as a category 1 non-council manager of the scheduled land for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (d) clause 7 (1) of Schedule 7 to the *Crown Land Management Act 2016* is taken to apply to any estate in fee simple in the scheduled lands vested in the Trust by section 12 (1) of this Act (as in force immediately before the repeal day) in the same way as it applies to an estate in fee simple vested in a reserve trust by section 100 of the *Crown Lands Act 1989*,
  - (e) if the Minister is not also the Crown land Minister, the Minister can:
    - (i) exercise the functions of the Crown land Minister under Part 2 of the *Crown Land Management Act 2016* instead of the Crown land Minister in relation to the scheduled lands, except a function under any of the provisions referred to in paragraph (f), and
    - (ii) grant written consent for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (f) the regulations under this Act may prescribe kinds of functions for the purposes of section 3.26 (2) (d) of the *Crown Land Management Act 2016* in addition to any functions prescribed by the regulations under that Act and,

consequently, written Ministerial consent is not required for the exercise of such a function by the Trust,

- (g) the following provisions of the *Crown Land Management Act 2016* do not apply in relation to the scheduled lands or the Trust:
- (i) Division 2.2,
  - (ii) Division 2.4 (except for sections 2.12 and 2.14),
  - (iii) section 2.21,
  - (iv) Division 3.2,
  - (v) sections 3.14, 3.15, 3.16 and 3.18,
  - (vi) sections 3.29, 3.30 and 3.31,
  - (vii) Division 3.6,
  - (viii) section 3.45,
  - (ix) sections 9.12 and 9.25,
  - (x) Schedule 5,
  - (xi) any other provisions prescribed by the regulations.

- (3) If the Minister exercises any function of the Crown land Minister permitted by this section, the exercise of the function has the same effect as if it had been duly exercised by the Crown land Minister.

**[3] Section 16E Ancillary provisions relating to development and use of scheduled lands for additional purposes**

Omit section 16E (2). Insert instead:

- (2) To avoid doubt, a permissible purpose is a purpose authorised by this Act for section 2.12 of the *Crown Land Management Act 2016* in its application to the scheduled lands.

**Note—**

Section 2.12 of the *Crown Land Management Act 2016* provides that dedicated or reserved Crown land may be used only for the following purposes:

- (a) the purposes for which it is dedicated or reserved,
- (b) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved,
- (c) any other purposes authorised by or under that Act or another Act.

**[4] Schedule 2 Description of lands**

Omit “(Sections 4, 8, 9)”. Insert instead “(Section 4)”.

**2.19 Wagga Wagga Racecourse Act 1993 No 109**

**[1] Section 4**

Omit the section. Insert instead:

**4 Status of racecourse**

- (1) The Wagga Wagga Racecourse continues, on and from the repeal day, to be Crown land that is dedicated for the following purposes under the *Crown Land Management Act 2016*:
- (a) for use as a racecourse,
  - (b) for use as a training ground,
  - (c) for use as a sports ground,
  - (d) for any other form of public amusement or public purpose (whether or not related to sports) that the Governor has, by order published in the Gazette (whether before or after the repeal day), declared to be a form of public amusement or public purpose for which the Racecourse or a specified part of the Racecourse is permitted to be used.

**Note—**

Clause 11 of Schedule 7 to the *Crown Land Management Act 2016* operated on the repeal day:

- (a) to abolish the Wagga Wagga Racecourse Reserve Trust, and
  - (b) to replace it with a statutory land manager under that Act, and
  - (c) to appoint the members of the trust board of the Wagga Wagga Racecourse Reserve Trust as members of the board of the statutory land manager, and
  - (d) to appoint the statutory land manager as the Crown land manager of the Wagga Wagga Racecourse.
- (2) Subsection (1) does not limit or prevent the revocation of the dedication of the Wagga Wagga Racecourse, or the removal, alteration or addition of purposes for which it is dedicated, in accordance with the provisions of the *Crown Land*

*Management Act 2016.*

(3) In this section:

**repeal day** means the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*.

**[2] Section 5 Continuation of Wagga Wagga Racecourse Reserve Trust**

Omit the section.

## **2.20 Water NSW Act 2014 No 74**

**[1] Section 3 Definitions**

Omit “*Crown Lands Act 1989*” from paragraph (b) of the definition of **owner**.

Insert instead “*Crown Land Management Act 2016*”.

**[2] Section 28 Transfer of specified assets, rights and liabilities**

Omit “*Crown Lands Act 1989*” from section 28 (4).

Insert instead “*Crown Land Management Act 2016*”.

**[3] Section 49 Crown land in special areas**

Omit “*Crown Lands Act 1989*” from section 49 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[4] Section 49 (2)**

Omit the subsection. Insert instead:

(2) The Regulatory Authority may, in a special area, exercise the functions of a statutory land manager within the meaning of the *Crown Land Management Act 2016* that has been appointed as a Crown land manager of dedicated or reserved Crown land under that Act without being appointed as such.

## **2.21 Western Sydney Parklands Act 2006 No 92**

**[1] Section 18 Dedication of land**

Omit “*Crown Lands Act 1989*” from section 18 (2) (a).

Insert instead “*Crown Land Management Act 2016*”.



**[2] Section 29 Management of cemeteries and crematoria**

Omit section 29 (2). Insert instead:

- (2) The provisions of the *Cemeteries and Crematoria Act 2013* and the regulations under that Act relating to cemeteries and crematoria apply to Trust land used for those purposes in the same way as it applies to Crown land reserved under the *Crown Land Management Act 2016* for those purposes and those provisions apply:
  - (a) as if a reference to a Crown cemetery operator were a reference to the Trust, and
  - (b) with such other modifications as may be prescribed by the regulations.

**[3] Section 36 Effect of transfer of land under this Division**

Omit “*Crown Lands Act 1989*” from section 36 (5).

Insert instead “*Crown Land Management Act 2016*”.

**[4] Section 37 Administration of certain existing leases and similar interests**

Omit section 37 (1) (a). Insert instead:

- (a) a lease, licence, permit, authority, authorisation or occupancy in respect of land referred to in Schedule 3 under the *National Parks and Wildlife Act 1974* or the *Crown Land Management Act 2016* (or rights or interests arising under an incomplete purchase within the meaning of the *Crown Land Management Act 2016* if the land was formerly under a perpetual lease, special lease or term lease of the kind referred to in Schedule 1 to that Act), and

**[5] Section 37 (2) (b) and (c)**

Omit the paragraphs. Insert instead:

- (b) in respect of existing interests under the *Crown Land Management Act 2016*—the powers of the Minister administering that Act.

**Schedule 3 Amendment of legislation relating to Crown roads**

**3.1 Land and Environment Court Act 1979 No 204**

**Section 18 Class 2—local government and miscellaneous appeals and applications**

Insert after section 18 (1) (c1):

(c2) appeals under section 38C or 38F of the *Roads Act 1993*,

## 3.2 Roads Act 1993 No 33

### [1] Section 5 Right of passage along public road by members of public

Omit section 5 (3) (b). Insert instead:

(b) by or under section 5.43 of the *Crown Land Management Act 2016*.

### [2] Section 7 Roads authorities

Insert “administering the *Crown Land Management Act 2016*” after “Minister” in section 7 (2).

### [3] Part 4 Closing of public roads

Insert after the heading of the Part:

## Division 1 Interpretation

### 32B Definitions

(1) In this Part:

**adjoining** includes abutting.

**council public road** means a public road for which a council is the roads authority.

**non-council public road** means a public road other than a council public road.

**notifiable authority**, in relation to a council public road, means each of the following:

- (a) a network operator within the meaning of the *Electricity Supply Act 1995* for a transmission system or distribution system (as defined in that Act) for an area that includes the whole or part of the road,
- (b) a network operator within the meaning of the *Gas Supply Act 1996* for a distribution pipeline or distribution system (as defined in that Act) for an area that includes the whole or part of the road,
- (c) the Secretary of the Department of Planning and Environment,
- (d) the Secretary of the Department of Industry,
- (e) Transport for NSW,

- (f) the State Transit Authority,
- (g) Roads and Maritime Services,
- (h) the Commissioner of Fire and Rescue NSW,
- (i) the Commissioner of the NSW Rural Fire Service,
- (j) any other person (or class of persons) prescribed by the regulations.

(2) A reference in this Part to the Minister in its application to a Crown road is to be read as a reference to the roads authority for the Crown road.

**Note—**

The roads authority for a Crown road is the Minister administering the [Crown Land Management Act 2016](#)—see section 7 (2).

**[4] Part 4, Division 1**

Omit the existing heading. Insert instead:

Division 2 **Closing of non-council public roads by Minister**

**[5] Sections 33, 34, 35, 37 (1) and 38**

Omit “public road” wherever occurring. Insert instead “non-council public road”.

**[6] Section 37 Decision on proposal**

Omit section 37 (2). Insert instead:

(2) However, a non-council public road that is a classified road may not be closed unless RMS consents to the closure of the road.

**[7] Part 4**

Insert after section 38:

## **Division 3 Closing of council public roads by councils**

### **38A When council may close council public road**

A council may propose the closure of a council public road for which it is the roads authority if:

- (a) the road is not reasonably required as a road for public use (whether for present or future needs), and
- (b) the road is not required to provide continuity for an existing road network, and

- (c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

### **38B Notification of proposal to close council public road**

- (1) A council that is proposing to close a council public road must cause notice of the proposal:
  - (a) to be published in a local newspaper, and
  - (b) to be given to:
    - (i) all owners of land adjoining the road, and
    - (ii) all notifiable authorities, and
    - (iii) any other person (or class of person) prescribed by the regulations.
- (2) The notice:
  - (a) must identify the road that is proposed to be closed, and
  - (b) must state that any person is entitled to make submissions to the council with respect to the closing of the road, and
  - (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

### **38C Public submissions and formal objections**

- (1) Any person may make submissions to the council with respect to the closing of the road in the manner and within the period specified in the notice published under section 38B.
- (2) Without limiting subsection (1), a notifiable authority in relation to the road may include a statement in the authority's submission to the effect that the authority formally objects to the closing of the road. The authority may withdraw the objection any time by written notice given to the council.

**Note—**

If a formal objection is made, section 38D (2) provides that the road may not be closed until the objection is withdrawn by the authority or set aside by the Land and Environment Court under this section.

- (3) The council may appeal to the Land and Environment Court against a formal objection made by a notifiable authority against the closing of the road.
- (4) On any such appeal, the Land and Environment Court may:

- (a) affirm the objection, or
  - (b) set aside the objection.
- (5) In deciding whether to affirm or set aside the objection, the Land and Environment Court must have regard to the public interest.

### **38D Decision of proposal**

- (1) After considering any submissions that have been duly made with respect to the proposal, the council may, by notice published in the Gazette, close the public road concerned.
- (2) However, a council public road may not be closed:
- (a) in the case of a classified road—unless RMS consents to the closure of the road, or
  - (b) in the case where a notifiable authority has formally objected under section 38C to the closing of the road—until the objection is withdrawn by the authority or set aside by the Land and Environment Court under that section.

### **38E Effect of notice of closure**

- (1) On publication of the notice closing the council public road concerned:
- (a) the road ceases to be a public road, and
  - (b) the rights of passage and access that previously existed in relation to the road are extinguished.
- (2) The land comprising a former road:
- (a) in the case of a public road that was previously vested in a council (other than a public road in respect of which no construction has ever taken place)—remains vested in the council, and
  - (b) in any other case—becomes (or, if previously vested in the Crown, remains) vested in the Crown as Crown land.

### **38F Appeals to Land and Environment Court against closure decision**

- (1) A person referred to in section 38B (1) (b) may appeal to the Land and Environment Court against the closure of a council public road by a council.
- (2) On any such appeal, the Land and Environment Court may:
- (a) affirm the closure, or
  - (b) set aside the closure.

(3) Section 38E is taken never to have applied to a closure that is set aside.

(4) To avoid doubt, an appeal under section 38C does not prevent an appeal under this section.

**[8] Part 4**

Renumber existing Divisions 2, 3 and 4 as Divisions 4, 5 and 6, respectively.

**[9] Section 42 Disposal of Crown land arising from closure of public road**

Omit “Crown Lands Acts” from section 42 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[10] Section 42 (2)**

Omit the subsection.

**[11] Part 7 Protection of public roads and traffic**

Insert after Division 3:

## **Division 4 Crown roads**

### **108 Repairs and maintenance of Crown roads**

(1) A roads authority for a Crown road may, by written notice, direct a person who uses a Crown road, or part of a Crown road, to take specified action to repair or maintain the road or part if the roads authority is satisfied that:

- (a) the road is not generally used for access by the public, and
- (b) the person is someone who benefits from the use of the road.

**Note—**

The roads authority for a Crown road is the Minister administering the *Crown Land Management Act 2016*—see section 7 (2).

(2) A direction under this section must specify:

- (a) the manner in which, or the standard to which, the direction must be complied with, and
- (b) the period within which the direction must be complied with.

(3) The roads authority may vary or revoke the direction by a further written notice.

