



New South Wales

# **Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997 No 111**

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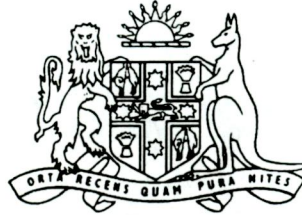
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New South Wales

# **Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997 No 111**

Act No 111, 1997

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An Act to amend the *Crown Lands (Continued Tenures) Act 1989*, the *Hay Irrigation Act 1902* and the *Wentworth Irrigation Act 1890* so as to remove certain restrictions on the transfer of land; and for other purposes. [Assented to 9 December 1997]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of Crown Lands (Continued Tenures) Act 1989 No 7**

The *Crown Lands (Continued Tenures) Act 1989* is amended as set out in Schedule 1.

**4 Amendment of Hay Irrigation Act 1902 No 57**

The *Hay Irrigation Act 1902* is amended as set out in Schedule 2.

**5 Amendment of Wentworth Irrigation Act 1890 54 Vic No 7**

The *Wentworth Irrigation Act 1890* is amended as set out in Schedule 3.

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

(Section 3)

**[1]    Section 3 Definitions**

Omit “, a yearly lease” from the definition of *holding* in section 3 (1).

**[2]    Section 3 (1), definitions of “quarry licence” and “yearly lease”**

Omit the definitions.

**[3]    Section 4 Application of Act**

Omit “, permissive occupancies and quarry licences” from section 4 (b).

Insert instead “and permissive occupancies”.

**[4]    Section 5 Continued tenures**

Omit “, occupancy or licence” from section 5 (2).

Insert instead “or occupancy”.

**[5]    Section 5 (4)**

Omit “, yearly lease” from paragraph (b) of the definition of *tenure*.

**[6]    Section 5 (4)**

Omit paragraph (d) from the definition of *tenure*.

**[7]    Section 6 Incomplete purchases etc**

Omit section 6 (2) and (4).

**[8]    Section 9 Yearly leases**

Omit the section.

**[9]    Section 12 Quarry licences**

Omit the section.

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

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**[10]    Section 14 Freehold land acquired by way of exchange—  
transfer restrictions**

Omit the section.

**[11]    Section 15 Land held with closer settlement build-up holdings—  
transfer restrictions**

Omit the section.

**[12]    Schedule 1 Continued tenures**

Omit Part 4.

**[13]    Schedule 2 Provisions applicable to continued tenures etc**

Omit clause 2 (b) and (c) of Part 1.

**[14]    Schedule 2, Part 4**

Omit the Part.

**[15]    Schedule 2, Part 7**

Omit the Part.

**[16]    Schedule 3 Transfer restrictions**

Omit “(Sections 14, 15, Parts 1–3, 5 of Schedule 2, clause 7 (3) of Schedule 7)” from the heading to Schedule 3.

Insert instead “(Parts 2, 3 and 5 of Schedule 2)”.

**[17]    Schedule 3, Part 1, clause 1**

Omit “, or formerly comprised, in a holding”.

Insert instead “in a perpetual lease, a term lease or a special lease”.

**[18]    Schedule 3, Part 1**

Omit clause 1 (b).



**[19] Schedule 3, Part 1**

Omit clause 2 (2) (b).

**[20] Schedule 3, Part 1**

Omit “comprised, or formerly comprised, in an incomplete purchase or” from clause 2 (2) (c).

**[21] Schedule 3, Part 1**

Omit clause 5 (2)–(6).

**[22] Schedule 3, Part 1**

Omit clauses 6 and 7.

**[23] Schedule 3, Part 1**

Omit clause 8 (2A), (2B), (3) and (4).

**[24] Schedule 3, Part 1**

Omit clause 9.

**[25] Schedule 3, Part 2 heading**

Omit “, auction and tender purchases and town land leases and purchases”.

Insert instead “and town land leases”.

**[26] Schedule 3, Part 2**

Omit “, or formerly comprised,” from clause 1.

**[27] Schedule 3, Part 2**

Omit clause 1 (b).

