

# Irrigation Areas (Conversion of Leases) Act 1977 No 61

[1977-61]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 September 1980 to 5 January 2012 (accessed 18 July 2024 at 8:31)

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

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2011 No 62](#) with effect from 6.1.2012.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Irrigation Areas (Conversion of Leases) Act 1977 No 61



New South Wales

An Act to provide for the determination, as at 1 January 1974, of purchase money paid or payable on conversion of certain leases within irrigation areas.

## 1 Name of Act

This Act may be cited as the *Irrigation Areas (Conversion of Leases) Act 1977*.

## 2 Definitions

In this Act:

**Commission** means the Water Resources Commission constituted under section 4 of the *Water Resources Commission Act 1976*.

**holding** means:

- (a) an irrigation farm lease of an area not exceeding 2 hectares,
- (b) a non-irrigable lease of an area not exceeding 2 hectares, or
- (c) a town land lease,

made under or by operation of the Principal Act in respect of land within an irrigation area within the meaning of the *Irrigation Act 1912*.

**Principal Act** means the *Crown Lands Consolidation Act 1913*.

## 3 Application of sec 4

Section 4 applies to land within or formerly within a holding granted before 1 January 1974 in respect of which a notification under section 145 (2) of the Principal Act:

- (a) was given during the period commencing on and including 1 January 1974, and ending on and including the day preceding the date of assent to this Act, or
- (b) is given during the period of 12 months commencing on the expiration of the period referred to in paragraph (a),

but only if the Commission is satisfied, on such evidence as it thinks fit, that that land was, at the time of that notification, used primarily for residential purposes.

#### **4 Determination of purchase money on conversion**

Notwithstanding the provisions of section 145 (3) of the Principal Act, the purchase money of land to which this section applies shall be agreed upon or determined as at 1 January 1974 for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given.

#### **5 Redetermination of purchase money determined since 1.1.1974**

Where the purchase money of land to which section 4 applies has, after 1 January 1974, but before the commencement of this Act, been agreed upon or determined for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given, purchase money shall be agreed upon or determined as referred to in section 4 for the purposes of that conversion notwithstanding the firstmentioned agreement or determination.

#### **6 Application of sec 147A of Principal Act**

Subject to section 8, the provisions of subsections (2) to (8), inclusive, of section 147A of the Principal Act apply to and in respect of an agreement or a determination referred to in section 4 in the same way as they apply to and in respect of an agreement or a determination referred to in section 147A (2) of the Principal Act.

#### **7 Adjustment on redetermination of purchase money**

Notwithstanding the provisions of the Principal Act or any other Act, upon an agreement as to, or a determination of, purchase money of land as referred to in section 4 for the purposes of a conversion referred to in section 5 (being an agreement as to, or a determination at, a lower amount of purchase money than the amount of purchase money previously agreed upon or determined for the purposes of that conversion):

- (a) the prior agreement as to, or determination of, purchase money for the purposes of that conversion shall cease to have effect,
- (b) the purchase money agreed upon or determined as referred to in section 4 shall be, and shall be deemed for the purposes only of paragraph (c) always to have been, the purchase money of that land for the purposes of that conversion,
- (c) the Rural Bank of New South Wales, through its Irrigation Agency, shall adjust the instalments of purchase money and interest paid or payable in respect of that land so as to be in accord with the purchase money referred to in paragraph (b) and, following the adjustment of instalments:
  - (i) apply any excess payment resulting from that adjustment towards any instalments of purchase money and interest payable in respect of the land, or

- (ii) if no instalments of purchase money and interest remain payable in respect of the land, or if any excess payment remains after application as referred to in subparagraph (i), refund any excess payment resulting from that adjustment to the holder of the land,
- (d) the instalments of purchase money and interest payable in respect of that land after the agreement or determination as referred to in section 4 shall be the instalments as adjusted by the Rural Bank of New South Wales under paragraph (c),
- (e) if stamp duty charged on the purchase money previously agreed upon or determined has been paid in respect of that conversion, the Commission shall direct the Commissioner of Stamp Duties to refund to the holder of that land an amount equivalent to the difference between the amount of stamp duty so paid and the amount of stamp duty that would have been payable in respect of the purchase money agreed upon or determined as referred to in section 4, and
- (f) the Commissioner of Stamp Duties shall refund stamp duty in accordance with the Commission's direction.

#### **8 Amendment of sec 147A of Principal Act**

For the purposes of this Act, section 147A of the Principal Act shall be deemed to be amended by omitting subsection (7) and by inserting instead the following subsection:

- (7) Where the purchase money of land within or formerly within an irrigation farm lease, a non-irrigable lease or a town land lease to which section 4 of the *Irrigation Areas (Conversion of Leases) Act 1977*, applies is to be determined for the purpose of conversion into an irrigation farm purchase, a non-irrigable purchase or a town land purchase, as the case may be, the Special Land Board or the Land and Environment Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.