(4) A person must comply with a direction given to the person.

Maximum penalty (subsection (4)):

- (a) for a corporation—200 penalty units and, for a continuing offence, a further penalty of 20 penalty units for each day the offence continues, or
- (b) for an individual—100 penalty units and, for a continuing offence, a further penalty of 10 penalty units for each day the offence continues.

**109 Roads authority may authorise certain other persons to carry out repairs and maintenance in non-compliance cases**

- (1) If a person does not comply with a direction given to the person under section 108, the roads authority may authorise government sector employees, contractors or other agents to enter the land concerned and carry out all or part of the specified action.
- (2) The roads authority may recover the cost of that action from the person given the direction in any court of competent jurisdiction as a debt due by that person to the Crown.

**110 Contributions for repairs and maintenance of Crown roads**

- (1) A roads authority for a Crown road may, by written notice, direct a person who uses the Crown road or part of the Crown road to pay a specified contribution for the repair or maintenance of the road or part if satisfied that:
  - (a) the road is not generally used for access by the public, and
  - (b) the person is someone who benefits from the use of the road.
- (2) A direction under this section must specify:
  - (a) the manner in which the direction must be complied with, and
  - (b) the period within which the direction must be complied with.
- (3) The roads authority may vary or revoke the direction by a further written notice.
- (4) The regulations may make provision for or with respect to the amounts payable under this section (including a maximum amount).
- (5) Money received by the roads authority under this section must be paid into the Crown Reserves Improvement Fund within the meaning of the *Crown Land Management Act 2016*.
- (6) A person must comply with a direction given to the person.

Maximum penalty (subsection (6)):

- (a) for a corporation—200 penalty units and, for a continuing offence, a further

penalty of 20 penalty units for each day the offence continues, or

- (b) for an individual—100 penalty units and, for a continuing offence, a further penalty of 10 penalty units for each day the offence continues.

**[12] Sections 147, 148 and 151**

Omit the sections.

**[13] Part 10, Division 1A**

Insert after Division 1:

## **Division 1A Functions with respect to Crown roads and surplus Crown land**

### **152A Crown roads generally not to be dealt with under [Crown Land Management Act 2016](#)**

- (1) A Crown road may not be dealt with under the [Crown Land Management Act 2016](#) while it is a Crown road, except as provided by this section or the regulations.

**Note—**

The roads authority for a Crown road is the Minister administering the [Crown Land Management Act 2016](#)—see section 7 (2).

- (2) However, the roads authority may, in accordance with the [Crown Land Management Act 2016](#):
- (a) deal with a Crown road under section 5.43 (Cultivation of enclosed Crown roads) of that Act, and
  - (b) grant an easement, licence, permit or consent with respect to a Crown road.
- (3) An easement, licence, permit or consent may not be granted under subsection (2) with respect to a Crown road if it is inconsistent with the rights of passage and access that exist with respect to the road.
- (4) To avoid doubt, the granting of an easement, licence, permit or consent under this section is not inconsistent with a right of passage or access that exists with respect to a road if:
- (a) an alternative right of passage is provided, and
  - (b) the alternative right of passage is substantially as convenient as the existing right.



- (5) Section 13.2 (Exclusion of minerals and qualifications from dealings under Act) of the *Crown Land Management Act 2016* is taken to apply in relation to a sale, lease or other disposal of a Crown road under this Act in the same way as it applies to the sale, lease or other disposal of Crown land under the *Crown Land Management Act 2016*.

**152B Power to sell or dispose of Crown road without first closing it**

The roads authority may sell or otherwise dispose of a Crown road, or part of a Crown road, without first closing it.

**152C Applications for sale or disposal of Crown road**

- (1) An application for the sale or disposal of a Crown road may be made to the roads authority for the road by any person.
- (2) The roads authority may require the applicant to lodge with the roads authority:
  - (a) any fee required to cover the cost of processing the application, and
  - (b) any sum of money necessary to defray a cost incurred by the roads authority or any other person with respect to the proposed sale or disposal of the road, and
  - (c) any further information relevant to the application.
- (3) Such a notice may be served either before or during the consideration of the application.
- (4) An application is taken to have been abandoned if any requirement of the notice is not complied with within the period specified in the notice.

**152D Notification of proposal to sell or dispose of Crown road**

- (1) The roads authority must cause notice of the proposed sale or disposal of a Crown road:
  - (a) to be published in a local newspaper, and
  - (b) to be given to all owners of land adjoining the road.
- (2) The notice:
  - (a) must identify the road that is proposed to be sold or disposed of, and
  - (b) must state that any person is entitled to make submissions to the roads authority with respect to the sale or disposal of the road, and
  - (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

### **152E Decision on proposal**

- (1) After considering any submissions that have been duly made with respect to the proposal, the roads authority may sell or dispose of the Crown road concerned.
- (2) However, a Crown road may not be sold or disposed of to a person who is not an owner of land adjoining the road or a public authority unless each owner of land adjoining the road consents to it.

### **152F Conditions that may be included in contracts of sale for Crown road**

- (1) The roads authority may include in the contract of sale for a Crown road any conditions that the roads authority determines.
- (2) Without limiting subsection (1), the roads authority may include any condition the roads authority is permitted to include in a contract for the sale of Crown land under Division 5.4 of the *Crown Land Management Act 2016*.
- (3) Sections 5.11-5.15 of the *Crown Land Management Act 2016* are taken to apply in relation to conditions imposed under this section in the same way as they apply to conditions and restrictions imposed under Division 5.4 of that Act in relation to the sale of Crown land.

### **152G Purchase price for sales**

- (1) The roads authority may require the purchase price for the sale of a Crown road, or part of a Crown road, to be paid in full or by instalments.
- (2) The regulations may make provision for or with respect to sales of Crown roads by the payment of purchase price instalments, including in relation to the following:
  - (a) the determination of purchase prices (including interest repayments), methods of payments and instalment amounts for such sales,
  - (b) the transfer of title to roads under such sales,
  - (c) the terms and conditions applicable to such sales,
  - (d) the transfer and subdivision of roads under such sales,
  - (e) the forfeiture of roads under such sales for non-payment of instalments or contraventions of applicable terms and conditions (including the status of the roads on forfeiture),
  - (f) the application of the provisions of Schedule 4 to the *Crown Land Management Act 2016* (whether with or without modification) to such sales.

### **152H Effect of registration of sale or disposal**

- (1) On the transfer registration for a Crown road or part of the Crown road concerned:
  - (a) the road or part ceases to be a Crown road, and
  - (b) the rights of passage and access that previously existed in relation to the road or part are extinguished.
- (2) The transfer registration for the Crown road or part of the Crown road occurs:
  - (a) for land to which the *Real Property Act 1900* applies—when the interest of the purchaser or transferee is registered in the Register kept under that Act, or
  - (b) for land to which the *Real Property Act 1900* does not apply—when the interest of the purchaser or transferee is recorded in the General Register of Deeds kept under the *Conveyancing Act 1919*.
- (3) No compensation is payable for the extinguishment of any rights of passage or access because of the operation of this section.

### **152I Transfer of Crown road to roads authority**

- (1) The roads authority may, by order published in the Gazette, transfer a specified Crown road to another roads authority.
- (2) On the publication of the order, the road ceases to be a Crown road.
- (3) An order transferring a Crown road to RMS may not be made except with the consent of RMS.
- (4) If the road has been provided in a subdivision of Crown land for alienation, or has been reserved in the measurement of Crown land, the official plans of survey showing the road adjacent to the land subdivided or measured are evidence of the width, extent and position of the road.

### **152J Disposal of surplus Crown land**

Land that has been acquired by the Minister under Part 12, but that is no longer required for the purposes of this Act, may be dealt with in accordance with the *Crown Land Management Act 2016* or may be given in compensation for land acquired for the purposes of this Act.

### **[14] Section 190 Entitlement to compensation**

Omit “, permissive occupancy or yearly lease” from section 190 (2) (a).

Insert instead “or permissive occupancy”.

**[15] Section 242A**

Insert after section 242:

**242A Continuing offences**

- (1) A person who is guilty of an offence because the person fails to comply with a requirement made by or under this Act or the regulations (whether the requirement is imposed by a notice or in any other way) to do or cease to do something (whether or not within a specified period or before a particular time):
  - (a) continues, until the requirement is complied with and despite the fact that any specified period has expired or time has passed, to be liable to comply with the requirement, and
  - (b) is guilty of a continuing offence for each day the contravention continues.
- (2) This section does not apply to an offence if the relevant provision of this Act or the regulations does not provide for a penalty for a continuing offence.
- (3) This section does not apply to the extent that a requirement of a notice is revoked.

**[16] Section 260 Reference of certain matters to Secretary**

Omit “*Crown Lands Act 1989*” from the definition of **Secretary** in section 260 (5).

Insert instead “*Crown Land Management Act 2016*”.

**[17] Schedule 2 Savings, transitional and other provisions**

Insert at the end of the Schedule, with appropriate Part and clause numbering:

**Part Provision consequent on enactment of *Crown Land Legislation Amendment Act 2017***

**Easements etc taken to be validly granted**

- (1) This clause applies to any easement, licence, permit or consent purportedly granted under section 147 before its repeal by the amending Act (a ***purported interest***).
- (2) Any purported interest that would have been valid had the provisions of section 152A (4) (as inserted by the amending Act) formed part of section 147 at the time concerned is taken to be (and always to have been) valid.

(3) In this clause, **amending Act** means the *Crown Land Legislation Amendment Act 2017*.

**[18] Dictionary**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land**.

Insert instead “*Crown Land Management Act 2016*”.

**[19] Dictionary, definition of “Crown Lands Acts”**

Omit the definition. Insert instead:

**Crown Land Acts** has the same meaning as it has in the *Crown Land Management Act 2016*.

**[20] Dictionary, definition of “unoccupied Crown land”**

Omit the definition. Insert instead:

**unoccupied Crown land** means Crown land other than:

- (a) Crown land that is the subject of a contract of sale under the *Crown Land Management Act 2016* but for which the Crown has not received the sale price, or
- (b) Crown land that is held under a lease in perpetuity or for a term of years under the Crown Land Acts, or
- (c) Crown land that is included in a travelling stock reserve under the care, control and management of Local Land Services, or
- (d) Crown land that is managed by a Crown land manager under the *Crown Land Management Act 2016*, or
- (e) Crown land that is included in a common within the meaning of the *Commons Management Act 1989*, or
- (f) Crown land that is subject to an easement.

### **3.3 Roads Regulation 2008**

**[1] Clause 82 Authorised officer**

Omit clause 82 (1) (a). Insert instead:

- (a) in respect of dedicated or reserved Crown land under the *Crown Land Management Act 2016*:

- (i) a member of a board of a Crown land manager, or
- (ii) an employee of a Crown land manager, or
- (iii) an administrator for a statutory land manager,

**[2] Clause 83A**

Insert after clause 83:

**83A Notification of proposal to close council public roads**

- (1) A major utility or water supply authority within the meaning of the *Water Management Act 2000* (if the council public road concerned is located wholly or partly within the utility's or authority's area of operations) is prescribed for the purposes of paragraph (j) of the definition of **notifiable authority** in section 32B (1) of the Act.
- (2) The owner or occupier of land whose land will suffer a material loss of access because of the council public road closure concerned is prescribed for the purposes of section 38B (1) (b) (iii) of the Act.

**Schedule 4 Amendment of other legislation**

**4.1 Apiaries Act 1985 No 16**

**[1] Section 15A Forfeiture of beehives in certain cases**

Omit "*Crown Lands Act 1989*" from paragraph (a) of the definition of **public land** in section 15A (11).

Insert instead "*Crown Land Management Act 2016*".

**[2] Section 15A (11), definition of "public land"**

Omit paragraph (e). Insert instead:

- (e) any land leased under a Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*.

**4.2 Australian Oil Refining Agreements Act 1954 No 34**

**[1] Section 7 Determination of rental by Secretary**

Omit "Director-General" and "Director-General's" wherever occurring (except in section 7 (4)).

Insert instead "Secretary" and "Secretary's", respectively.

**[2] Section 7 (4)**

Omit the definition of **Director-General**. Insert instead:

**Secretary** has the same meaning as in the *Crown Land Management Act 2016*.

**4.3 Baptist Churches of New South Wales Property Trust Act 1984 No 4**

**Section 34 Waiver of certain conditions etc in Crown grants**

Omit section 34 (2) and (3).

**4.4 Baptist Union Incorporation Act 1919**

**Section 3A Validation of grants**

Omit section 3A (2).

**4.5 Barangaroo Delivery Authority Act 2009 No 2**

**[1] Section 19 Dedication of land**

Omit “*Crown Lands Act 1989*” from section 19 (2) (a).

Insert instead “*Crown Land Management Act 2016*”.

**[2] Section 29 Transfer of land or management of land of other public authorities**

Omit “*Crown Lands Act 1989*” wherever occurring in section 29 (2) and (7).

Insert instead “*Crown Land Management Act 2016*”.