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

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**[28]    Schedule 3, Part 2**

Omit “comprised, or formerly comprised, in an incomplete purchase or” from clause 2 (2) (b).

**[29]    Schedule 3, Part 2**

Omit clause 6 (3).

**[30]    Schedule 3, Part 2**

Omit clause 6 (5) (b) and (c).

**[31]    Schedule 3, Part 3**

Omit the Part.

**[32]    Schedule 4 Subdivision of holdings**

Omit “irrigation areas” from the heading to clause 6.  
Insert instead “special land districts”.

**[33]    Schedule 4, clause 6**

Insert “(as in force before its amendment by the *Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997*)” after “Schedule 3 (removal of restrictions on transfer)”.

**[34]    Schedule 5 Rent etc**

Omit “, a yearly lease” from clause 1 (1).

**[35]    Schedule 5, clause 7**

Omit the clause.

**[36]    Schedule 7 Purchase of land held under lease**

Omit clause 7 of Part 1.



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**[37] Schedule 7, Part 2**

Omit clause 5.

**[38] Schedule 8 Savings and transitional provisions**

Insert at the end of clause 1 (1):

Schedule 1 to the *Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997*

**[39] Schedule 8, Part 3**

Insert at the end of the Schedule:

**Part 3 Provisions consequent on enactment of  
Crown Lands and Irrigation Legislation  
Amendment (Removal of Transfer  
Restrictions) Act 1997**

**4 Definition**

In this Part:

*amending Act* means the *Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997*.

**5 Applications for consent to transfer**

An application for consent made under clause 4 of Part 1 of Schedule 3 that was not determined before the amendment of clause 5 of Part 1 of Schedule 3 by Schedule 1 [21] to the amending Act is to be dealt with under clause 5 of Part 1 of Schedule 3 as so amended.

**6 Certain references on folios of the Register to cease to have effect**

On commencement of the amending Act, any reference to Part 1 or 2 of Schedule 3 on a folio of the Register created in respect of an incomplete purchase or land formerly comprised in an incomplete purchase ceases to have effect in respect of that purchase or land.

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

(Section 4)

**[1]      Section 19A Power to sell land**

Omit "Minister" from section 19A (7) (b).  
Insert instead "Ministerial Corporation".

**[2]      Section 19B Purchase price of leased lands**

Omit "Minister's" from section 19B (4) (b).  
Insert instead "Ministerial Corporation's".

**[3]      Section 20 Application of Part**

Omit section 20 (c).

**[4]      Section 21 Consent to transfer**

Omit section 21 (2) (b).

**[5]      Section 24 Dealing with applications**

Omit "due to the Minister or the Ministerial Corporation" from section 24 (2) (a).  
Insert instead "due to the Ministerial Corporation".

**[6]      Section 24 (2) (a)**

Omit "required to be paid by the Minister or the Ministerial Corporation".  
Insert instead "required by the Ministerial Corporation to be paid".

**[7]      Section 24 (2) (b)**

Insert "if the land is land in the course of purchase in fee simple from the Ministerial Corporation," before "the proposed transferee".

**[8]      Section 24 (2) (b) (i)**

Omit "Minister or".

**[9] Section 24 (2) (b) (i)**

Omit "Minister as the Minister may require or to the".

**[10] Section 24 (3)–(7)**

Omit the subsections.

**[11] Section 25 Restrictions on exercise of mortgagee's powers**

Omit the section.

**[12] Section 26 Devolution under a will or on intestacy**

Omit the section.

**[13] Section 27 Removal of restrictions**

Omit the section.

**[14] Section 28 Valuation of land**

Omit the section.

**[15] Section 28A Savings and transitional provisions**

Omit the section.

**[16] Section 30**

Omit the section. Insert instead:

**30 Savings and transitional provisions**

The Third and Fourth Schedules have effect.

**[17] Fourth Schedule Savings and transitional provisions**

Omit "(Section 28A)" from the heading to the Schedule.  
Insert instead "(Section 30)".