**[3] Section 29 (3)**

Omit the subsection. Insert instead:

(3) Division 5.3 of the *Crown Land Management Act 2016* does not apply to any such transfer of Crown land.

**[4] Section 29 (6)**

Omit “*Crown Lands Act 1989* but does not include a Crown reserve within the meaning of section 34A of that Act” from the definition of **Crown land**.

Insert instead “*Crown Land Management Act 2016*, but does not include Crown managed land within the meaning of that Act”.

## 4.6 Biodiversity Conservation Act 2016 No 63

### [1] Section 1.6 Definitions

Omit the definition of **Crown land** from section 1.6 (1). Insert instead:

**Crown land** means Crown land within the meaning of the *Crown Land Management Act 2016*.

### [2] Section 1.6 (1), definition of “owner”

Omit “*Crown Lands Act 1989*” from paragraph (a) (ii).

Insert instead “*Crown Land Management Act 2016*”.

### [3] Section 1.6 (1), definition of “owner”

Omit “*Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*” from paragraph (b).

Insert instead “*Crown Land Management Act 2016*”.

### [4] Sections 5.9 (5), 5.21 (5), 5.28 (5) and 8.16 (4)

Omit “*Crown Lands Act 1989*” wherever occurring.

Insert instead “*Crown Land Management Act 2016*”.

## 4.7 Biosecurity Act 2015 No 24

### [1] Section 7 General definitions

Omit paragraph (f) of the definition of **government agency**.

### [2] Section 7

Insert in alphabetical order:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

### [3] Section 370 Local control authority—meaning

Omit section 370 (2). Insert instead:

(2) The local control authority for land within the Western Division that is not within a local government area is the person appointed under this section for that purpose.



**[4] Section 370 (4)-(6)**

Insert after section 370 (3):

- (4) The Minister may appoint a person to be the local control authority for the purposes of subsection (2) for land within the Western Division that is not within a local government area.
- (5) The Minister may revoke an appointment under subsection (4) at any time or for any reason.
- (6) A person appointed under subsection (2) (except a person who is an employee of a government sector agency within the meaning of the *Government Sector Employment Act 2013*) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

**[5] Section 383 Protection from liability**

Omit paragraph (e) of the definition of **protected person** from section 383 (4).

Insert instead:

- (e) a person who is the local control authority for land within the Western Division that is not within a local government area, or

**[6] Schedule 1 Special provisions relating to weeds**

Insert "(as in force immediately before its repeal)" after "*Hay Irrigation Act 1902*" and "*Wentworth Irrigation Act 1890*" in paragraph (a) of the definition of **irrigation area** in clause 2.

**4.8 Botany Bay National Park (Helicopter Base Relocation) Act 2004  
No 27**

**Section 7**

Omit the section. Insert instead:

**7 Application of Crown Land Management Act 2016**

- (1) Any land to which this Act applies that was Crown land immediately before the repeal day continues, on and from that repeal day, to be Crown land under the *Crown Land Management Act 2016*.
- (2) In this section:

**repeal day** means the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*.

## **4.9 Brigalow and Nandewar Community Conservation Area Act 2005 No 56**

### **[1] Section 4 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land** in section 4 (1).

Insert instead “*Crown Land Management Act 2016*”.

### **[2] Section 12 Vesting in NPW Minister of certain former State forests**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act)” from section 12 (2).

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

### **[3] Section 22 Adjustment of description of transferred land**

Omit “*Crown Lands Act 1989*” from section 22 (4) (c).

Insert instead “*Crown Land Management Act 2016*”.

### **[4] Schedule 9 Land transfers—ancillary and special provisions**

Omit clause 1 (1) (b) and (c). Insert instead:

(b) land that a person holds under a continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*,

(c) land that is comprised in an incomplete purchase within the meaning of the *Crown Land Management Act 2016* that was formerly under a lease of the kind referred to in paragraph (b).

### **[5] Schedule 9, clause 5 (1), definition of “private land holding”**

Omit “*Crown Lands Act 1989*” from paragraph (b).

Insert instead “*Crown Land Management Act 2016*”.

**[6] Schedule 9, clause 8 (1)**

Omit “perpetual leases (within the meaning of the *Crown Lands (Continued Tenures) Act 1989*)”.

Insert instead “continued perpetual leases (within the meaning of Schedule 1 to the *Crown Land Management Act 2016*)”.

**[7] Schedule 9, clause 8 (2)**

Omit “*Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “*Crown Land Management Act 2016*”.

## **4.10 Central Coast Water Corporation Act 2006 No 105**

### **Section 32 Transfer of staff, assets, rights and liabilities**

Omit “*Crown Lands Act 1989*” from section 32 (6).

Insert instead “*Crown Land Management Act 2016*”.

## **4.11 Civil and Administrative Tribunal Act 2013 No 2**

### **[1] Schedule 3 Administrative and Equal Opportunity Division**

Omit paragraphs (d), (e) and (f) of the definition of **lands legislation** in clause 1 (1).

Insert instead:

(d) the *Crown Land Management Act 2016*,

### **[2] Schedule 3, clause 1 (1)**

Omit paragraphs (j) and (k) of the definition of **lands legislation**.

## **4.12 Coal Ownership (Restitution) Act 1990 No 19**

### **Section 4 Power of the Minister to grant coal in accordance with this Act**

Omit “*Crown Lands Act 1989*” from section 4 (4).

Insert instead “*Crown Land Management Act 2016*”.

## **4.13 Coastal Management Act 2016 No 20**

### **Section 28 Modification of doctrine of erosion and accretion**

Omit “*Crown Lands Act 1989*” from section 28 (4).

Insert instead “*Crown Land Management Act 2016*”.

#### **4.14 Coastal Protection Regulation 2011**

##### **[1] Clause 16 Delegation of functions of Coastal Authorities**

Omit “any member of staff of the Department,” from clause 16 (a).

Insert instead “any person employed in the Department,”.

##### **[2] Clause 16 (b)**

Omit “*Crown Lands Act 1989*—any member of staff of the Land and Property Management Authority,”.

Insert instead “*Crown Land Management Act 2016*—any person employed in that part of the Department of Industry comprising the group of staff who are principally involved in the administration of that Act,”.

##### **[3] Clause 16 (d) (i)**

Omit “any member of staff of the Land and Property Management Authority, and”.

Insert instead “any person employed in that part of the Department of Industry comprising the group of staff who are principally involved in the administration of the *Crown Land Management Act 2016*, and”.

##### **[4] Clause 16 (d) (ii)**

Omit “any member of staff of a Department”.

Insert instead “any person employed in a Department”.

#### **4.15 Commons Management Act 1989 No 13**

##### **[1] Section 3 Definitions**

Omit the definition of **Crown Lands Acts** from section 3 (1). Insert instead:

**Crown Land Acts** has the same meaning as in the *Crown Land Management Act 2016*.

##### **[2] Section 3 (1)**

Insert in alphabetical order:

**Eastern and Central Division** means that part of the State that is the Eastern and Central Division within the meaning of the *Crown Land Management Act 2016*.

**Western Division** means that part of the State that is the Western Division within the

meaning of the *Crown Land Management Act 2016*.

**[3] Section 3 (1), definition of “land district”**

Omit the definition. Insert instead:

***land district***—see section 3A.

**[4] Section 3 (4)**

Omit the subsection.

**[5] Section 3A**

Insert after section 3:

**3A Meaning of “land district”**

- (1) In this Act, ***land district*** means (subject to subsection (2)):
  - (a) in relation to land in the Eastern and Central Division—a land district established under section 8 of the *Crown Lands Act 1989* in existence immediately before the repeal of that Act, and
  - (b) in relation to land in the Western Division—an administrative district established under section 9 of the *Western Lands Act 1901* in existence immediately before the repeal of that Act.
- (2) The Minister may, by order published in the Gazette, specify land districts for the purposes of this Act.
- (3) Without limiting subsection (2), the order may alter or abolish existing land districts (including those referred to in subsection (1)) or specify new land districts.

**[6] Sections 24 (3) and 61A**

Omit “Crown Lands Acts” wherever occurring. Insert instead “Crown Land Acts”.

**4.16 Companion Animals Act 1998 No 87**

**[1] Section 5 Definitions**

Omit paragraph (c) of the definition of ***council*** in section 5 (1). Insert instead:

- (c) the person appointed under section 6 (1A) in relation to land within the Western Division that is not within an area under the *Local Government Act 1993* (the

appointed person's **area** for the purposes of this Act).

**[2] Section 5 (1), definition of “dog”**

Omit “*Crown Lands Act 1989*” from the note.

Insert instead “*Crown Land Management Act 2016*”.

**[3] Section 5 (1)**

Insert in alphabetical order:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

**[4] Section 6 Meaning of “local authority”**

Insert after section 6 (1):

- (1A) The Minister may appoint a person to be the local authority for the purposes of this Act for land within the Western Division that is not within the area of a council under the *Local Government Act 1993*.
- (1B) The Minister may revoke an appointment under subsection (1A) at any time or for any reason.
- (1C) A person appointed under subsection (1A) (except a person who is an employee of a government sector agency within the meaning of the *Government Sector Employment Act 2013*) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

## **4.17 Constitution Act 1902 No 32**

### **Section 51 Local government**

Omit section 51 (4). Insert instead:

- (4) For the purposes of this section, each of the following is taken to be a local government body:
- (a) for the Western Division (as defined in the *Crown Land Management Act 2016*)—any person with all or any of the functions of a local government body in relation to any part of the State in that Division,
  - (b) for Lord Howe Island—the Lord Howe Island Board,

(c) an administrator with all or any of the functions of a local government body.

#### **4.18 Contaminated Land Management Act 1997 No 140**

##### **[1] Section 4 Definitions**

Omit paragraph (c) of the definition of **local authority** in section 4 (1). Insert instead:

(c) the EPA in relation to land within the Western Division that is not within an area within the meaning of the *Local Government Act 1993*, or

##### **[2] Section 4 (1), definition of “owner”**

Omit paragraph (a). Insert instead:

(a) in relation to Crown land:

(i) that is the subject of a perpetual lease under the *Crown Land Management Act 2016*—means the holder of such a lease, and

(ii) in any other case—means the Crown.

##### **[3] Section 4 (1)**

Insert in alphabetical order:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

#### **4.19 Conveyancing Act 1919 No 6**

##### **[1] Section 6 Application of Act to Real Property Act 1900 and other Acts**

Omit “*Crown Lands (Continued Tenures) Act 1989*, the *Western Lands Act 1901*,” from section 6 (2).

Insert instead “*Crown Land Management Act 2016*,”.

##### **[2] Section 6 (2A)**

Omit “and land in holdings to which the *Crown Lands (Continued Tenures) Act 1989* applies”.

Insert instead “, including land under a continued incomplete tenure purchase, continued perpetual lease, continued term lease or continued special lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

**[3] Section 7 Definitions**

Omit “Surveyor-General” from the definition of **Crown plan** in section 7 (1).

Insert instead “Registrar-General”.

**[4] Section 7A Current Plan**

Omit “Division 3A of Part 4 of the *Crown Lands Act 1989* or Part 9E of the *Western Lands Act 1901*” from section 7A (3) (c).

Insert instead “Division 5.7 of the *Crown Land Management Act 2016*”.

**[5] Section 23G Exceptions to sec 23F**

Omit “Division 3A of Part 4 of the *Crown Lands Act 1989* or Part 9E of the *Western Lands Act 1901*” from section 23G (n) (i).

Insert instead “Division 5.7 of the *Crown Land Management Act 2016*”.

**[6] Section 66Y Operation of Division 8**

Omit “*Western Lands Act 1901*, the *Crown Lands Act 1989*” from section 66Y (1).

Insert instead “*Crown Land Management Act 2016*”.

**[7] Section 66ZK Operation of Division 9**

Omit “*Western Lands Act 1901*, the *Crown Lands Act 1989*” from section 66ZK (1).

Insert instead “*Crown Land Management Act 2016*”.

## **4.20 Conveyancing (Sale of Land) Regulation 2010**

**[1] Clause 3 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land** in clause 3 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[2] Schedule 4 Exempt contracts, options and land**

Omit “the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*” from item 4 of Part 1.

Insert instead “Schedule 1 or 3 to the *Crown Land Management Act 2016*”.

**[3] Schedule 4, Part 1**

Insert “or Crown road” after “road” in item 5.



**[4] Schedule 4, Part 1**

Insert “or Division 1A of Part 10” after “section 42 or 43” in item 5.

**4.21 Dividing Fences Act 1991 No 72**

**[1] Section 3 Definitions**

Insert at the end of paragraph (b) of the definition of **owner**:

, and

(c) any Crown land manager of Crown managed land (within the meaning of the *Crown Land Management Act 2016*).

**[2] Section 4 Determination as to “sufficient dividing fence”**

Insert “immediately before the repeal of that Act” after “that Act” in section 4 (g).

**[3] Section 13 Jurisdiction of Local Court or Civil and Administrative Tribunal**

Omit “lease under the *Western Lands Act 1901*” from section 13 (1A).

Insert instead “Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*”.

**4.22 Dormant Funds Act 1942 No 25**

**[1] Section 2 Definitions**

Omit “the *Trustees of Schools of Arts Enabling Act 1902*” from paragraph (d) of the definition of **Purpose of a public character** in section 2 (1).

Insert instead “clause 20 of Schedule 7 to the *Crown Land Management Act 2016*”.

**[2] Section 5A Commissioner may determine fund to be dormant**

Omit “the *Trustees of Schools of Arts Enabling Act 1902*” from section 5A (1) (e).

Insert instead “clause 20 of Schedule 7 to the *Crown Land Management Act 2016*”.

**4.23 Duties Act 1997 No 123**

**[1] Section 64A Amalgamation of Western Lands leases**

Omit “lease under the *Western Lands Act 1901*” from section 64A (1).

Insert instead “Western lands lease (within the meaning of Schedule 3 to the *Crown Land Management Act 2016*)”.

**[2] Section 64A (2) (a) and (b)**

Omit “lease under the *Western Lands Act 1901*” wherever occurring.

Insert instead “Western lands lease”.

#### **4.24 Duties (Western Lands Leases) Order 1999**

**Clause 3 Amalgamation of Western Lands leases: section 64A of the Act**

Omit “lease under the *Western Lands Act 1901*” from clause 3 (1).

Insert instead “Western lands lease (within the meaning of Schedule 3 to the *Crown Land Management Act 2016*)”.

#### **4.25 Electricity Generator Assets (Authorised Transactions) Act 2012 No 35**

**Schedule 6 Savings, transitional and other provisions**

Insert after clause 2 (5) (a):

(a1) the *Crown Land Management Act 2016* or any statutory rule or order made under that Act,

#### **4.26 Electricity Supply Act 1995 No 94**

**[1] Section 45 Erection and placement of electricity works**

Omit paragraph (c) of the definition of **public land** in section 45 (6). Insert instead:

(c) Crown land or Crown managed land within the meaning of the *Crown Land Management Act 2016*, or

**[2] Section 45 (6), definition of “public land”**

Omit paragraph (g).

**[3] Section 189 Application of Act outside local government areas**

Omit “Western Lands Commissioner” from section 189 (1) (b).

Insert instead “Minister administering the *Crown Land Management Act 2016*”.

#### **4.27 Environmental Planning and Assessment Act 1979 No 203**

**[1] Section 4 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land** in section 4 (1).

Insert instead "*Crown Land Management Act 2016*".

**[2] Section 121C Giving orders to public authorities**

Omit section 121C (1) (b). Insert instead:

(b) Crown managed land within the meaning of the *Crown Land Management Act 2016*,

**[3] Schedule 6 Savings, transitional and other provisions**

Omit "Western Lands Commissioner" from clause 138 (4). Insert instead "Minister".

## **4.28 Environmental Planning and Assessment Regulation 2000**

**[1] Clause 190 Offences relating to certain Crown property**

Omit "a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*" from clause 190 (a).

Insert instead "Crown managed land within the meaning of the *Crown Land Management Act 2016*".

**[2] Clause 190**

Omit "administering the *Crown Lands Act 1989*".

Insert instead "administering the *Crown Land Management Act 2016*".

**[3] Clause 226 Prescribed persons: section 88**

Omit "Crown cemetery trust" from clause 226 (1) (e).

Insert instead "Crown cemetery operator".

**[4] Clause 277 Public authorities**

Omit clause 277 (2).

**[5] Schedule 3 Designated development**

Omit "*Crown Lands Act 1989*" from paragraph (d) of the definition of **environmentally sensitive area** in clause 38.

Insert instead "*Crown Land Management Act 2016*".

## **4.29 Farm Water Supplies Act 1946 No 22**

### **Section 2 Definitions**

Omit "Crown Lands Acts" from paragraph (b) of the definition of **Owner**.

Insert instead “Crown Land Acts within the meaning of the *Crown Land Management Act 2016*”.

### **4.30 Fines Act 1996 No 99**

#### **Section 38 Circumstances in which person issued with penalty reminder notice for vehicle or vessel offence is not liable to pay penalty**

Omit paragraph (d) of the definition of **vehicle or vessel offence** in section 38 (4).

Insert instead:

(d) a vehicle offence within the meaning of the *Crown Land Management Act 2016*,

### **4.31 Fire and Emergency Services Levy Act 2017 No 9**

#### **Section 42 Requirements for classification as government land**

Omit “*Crown Lands Act 1989*” from section 42 (1) (e).

Insert instead “*Crown Land Management Act 2016*”.

### **4.32 Fisheries Management Act 1994 No 38**

#### **[1] Section 4 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land** in section 4 (1).

Insert instead “*Crown Land Management Act 2016*”.

#### **[2] Section 176 Power to withdraw land from lease**

Omit “section 136 of the *Crown Lands Act 1989*” from section 176 (2).

Insert instead “section 7.8 of the *Crown Land Management Act 2016*”.

#### **[3] Section 199 Circumstances in which a public authority (other than local authority) may carry out dredging or reclamation**

Omit “*Crown Lands Act 1989*” from section 199 (3).

Insert instead “*Crown Land Management Act 2016*”.

#### **[4] Section 200 Circumstances in which a local government authority may carry out dredging or reclamation**

Omit “*Crown Lands Act 1989*” from section 200 (2) (a).

Insert instead “*Crown Land Management Act 2016*”.

**[5] Section 201 Circumstances in which a person (other than a public or local government authority) may carry out dredging or reclamation work**

Omit “*Crown Lands Act 1989*” from section 201 (2) (a).

Insert instead “*Crown Land Management Act 2016*”.

**[6] Section 223 Minister may acquire land**

Omit “*Crown Lands Act 1989*” from section 223 (3) (b).

Insert instead “*Crown Land Management Act 2016*”.

### **4.33 Forestry Act 2012 No 96**

**[1] Section 3 Definitions**

Omit the definitions of **Crown land** and **Crown Lands Acts** from section 3 (1).

Insert instead:

**Crown land** and **Crown Land Acts** have the same meanings as in the *Crown Land Management Act 2016*.

**[2] Section 15 Revocation of dedication of land as State forest**

Omit “*Crown Lands Act 1989* or the *Western Lands Act 1901* (as the case requires)” from section 15 (2).

Insert instead “*Crown Land Management Act 2016*”.

**[3] Section 16 Flora reserves**

Omit “*Crown Lands Act 1989*” from section 16 (1) (a).

Insert instead “*Crown Land Management Act 2016*”.

**[4] Section 36 Effect of dedication etc on existing leases and licences**

Omit “under the *Western Lands Act 1901*” from section 36 (2).

Insert instead “over land in the Western Division (within the meaning of Schedule 3 to the *Crown Land Management Act 2016*)”.

**[5] Section 36 (3)**

Omit “*Crown Lands Act 1989*”. Insert instead “*Crown Land Management Act 2016*”.

**[6] Section 37 Declaration of access roads**

Omit “Crown Lands Acts” from section 37 (1).

Insert instead “*Crown Land Management Act 2016* or other Crown Land Acts”.

**[7] Section 38 Unlawful taking of timber etc**

Omit section 38 (3) (a) (vi) and (vii). Insert instead:

(vi) Division 3 of Part 2 of Schedule 1 to the *Crown Land Management Act 2016*,

(vii) a condition of a Western lands lease (within the meaning of Schedule 3 to the *Crown Land Management Act 2016*) to the effect that a lessee may take from land under the lease such timber and other material for building and other purposes on the land or on any contiguous land held in the same interest as may reasonably be required by the lessee, or

**[8] Section 44 Restrictions on issuing licences**

Omit “lease under the *Western Lands Act 1901*” from section 44 (2) (c).

Insert instead “Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*”.

**[9] Section 44 (3) (a)**

Omit “Crown Lands Acts”. Insert instead “Crown Land Acts”.

**[10] Section 48 Definitions**

Omit “Division 3A of Part 4 of the *Crown Lands Act 1989* or Part 9E of the *Western Lands Act 1901*” from paragraph (a) of the definition of **landholder**.

Insert instead “the *Crown Land Management Act 2016*”.

**[11] Section 61 Ancillary provisions relating to forest permits**

Omit “Crown Lands Acts” from section 61 (4).

Insert instead “*Crown Land Management Act 2016*”.

**[12] Section 61 (6)**

Omit “Crown Lands Acts or the *Western Lands Act 1901*”.

Insert instead “*Crown Land Management Act 2016* or other Crown Land Acts”.

**[13] Section 69K Forestry operations to which Part applies**

Omit “*Crown Lands Act 1989*” from paragraph (d) of the definition of **national park estate** in section 69K (4).

Insert instead “*Crown Land Management Act 2016*”.

**[14] Schedule 1 Special provisions relating to purchase-tenure land**

Omit “or the *Western Lands Act 1901*” from paragraph (a) of the definition of **owner** in clause 2.

Insert instead “, the *Western Lands Act 1901* or the *Crown Land Management Act 2016*”.

**[15] Schedule 1, clause 2**

Omit the definition of **prescribed lease from the Crown**. Insert instead:

**prescribed lease from the Crown** means a Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*.

**[16] Schedule 1, clause 2**

Omit the definition of **prescribed officer**. Insert instead:

**prescribed officer**, in respect of any provision of this Schedule relating to prescribed leases from the Crown granted or confirmed under the Crown Land Acts, means the Secretary of the Department of Industry or any employee of that Department authorised by the Secretary to act for the purposes of that provision.

**[17] Schedule 1, clause 2**

Omit the definition of **purchase-tenure land**. Insert instead:

**purchase-tenure land** means land held under a prescribed lease from the Crown that has been contracted to be sold under the *Crown Land Management Act 2016*.

**[18] Schedule 3 Savings, transitional and other provisions**

Omit “*Crown Lands Act 1989* or the *Western Lands Act 1901* (as the case requires)” from clause 8 (2).

Insert instead “*Crown Land Management Act 2016*”.

## **4.34 Forestry Regulation 2012**

**[1] Clause 3 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Western Division** in clause 3 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[2] Clause 24 Application for licence**

Omit “office of the Western Lands Commissioner” from clause 24 (3) (a).

Insert instead “Department of Industry”.

**[3] Clause 38 Licence holder may conduct further clearing operations**

Omit “*Crown Lands Act 1989*” from the definition of **Eastern and Central Division** in clause 38 (3).

Insert instead “*Crown Land Management Act 2016*”.

**4.35 Forestry Revocation and National Park Reservation Act 1996 No 131**

**[1] Section 9 Special provision as to access roads**

Omit “*Crown Lands Act 1989*” from paragraph (b) of the definition of **private land holding** in section 9 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[2] Section 11 Exclusion of freehold and certain leasehold interests**

Omit section 11 (b).

Insert instead:

(b) under a continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*,

**[3] Schedule 4 Ancillary provisions**

Omit “*Crown Lands Act 1989*” from clause 8 (3) (b).

Insert instead “*Crown Land Management Act 2016*”.

**4.36 Forestry Revocation and National Parks Reservation Act 1983 No 37**

**Schedule 4 Ancillary provisions**

Omit “*Crown Lands Consolidation Act 1913*” from clause 5 (3) (b).

Insert instead “*Crown Land Management Act 2016*”.

**4.37 Forestry Revocation and National Parks Reservation Act 1984 No 85**

**Schedule 5 Ancillary provisions**

Omit “*Crown Lands Consolidation Act 1913*” from clause 6 (3) (b).



Insert instead "*Crown Land Management Act 2016*".

#### **4.38 Funeral Funds Act 1979 No 106**

**[1] Section 34 Trustee under pre-arranged contract to be registered under this Act**

Omit "Crown cemetery trust" from section 34 (2) (b).

Insert instead "Crown cemetery operator".

**[2] Section 40 Payment of money and giving of consideration under pre-paid contract to pre-paid funeral fund**

Omit "Crown cemetery trust" from section 40 (4).

Insert instead "Crown cemetery operator".

#### **4.39 Geographical Names Act 1966 No 13**

**Section 2 Definitions**

Omit "*Crown Lands Act 1989*" wherever occurring in paragraphs (a) and (b) of the definition of **Lands Department map**.

Insert instead "*Crown Land Management Act 2016*".

#### **4.40 Glen Davis Act 1939 No 38**

**[1] Section 9 Surrender of land to the Crown**

Omit "*Crown Lands Consolidation Act 1913*".

Insert instead "*Crown Land Management Act 2016*".

**[2] Section 21 Effect of cancellation of contract and forfeiture of land**

Omit "*Crown Lands Consolidation Act 1913*" from section 21 (2).

Insert instead "*Crown Land Management Act 2016*".

**[3] Section 26A Definitions: Part 5A**

Omit the definition of **Crown lands**. Insert instead:

**Crown land** has the same meaning as in the *Crown Land Management Act 2016*.

**[4] Section 26D Search and notification**

Omit "Crown lands" from section 26D (b) (ii). Insert instead "Crown land".