Schedule 2      Amendment of Hay Irrigation Act 1902

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**[18] Fourth Schedule**

Insert at the end of clause 1 (1):

*Schedule 2 to the Crown Lands and Irrigation  
Legislation Amendment (Removal of Transfer  
Restrictions) Act 1997*

**[19] Fourth Schedule, clause 3 heading**

Omit "removal of transfer restrictions".

Insert instead "consent to transfer".

**[20] Fourth Schedule, clause 3**

Omit "under Part 3". Insert instead "under section 23".

**[21] Fourth Schedule, Part 3**

Insert at the end of the Schedule:

**Part 3      Provisions consequent on enactment of  
Crown Lands and Irrigation Legislation  
Amendment (Removal of Transfer  
Restrictions) Act 1997**

**4 Definition**

In this Part:

*amending Act* means the *Crown Lands and Irrigation  
Legislation Amendment (Removal of Transfer  
Restrictions) Act 1997*.

**5 Applications for consent to transfer**

An application for consent made under section 23 that was not determined before the amendment of section 24 by Schedule 2 [10] to the amending Act is to be dealt with under section 24 as so amended.



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

(Section 5)

**[1]    Section 22B Power to sell land**

Omit "Minister" from section 22B (7) (b).  
Insert instead "Ministerial Corporation".

**[2]    Section 22C Purchase price of leased lands**

Omit "Minister's" from section 22C (4) (b).  
Insert instead "Ministerial Corporation's".

**[3]    Section 23 Application of Part**

Omit section 23 (c).

**[4]    Section 24 Consent to transfer**

Omit section 24 (2) (b).

**[5]    Section 27 Dealing with applications**

Omit "due to the Minister or the Ministerial Corporation" from section 27 (2) (a).  
Insert instead "due to the Ministerial Corporation".

**[6]    Section 27 (2) (a)**

Omit "required to be paid by the Minister or the Ministerial Corporation".  
Insert instead "required by the Ministerial Corporation to be paid".

**[7]    Section 27 (2) (b)**

Insert "if the land is land in the course of purchase in fee simple from the Ministerial Corporation," before "the proposed transferee".

**[8]      Section 27 (2) (b) (i)**

Omit "Minister or".

**[9]      Section 27 (2) (b) (i)**

Omit "Minister as the Minister may require or to the".

**[10]     Section 27 (3)–(7)**

Omit the subsections.

**[11]     Section 28 Restrictions on exercise of mortgagee's powers**

Omit the section.

**[12]     Section 29 Devolution under a will or on intestacy**

Omit the section.

**[13]     Section 30 Removal of restrictions**

Omit the section.

**[14]     Section 31 Valuation of land**

Omit the section.

**[15]     Section 32 Savings and transitional provisions**

Omit the section.

**[16]     Section 35**

Omit the section. Insert instead:

**35 Savings and transitional provisions**

Schedules 2 and 3 have effect.



**[17] Schedule 3 Savings and transitional provisions**

Omit “(Section 32)” from the heading to the Schedule.  
Insert instead “(Section 35)”.

**[18] Schedule 3**

Insert at the end of clause 1 (1):

*Schedule 3 to the Crown Lands and Irrigation  
Legislation Amendment (Removal of Transfer  
Restrictions) Act 1997*

**[19] Schedule 3, clause 3 heading**

Omit “removal of transfer restrictions”.  
Insert instead “consent to transfer”.

**[20] Schedule 3, clause 3**

Omit “under Part 3”. Insert instead “under section 26”.

**[21] Schedule 3, Part 3**

Insert at the end of the Schedule:

**Part 3 Provisions consequent on enactment of  
Crown Lands and Irrigation Legislation  
Amendment (Removal of Transfer  
Restrictions) Act 1997**

**4 Definition**

In this Part:

*amending Act* means the *Crown Lands and Irrigation  
Legislation Amendment (Removal of Transfer  
Restrictions) Act 1997*.

## **5 Applications for consent to transfer**

An application for consent made under section 26 that was not determined before the amendment of section 27 by Schedule 3 [10] to the amending Act is to be dealt with under section 27 as so amended.

[Minister's second reading speech made in—  
Legislative Assembly on 12 November 1997  
Legislative Council on 26 November 1997]

BY AUTHORITY