**[5] Section 26F Minister may declare lands to be Crown land**

Omit “Crown lands”. Insert instead “Crown land”.

**[6] Section 26G Minister may declare lands to be Crown land where rates are overdue**

Omit “Crown lands”. Insert instead “Crown land”.

**[7] Section 26I Search and notification**

Omit “Crown lands” from section 26I (b) (i). Insert instead “Crown land”.

## **4.41 Growth Centres (Development Corporations) Act 1974 No 49**

### **Section 12 Dedication of land**

Omit “*Crown Lands Act 1989*” from section 12 (2) (a).

Insert instead “*Crown Land Management Act 2016*”.

## **4.42 Heritage Act 1977 No 136**

### **Section 59 Making of application**

Omit “*Crown Lands Act 1989*” from section 59 (c).

Insert instead “*Crown Land Management Act 2016*”.

## **4.43 Housing Act 2001 No 52**

### **[1] Section 33 Withdrawal of land from Corporation**

Omit “Crown land reserved under the *Crown Lands Act 1989*” from section 33 (2).

Insert “reserved Crown land within the meaning of the *Crown Land Management Act 2016*”.

### **[2] Section 34 Dedication of land by Corporation for public purposes**

Omit “*Crown Lands Act 1989*” from section 34 (1).

Insert instead “*Crown Land Management Act 2016*”.

### **[3] Section 34 (2)**

Omit “*Crown Lands Act 1989*”.

Insert instead “*Crown Land Management Act 2016*”.

### **[4] Section 38 Definition**

Omit “*Crown Lands Act 1989*”. Insert instead “*Crown Land Management Act 2016*”.

#### **4.44 Land Acquisition (Just Terms Compensation) Act 1991 No 22**

##### **[1] Section 4 Definitions**

Omit the definition of **Crown land** from section 4 (1). Insert instead:

**Crown land** means:

- (a) Crown land within the meaning of the *Crown Land Management Act 2016*, or
- (b) any other land of the Crown or of an authority of the State.

##### **[2] Section 4 (4) (b)**

Omit "*Crown Lands Act 1989*". Insert instead "*Crown Land Management Act 2016*".

#### **4.45 Land Development Contribution Management Act 1970 No 22**

##### **[1] Section 3 Definitions**

Omit the definition of **Crown lands** from section 3 (1). Insert instead:

**Crown land** has the same meaning as in the *Crown Land Management Act 2016*.

##### **[2] Section 7 Time when declared land becomes liable for contribution**

Omit "Crown lands" wherever occurring. Insert instead "Crown land".

#### **4.46 Land and Environment Court Act 1979 No 204**

##### **[1] Section 17 Class 1—environmental planning and protection appeals**

Insert after section 17 (k):

- (l) appeals under section 9.21 of the *Crown Land Management Act 2016*.

##### **[2] Section 19 Class 3—land tenure, valuation, rating and compensation matters**

Omit "*Crown Lands Act 1989*, the *Western Lands Act 1901*" from section 19 (a).

Insert instead "*Crown Land Management Act 2016*".

##### **[3] Section 20 Class 4—environmental planning and protection, development contract and strata renewal plan civil enforcement**

Insert before section 20 (1) (df1):

- (df) proceedings under section 10.32, 11.13 or 11.19 of the *Crown Land Management*

*Act 2016,*

**[4] Section 21 Class 5—environmental planning and protection summary enforcement**

Insert after section 21 (b):

(ba) proceedings under section 11.1 of the *Crown Land Management Act 2016,*

**4.47 Land Tax Management Act 1956 No 26**

**Section 21 Conditional purchases etc**

Omit “*Crown Lands Consolidation Act 1913*, as amended by subsequent Acts,”.

Insert instead “*Crown Land Management Act 2016*”.

**4.48 Law Enforcement (Powers and Responsibilities) Act 2002 No 103**

**Schedule 2 Search warrants under other Acts**

Insert in alphabetical order:

*Crown Land Management Act 2016*, section 10.18

**4.49 Limitation Act 1969 No 31**

**Section 8 Saving of specified enactments**

Omit “section 235B of the *Crown Lands Consolidation Act 1913*” from section 8 (1) (b).

Insert instead “section 13.1 of the *Crown Land Management Act 2016*”.

**4.50 Liquor Regulation 2008**

**Clause 8 Other persons to be notified of application**

Omit “*Crown Lands Act 1989*” from clause 8 (1) (d).

Insert instead “*Crown Land Management Act 2016*”.

**4.51 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005**

**Clause 78 Unconditional exemptions**

Omit “*Crown Lands Act 1989*” from the note.

Insert instead “*Crown Land Management Act 2016*”.

## 4.52 Local Land Services Act 2013 No 51

### [1] Section 61 Definitions

Omit “*Crown Lands Act 1989*” from paragraph (a) of the definition of **travelling stock reserve**.

Insert instead “*Crown Land Management Act 2016*”.

### [2] Section 62 Vesting care, control and management of certain travelling stock reserves in Local Land Services

Omit “*Crown Lands Act 1989*” from section 62 (1).

Insert instead “*Crown Land Management Act 2016*”.

### [3] Section 62 (2), note

Omit the note.

### [4] Section 62 (3)

Omit “Crown Lands Acts”. Insert instead “Crown Land Acts”.

### [5] Section 63 Withdrawal of care, control and management from authority

Omit “*Crown Lands Act 1989*” from section 63 (1).

Insert instead “*Crown Land Management Act 2016*”.

### [6] Section 64 Withdrawal of land required for public purpose from travelling stock reserve

Omit “*Crown Lands Act 1989*” from section 64 (1).

Insert instead “*Crown Land Management Act 2016*”.

### [7] Section 64 (1)

Omit “Crown Lands Acts”. Insert instead “Crown Land Acts”.

### [8] Section 65 Compensation for improvements made before withdrawal

Omit “*Crown Lands Act 1989*” wherever occurring in section 65 (1) and (3).

Insert instead “*Crown Land Management Act 2016*”.

### [9] Section 78 Stock permits authorising certain uses of travelling stock reserves and public roads

Omit “*Crown Lands Act 1989*” from section 78 (3) (b).

Insert instead "*Crown Land Management Act 2016*".

**[10] Section 106 Declaration of stock watering places**

Omit "*Crown Lands Act 1989*" wherever occurring.

Insert instead "*Crown Land Management Act 2016*".

**[11] Section 106 (a)**

Omit "section 135". Insert instead "section 4.2".

**[12] Section 110 Compensation for improvements on former stock watering place**

Omit "*Crown Lands Act 1989*" wherever occurring in section 110 (1) and (3).

Insert instead "*Crown Land Management Act 2016*".

**[13] Section 110 (1)**

Omit "section 135". Insert instead "section 4.2".

**[14] Schedule 5 Sale of land for unpaid money owing to Local Land Services**

Omit "*Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* and the *Western Lands Act 1901*" from clause 14 (2) (c).

Insert instead "*Crown Land Management Act 2016*".

**[15] Dictionary**

Omit "*Crown Lands Act 1989*" from the definition of **Crown land**.

Insert instead "*Crown Land Management Act 2016*".

**[16] Dictionary, definition of "Crown Lands Acts"**

Omit the definition. Insert instead:

**Crown Land Acts** has the same meaning as in the *Crown Land Management Act 2016*.

**[17] Dictionary, definition of "Eastern and Central Division"**

Omit "section 4 of the *Crown Lands Act 1989*".

Insert instead "section 1.6 of the *Crown Land Management Act 2016*".

**[18] Dictionary, definition of "Western Division"**

Omit "section 4 of the *Crown Lands Act 1989*".

Insert instead “section 1.6 of the *Crown Land Management Act 2016*”.

#### **4.53 Local Land Services Regulation 2014**

##### **Clause 59 Unauthorised use of public roads**

Omit “*Crown Lands Act 1989*” from clause 59 (f).

Insert instead “*Crown Land Management Act 2016*”.

#### **4.54 Lord Howe Island Act 1953 No 39**

##### **Section 38 Regulations**

Omit “*Crown Lands Consolidation Act 1913* as amended by subsequent Acts” from section 38 (2) (d).

Insert instead “*Crown Land Management Act 2016*”.

#### **4.55 Lord Howe Island Regulation 2014**

##### **Clause 47 Fees**

Omit “Section 184 (1) (c) of the *Crown Lands Act 1989*”.

Insert instead “Section 13.5 (2) (b) of the *Crown Land Management Act 2016*”.

#### **4.56 Marine Estate Management Act 2014 No 72**

##### **[1] Section 4 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land** in section 4 (1).

Insert instead “*Crown Land Management Act 2016*”.

##### **[2] Section 23 Declaration of marine parks**

Omit “*Crown Lands Act 1989*” from section 23 (4) (a).

Insert instead “*Crown Land Management Act 2016*”.

##### **[3] Section 30 Dealings in relation to certain land leases within marine park**

Omit “*Crown Lands Act 1989*” wherever occurring.

Insert instead “*Crown Land Management Act 2016*”.

##### **[4] Section 35 Consent required for declarations**

Omit “*Crown Lands Act 1989*” from section 35 (3) (a).

Insert instead “*Crown Land Management Act 2016*”.

**[5] Section 46 Relationship of management rules with plans of management**

Omit “*Crown Lands Act 1989*”. Insert instead “*Crown Land Management Act 2016*”.

## **4.57 Mining Regulation 2016**

**[1] Clause 70 Protected documents not admissible in certain proceedings or otherwise protected**

Omit clause 70 (2) (l).

**[2] Schedule 5 Other relevant legislation**

Insert “*Crown Land Management Act 2016*” in alphabetical order under the heading “**New South Wales legislation**”.

**[3] Schedule 5, New South Wales legislation**

Omit “*Western Lands Act 1901*”.

## **4.58 Motor Sports (World Rally Championship) Act 2009 No 55**

### **Section 16**

Omit the section. Insert instead:

#### **16 Application of Crown Land Management Act 2016**

- (1) Nothing in the *Crown Land Management Act 2016* or an instrument made under that Act, including any by-law or plan of management for Crown managed land, prevents or restricts the use of the land for anything that is authorised, permitted or required by or under this Act.
- (2) In this section, **Crown managed land** has the same meaning as in the *Crown Land Management Act 2016*.

## **4.59 National Park Estate (Lower Hunter Region Reservations) Act 2006 No 90**

**[1] Section 3 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land** in section 3 (1).

Insert instead “*Crown Land Management Act 2016*”.



**[2] Section 8 Vesting in NPW Minister of certain Crown land or former State forests**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act)” from section 8 (2).

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

**[3] Schedule 7 Land transfers—ancillary and special provisions**

Omit “perpetual lease, a special lease or a term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989*” from clause 1 (1) (b).

Insert instead “continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

**[4] Schedule 7, clause 1 (1) (c)**

Omit “incomplete purchase within the meaning of the *Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “incomplete purchase within the meaning of the *Crown Land Management Act 2016* if the land was formerly under a lease of the kind referred to in paragraph (b)”.

**[5] Schedule 7, clause 5 (1), definition of “private land holding”**

Omit “*Crown Lands Act 1989*” from paragraph (b).

Insert instead “*Crown Land Management Act 2016*”.

**[6] Schedule 7, clause 9 (2)**

Omit “*Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “*Crown Land Management Act 2016*”.

**[7] Schedule 7, clause 9 (3)**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or rights or interests arising under an incomplete purchase within the meaning of that Act)”.

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

## 4.60 National Park Estate (Reservations) Act 2003 No 24

### [1] Section 7 Vesting in NPW Minister of certain former State forests

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act)” from section 7 (2).

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

### [2] Schedule 5 Land transfers—ancillary and special provisions

Omit “perpetual lease, a special lease or a term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989*” from clause 1 (1) (b).

Insert instead “continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

### [3] Schedule 5, clause 1 (1) (c)

Omit “incomplete purchase within the meaning of the *Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “incomplete purchase within the meaning of the *Crown Land Management Act 2016* if the land was formerly under a lease of the kind referred to in paragraph (b)”.

### [4] Schedule 5, clause 5 (2)

Omit “*Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “*Crown Land Management Act 2016*”.

### [5] Schedule 5, clause 5 (3)

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or rights or interests arising under an incomplete purchase within the meaning of that Act)”.

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

### [6] Schedule 7, clause 6 (1), definition of “private land holding”

Omit “*Crown Lands Act 1989*” from paragraph (b).

Insert instead “*Crown Land Management Act 2016*”.

#### **4.61 National Park Estate (Reservations) Act 2005 No 84**

##### **[1] Section 3 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land** in section 3 (1).

Insert instead “*Crown Land Management Act 2016*”.

##### **[2] Section 7 Vesting in NPW Minister of certain former State forests**

Omit “perpetual lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989*” from section 7 (2).

Insert instead “continued perpetual lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

##### **[3] Section 8**

Omit the section. Insert instead:

#### **8 Former State forests to be subject to Crown Land Management Act 2016**

Any land described in Schedule 4 that was Crown land immediately before the repeal of the *Crown Lands Act 1989* continues to be Crown land that is subject to the *Crown Land Management Act 2016*.

##### **[4] Section 10 Adjustment of description of land transferred to national park estate**

Omit “*Crown Lands Act 1989*” from section 10 (4) (c).

Insert instead “*Crown Land Management Act 2016*”.

##### **[5] Schedule 4, heading**

Omit the heading. Insert instead:

Schedule 4 **State forests subject to Crown Land Management Act 2016**

##### **[6] Schedule 6 Land transfers—ancillary and special provisions**

Omit “perpetual lease, a special lease or a term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989*” from clause 1 (1) (b).

Insert instead “continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

##### **[7] Schedule 6, clause 1 (1) (c)**

Omit “incomplete purchase within the meaning of the *Crown Lands (Continued Tenures)*”

*Act 1989*".

Insert instead "incomplete purchase within the meaning of the *Crown Land Management Act 2016* if the land was formerly under a lease of the kind referred to in paragraph (b)".

**[8] Schedule 6, clause 1 (2)**

Omit "*Crown Lands Act 1989*". Insert instead "*Crown Land Management Act 2016*".

**[9] Schedule 6, clause 5 (1), definition of "private land holding"**

Omit "*Crown Lands Act 1989*" from paragraph (b).

Insert instead "*Crown Land Management Act 2016*".

**[10] Schedule 6, clause 8 (1)**

Omit "perpetual leases (within the meaning of the *Crown Lands (Continued Tenures) Act 1989*)".

Insert instead "continued perpetual leases (within the meaning of Schedule 1 to the *Crown Land Management Act 2016*)".

**[11] Schedule 6, clause 8 (2)**

Omit "*Crown Lands (Continued Tenures) Act 1989*".

Insert instead "*Crown Land Management Act 2016*".

**[12] Schedule 6, clause 9**

Omit "*Crown Lands Act 1989*" wherever occurring.

Insert instead "*Crown Land Management Act 2016*".

**[13] Schedule 6, clause 10 (1) and (3)**

Omit "*Crown Lands Act 1989*" wherever occurring.

Insert instead "*Crown Land Management Act 2016*".

## **4.62 National Park Estate (Riverina Red Gum Reservations) Act 2010 No 22**

**[1] Section 3 Definitions**

Omit "*Crown Lands Act 1989*" from the definition of **Crown land** in section 3 (1).

Insert instead "*Crown Land Management Act 2016*".

**[2] Section 7 Vesting in NPW Minister of former State forests land on 1 July 2010**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act)” from section 7 (2) (a).

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

**[3] Section 7 (2) (b)**

Omit “lease under the *Western Lands Act 1901*”.

Insert instead “Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*”.

**[4] Section 9**

Omit the section. Insert instead:

**9 Former State forests to be subject to *Crown Land Management Act 2016***

Any land described in Schedule 5 that was Crown land immediately before the repeal of the *Crown Lands Act 1989* continues to be Crown land that is subject to the *Crown Land Management Act 2016*.

**[5] Section 10 Vesting in NPW Minister of former State forests on 1 July 2010 for transfer to Aboriginal ownership**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act)” from section 10 (3) (a).

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)”.

**[6] Section 10 (3) (b)**

Omit “lease under the *Western Lands Act 1901*”.

Insert instead “Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*”.

**[7] Section 13 Adjustment of description of land transferred to national park estate**

Omit “*Crown Lands Act 1989*” from section 13 (4) (b).

Insert instead “*Crown Land Management Act 2016*”.

**[8] Schedule 5**

Omit the heading. Insert instead:

Schedule 5 **State forests that became Crown land on 1 July 2010**

**[9] Schedule 9 Land transfers—ancillary and special provisions**

Omit “perpetual lease, a special lease or a term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989*” from clause 1 (1) (b).

Insert instead “continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

**[10] Schedule 9, clause 1 (1) (c)**

Omit “lease under the *Western Lands Act 1901*”.

Insert instead “Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*”.

**[11] Schedule 9, clause 1 (1) (d)**

Omit “incomplete purchase within the meaning of the *Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “incomplete purchase within the meaning of the *Crown Land Management Act 2016* if the land was formerly under a lease of the kind referred to in paragraph (b) or (c)”.

**[12] Schedule 9, clause 5 (1), definition of “private land holding”**

Omit “*Crown Lands Act 1989*” from paragraph (b).

Insert instead “*Crown Land Management Act 2016*”.

**[13] Schedule 9, clause 8 (2)**

Omit “*Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*”.

Insert instead “*Crown Land Management Act 2016*”.

**[14] Schedule 9, clause 8 (3)**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Land (Continued Tenures) Act 1989* (or rights or interests arising under an incomplete purchase

within the meaning of that Act) or a lease under the *Western Lands Act 1901*".

Insert instead "continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind) or a Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*".

#### **4.63 National Park Estate (South-Western Cypress Reservations) Act 2010 No 112**

##### **[1] Section 3 Definitions**

Omit "*Crown Lands Act 1989*" from the definition of **Crown land**.

Insert instead "*Crown Land Management Act 2016*".

##### **[2] Section 7**

Omit the section. Insert instead:

#### **7 Former State forests subject to Crown Land Management Act 2016**

Any land described in Schedule 3 that was Crown land immediately before the repeal of the *Crown Lands Act 1989* continues to be Crown land that is subject to the *Crown Land Management Act 2016*.

##### **[3] Section 10 Vesting in NPW Minister of former State forests on 1 January 2011**

Omit "perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or from rights or interests arising under an incomplete purchase within the meaning of that Act)" from section 10 (2) (a).

Insert instead "continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or from rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind)".

##### **[4] Section 10 (2) (b)**

Omit "lease under the *Western Lands Act 1901*".

Insert instead "Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*".

##### **[5] Section 11 Revocation in Murramarang National Park relating to Merry Beach Caravan**

**Park**

Omit “*Crown Lands Act 1989*” from section 11 (2).

Insert instead “*Crown Land Management Act 2016*”.

**[6] Section 15 Adjustment of description of land transferred to national park estate**

Omit “*Crown Lands Act 1989*” from section 15 (4) (c).

Insert instead “*Crown Land Management Act 2016*”.

**[7] Schedule 3**

Omit the heading. Insert instead:

Schedule 3 **State forests that became Crown land on 1 January 2011**

**[8] Schedule 8 Land transfers—ancillary and special provisions**

Omit “perpetual lease, a special lease or a term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989*” from clause 1 (1) (b).

Insert instead “continued perpetual lease, a continued special lease or a continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016*”.

**[9] Schedule 8, clause 1 (1) (c)**

Omit “lease under the *Western Lands Act 1901*”.

Insert instead “Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*”.

**[10] Schedule 8, clause 1 (1) (d)**

Omit “incomplete purchase within the meaning of the *Crown Lands (Continued Tenures) Act 1989*”.

Insert instead “incomplete purchase within the meaning of the *Crown Land Management Act 2016* if the land was formerly under a lease of the kind referred to in paragraph (b) or (c)”.

**[11] Schedule 8, clause 5 (1), definition of “private land holding”**

Omit “*Crown Lands Act 1989*” from paragraph (b).

Insert instead “*Crown Land Management Act 2016*”.

**[12] Schedule 8, clause 8 (2)**

Omit “*Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*”.



Insert instead “*Crown Land Management Act 2016*”.

**[13] Schedule 8, clause 8 (3)**

Omit “perpetual lease, special lease or term lease within the meaning of the *Crown Lands (Continued Tenures) Act 1989* (or rights or interests arising under an incomplete purchase within the meaning of that Act) or a lease under the *Western Lands Act 1901*”.

Insert instead “continued perpetual lease, continued special lease or continued term lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* (or rights or interests arising under an incomplete purchase within the meaning of that Act of land that was formerly under a lease of that kind) or a Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*”.

**[14] Schedule 8, clause 9**

Omit “Part 5 of the *Crown Lands Act 1989*”.

Insert instead “the *Crown Land Management Act 2016*”.

## **4.64 Native Title (New South Wales) Act 1994 No 45**

### **Section 104A Saving of native title rights and interests with respect to national parks and other reservations, dedications or declarations**

Insert “the *Crown Land Management Act 2016*,” after “the *Crown Lands Act 1989*,” in section 104A (3).

## **4.65 Native Vegetation Regulation 2013**

### **Clause 3 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Western Division** in clause 3 (1).

Insert instead “*Crown Land Management Act 2016*”.

## **4.66 Non-Indigenous Animals Regulation 2012**

### **Clause 40 Keeping of certain camels without the authority of a licence**

Omit “established under the *Crown Lands Act 1989*” from clause 40 (b).

Insert instead “within the meaning of the *Crown Land Management Act 2016*”.

## **4.67 Noxious Weeds Act 1993 No 11**

### **[1] Section 35 What are the local control authorities?**

Omit section 35 (2). Insert instead:

- (2) The local control authority for land within the Western Division that is not within a local government area is the person appointed under this section for that purpose.

**[2] Section 35 (4)-(6)**

Insert after section 35 (3):

- (4) The Minister may appoint a person to be the local control authority for the purposes of subsection (2) for land within the Western Division that is not within a local government area.
- (5) The Minister may revoke an appointment under subsection (4) at any time or for any reason.
- (6) A person appointed under subsection (2) (except a person who is an employee of a government sector agency within the meaning of the *Government Sector Employment Act 2013*) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

**[3] Dictionary**

Insert “(as in force immediately before its repeal)” after “*Hay Irrigation Act 1902*” and “*Wentworth Irrigation Act 1890*” in paragraph (a) of the definition of **irrigation area**.

**[4] Dictionary, definition of “Western Division”**

Omit the definition. Insert instead:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

## **4.68 Parramatta Park Trust Act 2001 No 17**

### **Section 8 Vesting of principal trust lands at Parramatta in the Trust**

Omit “*Crown Lands Act 1989*” from section 8 (3) (a).

Insert instead “*Crown Land Management Act 2016*”.

## **4.69 Passenger Transport Regulation 2007**

### **Clause 3 Definitions**

Omit “*Crown Lands Act 1989*” from the definition of **Western Division** in clause 3 (1).

Insert instead “*Crown Land Management Act 2016*”.

## 4.70 Petroleum (Onshore) Act 1991 No 84

### [1] Section 3 Definitions

Omit paragraphs (c) and (d) of the definition of **landholder** in section 3 (1).

Insert instead:

(c) the holder of a lease or licence under the *Crown Land Management Act 2016* over the land, or

(d) the holder of a continued incomplete tenure purchase under Schedule 1 to the *Crown Land Management Act 2016* in the land, or

### [2] Section 3 (1), definition of “landholder”

Omit paragraph (f).

### [3] Section 3 (1), definition of “landholder”

Omit “*Crown Lands Act 1989*” from paragraph (g) (iii).

Insert instead “*Crown Land Management Act 2016*”.

### [4] Section 106 Rights of way over land

Insert “(as in force immediately before its repeal)” after “*Crown Lands Act 1989*” in section 106 (4) (a).

### [5] Section 106 (4) (a1)

Omit “section 13 of the *Crown Lands Act 1989*”.

Insert instead “the *Crown Land Management Act 2016*”.

## 4.71 Petroleum (Onshore) Regulation 2016

### Clause 18 Protected voluntary audit documents not admissible in certain proceedings or otherwise protected: section 83K

Omit clause 18 (2) (l).

## 4.72 Pipelines Act 1967 No 90

### Section 3 Definitions

Omit “and includes the *Returned Soldiers Settlement Act 1916*, the Closer Settlement Acts and the *Western Lands Act 1901*” from the definition of **Crown Lands Acts** in section 3 (1).

## 4.73 Pipelines Regulation 2013

### Clause 5 Applications for authorities to survey

Omit “*Crown Lands Act 1989*” from clause 5 (1) (b) (ii).

Insert instead “*Crown Land Management Act 2016*”.

## 4.74 Place Management NSW Act 1998 No 170

### Section 21 Dedication of land

Omit “*Crown Lands Act 1989*” from section 21 (2) (a).

Insert instead “*Crown Land Management Act 2016*”.

## 4.75 Plantations and Reafforestation Act 1999 No 97

### [1] Section 12 Determination of applications for authorisation

Omit section 12 (3) (b). Insert instead:

- (b) to the Minister administering the *Crown Land Management Act 2016*, in respect of plantation operations to be carried out on a Crown road (within the meaning of Division 5.8 of that Act) that is unformed.

### [2] Section 54 Plantation operations on unformed Crown roads

Omit “road (within the meaning of Division 6 of Part 4 of the *Crown Lands Act 1989*)” from section 54 (1).

Insert instead “Crown road (within the meaning of Division 5.8 of the *Crown Land Management Act 2016*)”.

## 4.76 Port Kembla Inner Harbour Construction and Agreement Ratification Act 1955 No 43

### [1] Section 12 Determination of rental by Secretary

Omit “Director-General” and “Director-General’s” wherever occurring (except in section 12 (4)).

Insert instead “Secretary” and “Secretary’s”, respectively.

### [2] Section 12 (4)

Omit the definition of **Director-General**. Insert instead:

**Secretary** has the same meaning as in the *Crown Land Management Act 2016*.

## 4.77 Probate and Administration Act 1898 No 13

### Section 75A Delegation

Omit “*Crown Lands Act 1989*” from section 75A (2) (b).

Insert instead “*Crown Land Management Act 2016*”.

## 4.78 Property NSW Act 2006 No 40

### [1] Section 14 Dedication of land

Omit “*Crown Lands Act 1989*” from section 14 (2) (a).

Insert instead “*Crown Land Management Act 2016*”.

### [2] Section 19 Transfer of additional property to Property NSW—amendment of Schedule 1

Omit “land reserved under Part 5 of the *Crown Lands Act 1989*” from section 19 (3) (d).

Insert instead “Crown managed land within the meaning of the *Crown Land Management Act 2016*”.

### [3] Section 20A

Insert after section 20:

#### **20A Transfers operate to revoke existing reservations or dedications**

- (1) This section applies to Crown land within the meaning of the *Crown Land Management Act 2016*.
- (2) The vesting of Crown land under this Act revokes any dedication or reservation of the land under the *Crown Land Management Act 2016*.
- (3) This section extends to any Crown land vested under this Act before the commencement of this section that was dedicated or reserved under the *Crown Lands Act 1989*.
- (4) Accordingly, any dedication or reservation of land to which subsection (2) refers is taken to have been revoked on the vesting of the land.

## 4.79 Protection of the Environment Operations Act 1997 No 156

### Dictionary

Omit “Western Lands Commissioner” from paragraph (c) of the definition of **local**

**authority.**

Insert instead “Environment Protection Authority”.

## **4.80 Public Health Act 2010 No 127**

### **[1] Section 5 Definitions**

Omit paragraph (b) of the definition of **area** in section 5 (1). Insert instead:

(b) in relation to a person appointed under section 5A, the part of the Western Division that is not within the area of a council, or

### **[2] Section 5 (1), definition of “local government authority”**

Omit paragraph (b). Insert instead:

(b) the person appointed under section 5A, or

### **[3] Section 5 (1)**

Insert in alphabetical order:

**Western Division** means that part of the State that is the Western Division within the meaning of the [Crown Land Management Act 2016](#).

### **[4] Section 5A**

Insert after section 5:

#### **5A Local government authority for Western Division**

- (1) The Minister may appoint a person to be the local government authority for the purposes of this Act for land within the Western Division that is not within the area of a council.
- (2) The Minister may revoke an appointment under this section at any time or for any reason.
- (3) A person appointed under this section (except a person who is an employee of a government sector agency within the meaning of the [Government Sector Employment Act 2013](#)) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

## **4.81 Public Works and Procurement Act 1912 No 45**

### **[1] Section 141 Constructing Authority entitled to minerals**

Omit “Her Majesty” wherever occurring in section 141 (2) (b) and (3).

Insert instead “the Crown”.

### **[2] Section 141 (6)**

Omit “vested in Her Majesty as Crown land within the meaning of the *Crown Lands Consolidation Act 1913*, as amended by subsequent Acts, or land that is reserved under section 25A of that Act, as so amended,” and “Her Majesty and minerals”.

Insert instead “vested in the Crown as Crown land within the meaning of the *Crown Land Management Act 2016* or land subject to a declaration under section 25A of the *Crown Lands Consolidation Act 1913*,” and “the Crown and minerals”, respectively.

## **4.82 Real Property Act 1900 No 25**

### **[1] Section 13 Application of this Part**

Omit “Crown Lands Acts (as defined in the *Crown Lands Act 1989*)” from section 13 (2).

Insert instead “Crown Land Acts (as defined in the *Crown Land Management Act 2016*)”.

### **[2] Section 13B Bringing of perpetual leases of Crown land under Act**

Omit section 13B (2) (b). Insert instead:

(b) is not the subject of a Western lands lease within the meaning of Schedule 3 to the *Crown Land Management Act 2016*,

### **[3] Section 13F Treatment of instruments not in approved form**

Omit “the Western Lands Commissioner, the Department of Industry and Investment” from section 13F (1) (c).

Insert instead “the Department of Industry”.

### **[4] Section 13H Land that becomes Crown land**

Omit “*Crown Lands Act 1989*” from section 13H (1).

Insert instead “*Crown Land Management Act 2016*”.

### **[5] Section 13K Conversions, purchases, extensions of term, subdivisions etc**

Omit section 13K (2A). Insert instead:

(2A) If, in connection with the sale of Crown land under Part 5 of the *Crown Land Management Act 2016* or the grant of a purchase application within the meaning of Schedule 4 to that Act, the Minister administering that Act imposes a restriction on use or public positive covenant under Division 5.10 of that Act, the Registrar-General is to record the restriction on use or covenant in the relevant folio of the Register.

**[6] Section 13KA Treatment of instruments affecting land dealt with under section 13K**

Omit “the Western Lands Commissioner, the Department of Industry and Investment” from section 13KA (1) (c).

Insert instead “the Department of Industry”.

**[7] Section 13M Registration of instruments executed before creation of folio**

Omit “the Western Lands Commissioner” from section 13M (2).

Insert instead “the Department of Industry”.

**[8] Section 36A Notification of permits, licences and permissive occupancies affecting Crown land**

Omit the definitions of **enclosure permit**, **licence** and **permissive occupancy** from section 36A (1).

Insert in alphabetical order:

**continued permissive occupancy** means a continued permissive occupancy within the meaning of Schedule 1 to the *Crown Land Management Act 2016*.

**enclosure permit** means an enclosure permit under the *Crown Land Management Act 2016* to enclose a road or watercourse or part of a road or watercourse.

**licence** means a licence under the *Crown Land Management Act 2016* authorising the use or occupation of Crown land.

**[9] Section 36A (2)**

Omit “permissive occupancy” from section 36A (2).

Insert instead “continued permissive occupancy”.

**[10] Section 43B Statutory restrictions on alienation etc**

Omit the definitions of **land** and **statutory restriction** from section 43B (1).

Insert in alphabetical order:



**land** does not include Crown managed land within the meaning of the *Crown Land Management Act 2016*.

**statutory restriction** means a limitation or restriction upon the disposition or devolution of land imposed by or under the Crown Land Acts (within the meaning of the *Crown Land Management Act 2016*) or any other Act relating to the alienation of land of the Crown.

**[11] Section 45B Definitions**

Omit “section 170 of the *Crown Lands Act 1989*” from section 45B (2).

Insert instead “section 13.1 of the *Crown Land Management Act 2016*”.

**[12] Section 105A Effect of recording writ**

Omit “Crown Lands Acts” from section 105A (1) (r).

Insert instead “*Crown Land Management Act 2016*”.

**[13] Schedule 2**

Omit “*Western Lands Act 1901*”.

## **4.83 Residential Tenancies Act 2010 No 42**

### **Section 8 Agreements to which Act does not apply**

Omit “the *Crown Lands Act 1989*, the *Western Lands Act 1901* or the *Crown Lands (Continued Tenures) Act 1989*,” from section 8 (1) (e).

Insert instead “the *Crown Land Management Act 2016*,”.

## **4.84 Restricted Premises Act 1943 No 6**

### **[1] Section 17 Application to Land and Environment Court for premises not to be used as brothel**

Omit section 17 (6) (b). Insert instead:

(b) in relation to such part of the land in the Western Division as is not in a local government area—as a reference to a person appointed under subsection (6A), and

### **[2] Section 17 (6A)-(6C)**

Insert after section 17 (6):

(6A) The Minister may appoint a person to exercise the functions of a local council for

the purposes of this section for land within the Western Division that is not within a local government area.

(6B) The Minister may revoke an appointment under subsection (6A) at any time or for any reason.

(6C) A person appointed under subsection (6A) (except a person who is an employee of a government sector agency within the meaning of the *Government Sector Employment Act 2013*) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

### [3] Section 17 (7)

Insert in alphabetical order:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

## 4.85 Roman Catholic Church Trust Property Act 1936 No 24

### Section 14 Validation of grants

Omit section 14 (2).

## 4.86 Royal Botanic Gardens and Domain Trust Act 1980 No 19

### Section 19 Vesting of certain land in Trust

Omit “Crown lands, within the meaning of the *Crown Lands Consolidation Act 1913*,” from section 19 (1B) (a).

Insert instead “Crown land, within the meaning of the *Crown Land Management Act 2016*,”.

## 4.87 Rural Assistance Act 1989 No 97

### Section 3 Definitions

Omit paragraph (a) of the definition of **Crown Lands Acts** in section 3 (1). Insert instead:

(a) the Crown Land Acts within the meaning of the *Crown Land Management Act 2016*,  
or

## 4.88 Rural Fires Act 1997 No 65

### [1] Section 6 Rural fire districts

Omit the note to section 6 (1). Insert instead:

**Note—**

The Dictionary defines **area** of a local authority. The area of a council is land within the local government area of the council. The area of the person appointed under section 7A is that part of the Western Division that is not within the local government area of a council. The area of the Lord Howe Island Board is Lord Howe Island.

### [2] Section 7A

Insert after section 7:

#### **7A Local authority for Western Division**

- (1) The Minister may appoint a person to be the local authority for the purposes of this Act for land within the Western Division that is not within a local government area.
- (2) The Minister may revoke an appointment under this section at any time or for any reason.
- (3) A person appointed under this section (except a person who is an employee of a government sector agency within the meaning of the *Government Sector Employment Act 2013*) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

### [3] Dictionary

Omit "*Crown Lands Act 1989*" where firstly occurring in the definition of **Crown land**.

Insert instead "*Crown Land Management Act 2016*".

### [4] Dictionary, definition of "Crown land"

Omit the note.

### [5] Dictionary, definition of "local authority"

Omit paragraph (b). Insert instead:

- (b) in relation to land within the Western Division (other than land referred to in paragraph (a))—the person appointed under section 7A, or

**[6] Dictionary, definition of “Western Division”**

Omit the definition. Insert instead:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

## **4.89 Saint Andrew’s College Act 1998 No 15**

### **Section 9 Dealings with Crown land**

Omit “*Crown Lands Act 1989*”. Insert instead “*Crown Land Management Act 2016*”.

## **4.90 Soil Conservation Act 1938 No 10**

### **[1] Section 3 Definitions**

Omit the definition of **Crown lands** from section 3 (1). Insert instead:

**Crown land** means Crown land within the meaning of the *Crown Land Management Act 2016*.

### **[2] Section 3 (1), definition of “Owner”**

Omit “Crown Lands Acts” wherever occurring. Insert instead “Crown Land Acts”.

### **[3] Section 15H**

Omit the section. Insert instead:

#### **15H Western lands leases**

- (1) Nothing in this Part authorises the service of a notice on the lessee or occupier of, or the holder or grantee of any timber rights over, a Western lands lease (within the meaning of Schedule 3 to the *Crown Land Management Act 2016*).
- (2) If the Commissioner is of the opinion that a notice under section 15A would have been served in respect of an area of land leased under a Western lands lease if the land were not so leased, the Commissioner may notify the Minister administering the *Crown Land Management Act 2016* of the requirements that would have been included in such a notice.
- (3) The Minister administering the *Crown Land Management Act 2016* may, under the authority of that Act, attach conditions to, or give directions under a condition attaching to, a Western lands lease for the purpose of achieving compliance with such of the requirements notified to the Minister administering

the *Crown Land Management Act 2016* in respect of the land leased as have been agreed to by the Minister administering the *Crown Land Management Act 2016*.

**[4] Section 17 Areas of erosion hazard**

Omit “Crown lands” from section 17 (8). Insert instead “Crown land”.

**[5] Section 28**

Omit the section. Insert instead:

**28 Alteration of covenants etc of certain leases**

- (1) This section applies to the following leases:
  - (a) a continued perpetual lease within the meaning of Schedule 1 to the *Crown Land Management Act 2016* that was formerly a homestead selection,
  - (b) any other lease under the *Crown Land Management Act 2016* (except a lease within an area that was an irrigation area within the meaning of the *Crown Lands Act 1989* immediately before its repeal).
- (2) If the Minister is satisfied that compliance with any covenant, condition or provision of a lease to which this section applies would tend to cause erosion of any land, the Minister may advise the Minister for Lands and Forestry that this is the case.
- (3) If the Minister has advised under subsection (2), the Minister may vary, modify, revoke or add to the covenants, conditions or provisions by:
  - (a) before a folio is created in the Register kept under the *Real Property Act 1900* in respect of the lease—giving a written direction that the covenant, condition or provision of the lease ceases to attach or apply to the lease on the creation of the folio, or
  - (b) after a folio in the Register is created in respect of the lease—giving a written direction that the covenant, condition or provision of the lease ceases to attach or apply to the lease from the date of the direction.
- (4) The Registrar-General must give effect to the direction.

**4.91 Surveying and Spatial Information Regulation 2012**

**[1] Clause 45 First survey of boundary of land adjoining Crown reserve or Crown road**

Omit “*Crown Lands Act 1989*” wherever occurring in clause 45 (3) and (4).

Insert instead “*Crown Land Management Act 2016*”.

**[2] Clause 45 (6)**

Omit the definition of **Crown reserve**. Insert instead:

**Crown reserve** means Crown managed land within the meaning of the *Crown Land Management Act 2016*.

**[3] Clause 46 First survey of mean-high water mark boundary or bank**

Omit “*Crown Lands Act 1989*” wherever occurring in clause 46 (2) and (3).

Insert instead “*Crown Land Management Act 2016*”.

**[4] Clause 48 Changes in boundaries formed by tidal waters**

Omit “*Crown Lands Act 1989*” wherever occurring in clause 48 (4) (a) and (5).

Insert instead “*Crown Land Management Act 2016*”.

## **4.92 Swimming Pools Act 1992 No 49**

**[1] Section 3 Definitions**

Omit paragraph (b) of the definition of **area** in section 3 (1). Insert instead:

(b) an area within the Western Division that is not within the area of a council within the meaning of the *Local Government Act 1993*, or

**[2] Section 3 (1), definition of “local authority”**

Omit paragraph (b). Insert instead:

(b) in relation to premises that are situated within an area within the Western Division that is not within the area of a council within the meaning of the *Local Government Act 1993*—the person appointed under section 3A, or

**[3] Section 3 (1)**

Insert in alphabetical order:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

**[4] Section 3A**

Insert after section 3:

**3A Local authority for Western Division**

- (1) The Minister may appoint a person to be the local authority for the purposes of this Act for land within the Western Division that is not the area of a council.
- (2) The Minister may revoke an appointment under this section at any time or for any reason.
- (3) A person appointed under this section (except a person who is an employee of a government sector agency within the meaning of the *Government Sector Employment Act 2013*) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

**4.93 Sydney Olympic Park Authority Act 2001 No 57**

**[1] Section 53 Dedication of land**

Omit "*Crown Lands Act 1989*" from section 53 (2) (a).

Insert instead "*Crown Land Management Act 2016*".

**[2] Section 81 Amendment of Schedule 3**

Omit "*Crown Lands Act 1989*" from section 81 (a).

Insert instead "*Crown Land Management Act 2016*".

**4.94 Sydney Water Act 1994 No 88**

**Section 3 Definitions**

Omit "*Crown Lands Act 1989*" from paragraph (b) of the definition of **owner** in section 3 (2).

Insert instead "*Crown Land Management Act 2016*".

**4.95 Technical and Further Education Commission Act 1990 No 118**

**Section 26 Grant or transfer of certain land to the TAFE Commission**

Omit "*Crown Lands Act 1989*" from section 26 (1) (a).

Insert instead "*Crown Land Management Act 2016*".

## **4.96 The Presbyterian Church (New South Wales) Property Trust Act 1936**

### **Section 14A Validation of grants**

Omit section 14A (2).

## **4.97 Threatened Species Conservation Act 1995 No 101**

### **[1] Section 4 Definitions**

Omit “*Crown Lands Act 1989*” from paragraph (a) (ii) of the definition of **owner** in section 4 (1).

Insert instead “*Crown Land Management Act 2016*”.

### **[2] Section 4 (1), paragraph (b) of the definition of “owner”**

Omit “*Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*”.

Insert instead “*Crown Land Management Act 2016*”.

### **[3] Section 126L Conservation measures**

Omit section 126L (1) (k). Insert instead:

- (k) the adoption of a plan of management (whether under the *Crown Land Management Act 2016* or the *Local Government Act 1993*) for Crown managed land within the meaning of the *Crown Land Management Act 2016*,

### **[4] Section 126ZH Biodiversity certification agreements**

Omit “*Crown Lands Act 1989*” from section 126ZH (4).

Insert instead “*Crown Land Management Act 2016*”.

### **[5] Section 127F General provisions relating to biobanking agreements**

Omit “*Crown Lands Act 1989*” from section 127F (5).

Insert instead “*Crown Land Management Act 2016*”.

## **4.98 Threatened Species Conservation (Biodiversity Banking) Regulation 2008**

### **Clause 4 Creation of biodiversity credits in respect of land with existing conservation**



**obligations**

Omit “Part 4A of the *Crown Lands Act 1989*” from clause 4 (1) (a).

Insert instead “the *Crown Land Management Act 2016*”.

## **4.99 Trees (Disputes Between Neighbours) Act 2006 No 126**

### **Section 3 Definitions**

Omit “*Crown Lands Act 1989*, and includes land dedicated for a public purpose under Part 5 of that Act” from the definition of **Crown land** in section 3 (1).

Insert instead “*Crown Land Management Act 2016*”.

## **4.100 Trustee Act 1925 No 14**

### **[1] Section 9 Vesting**

Omit “*Crown Lands Act 1989*” from section 9 (3A).

Insert instead “*Crown Land Management Act 2016*”.

### **[2] Section 78 Effect of vesting order**

Omit “*Crown Lands Act 1989*” from section 78 (4).

Insert instead “*Crown Land Management Act 2016*”.

## **4.101 Tweed River Entrance Sand Bypassing Act 1995 No 55**

### **Section 9 Carrying out of the works**

Omit “*Crown Lands Act 1989*” wherever occurring in section 9 (5).

Insert instead “*Crown Land Management Act 2016*”.

## **4.102 Valuation of Land Act 1916 No 2**

### **[1] Section 4 Definitions**

Omit the definition of **Western Division** from section 4 (1). Insert instead:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

### **[2] Section 14A Valuer-General to ascertain land values**

Omit “Western Lands Commissioner” from section 14A (2) (b).

Insert instead “Secretary of the Department of Industry”.

**[3] Section 14C Valuation of land in the Western Division**

Omit “lease under the *Western Lands Act 1901*” from section 14C (1) (a).

Insert instead “Western lands lease (within the meaning of Schedule 3 to the *Crown Land Management Act 2016*)”.

**[4] Section 14C (1) (b)**

Omit “*Western Lands Act 1901*”.

Insert instead “*Crown Land Management Act 2016*”.

**[5] Section 14I Valuing Crown lease restricted land**

Omit section 14I (2) (a) and (b). Insert instead:

(a) a holding or enclosure permit within the meaning of the *Crown Land Management Act 2016*,

(b) a continued permissive occupancy within the meaning of Schedule 1 to the *Crown Land Management Act 2016*,

## **4.103 Voluntary Workers (Soldiers’ Holdings) Act 1917 No 25**

### **Section 7A Surrender by Public Trustee of certain lands**

Omit “*Crown Lands Consolidation Act 1913*” from section 7A (2).

Insert instead “*Crown Land Management Act 2016*”.

## **4.104 Water Act 1912 No 44**

### **[1] Whole Act (except section 4)**

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

### **[2] Section 4 Definitions**

Omit the definitions of **Crown lands** and **Director-General**.

Insert in alphabetical order, respectively:

**Crown land** has the same meaning as in the *Crown Land Management Act 2016*.

**Secretary** has the same meaning as in the *Crown Land Management Act 2016*.

**[3] Section 4, definition of “Western Division”**

Omit the definition. Insert instead:

**Western Division** means that part of the State that is the Western Division within the meaning of the *Crown Land Management Act 2016*.

**[4] Section 126 Appeal**

Omit “Crown Lands Acts”. Insert instead “Crown Land Acts”.

**[5] Section 196 Evidence**

Omit “of the Department of Land and Water Conservation”.

## **4.105 Water Management Act 2000 No 92**

**[1] Section 303 Crown land in special areas**

Omit “*Crown Lands Act 1989*” from section 303 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[2] Section 303 (2)**

Omit “trustee appointed under Part 5 of the *Crown Lands Act 1989*”.

Insert instead “Crown land manager under the *Crown Land Management Act 2016*”.

**[3] Schedule 5 Constitution and procedure of water supply authorities**

Omit clause 17 (4) (b). Insert instead:

(b) a holding in the Western Division (within the meaning of the *Crown Land Management Act 2016*) or a part of land held under freehold title,

**[4] Dictionary**

Omit “*Crown Lands Act 1989*” from the definition of **Crown land**.

Insert instead “*Crown Land Management Act 2016*”.

**[5] Dictionary, definition of “owner”**

Omit “*Crown Lands Act 1989*” from paragraph (b).

Insert instead “*Crown Land Management Act 2016*”.

## 4.106 Water Management (General) Regulation 2011

### [1] Clause 166 Definitions

Omit “*Crown Lands Act 1989*” from paragraph (b) of the definition of **public land**.

Insert instead “*Crown Land Management Act 2016*”.

### [2] Schedule 5 Exemptions

Omit “the *Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*” from clause 16.

Insert instead “the *Crown Land Management Act 2016*”.

## 4.107 Water NSW Regulation 2013

### Clause 3 Definitions

Omit “*Crown Lands Act 1989*” from paragraph (a) of the definition of **Crown land** in clause 3 (1).

Insert instead “*Crown Land Management Act 2016*”.

## 4.108 Wellington Show Ground Act 1929 No 54

### Section 6

Omit the section. Insert instead:

#### 6 Appointment and removal of trustees

The Minister has the same powers with respect to the appointment and removal of trustees under this Act as the Minister administering the *Crown Land Management Act 2016* has under Schedule 5 to that Act with respect to the appointment and removal of board members of statutory land managers.

## 4.109 Wild Dog Destruction Act 1921 No 17

### [1] Section 3 Definitions

Omit the definition of **Commissioner** from section 3 (1). Insert instead:

**Commissioner** means the person appointed under section 3AA to exercise the functions of the Commissioner for the purposes of this Act.

**[2] Section 3 (1), definition of “Western Division”**

Omit the definition. Insert instead:

**Western Division** means that part of the State that is the Western Division within the meaning of the [Crown Land Management Act 2016](#).

**[3] Section 3AA**

Insert after section 3:

**3AA Appointment of person to exercise functions of Commissioner**

- (1) The Minister may appoint a person to exercise the functions of the Commissioner for the purposes of this Act.
- (2) The Minister may revoke an appointment under this section at any time or for any reason.
- (3) A person appointed under this section (except a person who is an employee of a government sector agency within the meaning of the [Government Sector Employment Act 2013](#)) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

**[4] Section 3A The Wild Dog Destruction Board**

Omit “an Assistant Western Lands Commissioner” and “such Assistant Western Lands Commissioner” from section 3A (4).

Insert instead “a person” and “the person”, respectively.

**[5] Section 3A (12) and (13)**

Omit “Assistant Western Lands Commissioner” wherever occurring.

Insert instead “person”.

**[6] Section 3A (16)**

Insert after section 3A (15):

- (16) A person nominated by the Commissioner under subsection (4) is entitled, while acting in the office of the chairperson, to receive such fees and travelling or other expenses as the Minister may from time to time determine.

**[7] Section 3F Use of services of officers and employees of the Public Service**

Omit “In this subsection **Department** includes the office of the Commissioner.” from section 3F (1).

**4.110 Wilderness Act 1987 No 196**

**[1] Section 10 Wilderness protection agreements**

Omit “*Crown Lands Consolidation Act 1913*, the Closer Settlement Acts or the *Western Lands Act 1901* or any Act replacing them,” from section 10 (4).

Insert instead “*Crown Land Management Act 2016*”.

**[2] Section 20 Provisions relating to Crown land leases**

Omit “*Crown Lands Consolidation Act 1913*, the Closer Settlement Acts or the *Western Lands Act 1901* or any Act replacing them” from section 20 (1).

Insert instead “*Crown Land Management Act 2016*”.

**[3] Section 21 Resolution of certain disputes**

Omit “*Crown Lands Consolidation Act 1913*, the Closer Settlement Acts or the *Western Lands Act 1901* or any Act replacing them” from section 21 (1) (b).

Insert instead “*Crown Land Management Act 2016*”.

**[4] Section 26 Effect of Crown lands legislation**

Omit “*Crown Lands Consolidation Act 1913*, the Closer Settlement Acts, the *Western Lands Act 1901* or any Act replacing them,”.

Insert instead “*Crown Land Management Act 2016*”.

**4.111 Work Health and Safety (Mines and Petroleum Sites) Regulation 2014**

**Clause 89 Consultation in preparation of emergency plan**

Omit paragraph (b) of the definition of **local authority** in clause 89 (5). Insert instead:

- (b) if the mine is located in an area within the Western Division that is not within the area of a council within the meaning of the *Local Government Act 1993*—the person nominated by the Minister from time to time for the purposes of this clause.

## **4.112 Zoological Parks Board Act 1973 No 34**

### **[1] Section 16 Property**

Omit "*Crown Lands Consolidation Act 1913*" from section 16 (3).

Insert instead "*Crown Land Management Act 2016*".

### **[2] Section 16 (3) (a) (i)**

Omit "Crown lands". Insert instead "Crown land".

### **[3] Section 16 (6)**

Omit the subsection. Insert instead:

- (6) Nothing in subsection (3) affects the power of the Minister to appoint the Board to be a Crown land manager of any land dedicated or reserved under the *Crown Land Management Act 2016*, or the power of the Minister to transfer land to the Board under that Act.