

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 March, 1963.*

## New South Wales



ANNO DUODECIMO

## ELIZABETHÆ II REGINÆ

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Act No.       , 1963.

An Act to provide a longer term for which Western Lands leases may be granted; to provide for the collection or waiving of arrears of certain Crown dues; to authorise the appointment of a Deputy Assistant Western Lands Commissioner; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Western Lands (Amend- Short title. ment) Act, 1963".

*Western Lands (Amendment).*

2. The Western Lands Act of 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 70, 1901.

(a) by inserting at the end of subsection one of section eight the following new paragraph :— Sec. 8. (Appointment of deputy.)

5 In the case of the appointment of an Assistant Commissioner to be the deputy of the Commissioner for any period in accordance with the foregoing provisions of this subsection, the Minister may appoint a person to be the deputy of such Assistant Commissioner for the same period, and any person so appointed shall, while so acting, exercise and perform all the powers, authorities, duties and functions of an Assistant Commissioner.

15 (b) by inserting in section eighteen after the words "debt to the Crown" the words "unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture, cancellation or lapsing was declared before or after the commencement of the Western Lands (Amendment) Act, 1963"; Sec. 18. (Duration of lease.)

20 (c) by inserting next after section 18c the following new section :— New sec. 18cc.

25 18cc. It shall be lawful for the Minister for Lands to bring under that name, and as nominal plaintiff on behalf of the Crown, any action or suit for the recovery of arrears of rent or of any other sums which under this Act may be due to the Crown. And no such action or suit shall be prejudiced or abate or require amendment merely because after the commencement thereof the Minister who brought the same may have gone out of office or because another Minister may have been appointed or the office may for the time being be vacant : Provided that costs may be given for or against such plaintiff in the same way as in any ordinary action or suit. Minister may sue for money. cf. Act No. 7, 1913, sec. 251.

(d)

*Western Lands (Amendment).*

- (d) by omitting from paragraph (b) of subsection one of section twenty-three the words "expiring not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "not exceeding forty years"; Sec. 23. (Minister's power to grant leases.)
- 5
- (e) (i) by omitting from section 28A the words " , unless extended to a lease in perpetuity under the provisions of section 18E of this Act, be for a term, to expire not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "be a lease in perpetuity, or for any term not exceeding forty years"; Sec. 28A. (Special leases may be granted.)
- 10
- (ii) by inserting in the same section after the words "may think fit." the following new paragraph :—
- 15
- The local land board shall determine the rental of any lease in perpetuity granted under this section for each separate period of ten years commencing from the date of granting of the lease, and in determining such rental, the local land board shall have regard to the purpose of the lease.
- 20
- (iii) by omitting from the same section the words "whether before or after the commencement of the Western Lands (Amendment) Act, 1934, may on application, be extended either as to the whole or any part of the lease, for any period up to the thirtieth day of June, one thousand nine hundred and seventy-three. Such extension" and by inserting in lieu thereof the words "for a term not exceeding forty years whether before or after the commencement of the Western Lands (Amendment) Act, 1963, may on application, be extended from time to time either as to the whole or any
- 25
- 30
- 35
- any

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*Western Lands (Amendment).*

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any part of the lease. Any such extension shall be for a period not exceeding forty years,";

5 (iv) by inserting in the same section after the words "together with" the words ", unless the Minister otherwise approves,";

10 (f) by inserting in subsection one of section thirty-nine after the words "surrendered lease." where firstly occurring the words "Any person having an interest in the subdivided lease shall be deemed to have an equivalent interest whether by way of mortgage or otherwise in the new leases." Sec. 39. (Leases of subdivided area.)

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963  
[4d.]

No. , 1963.

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## A BILL

To provide a longer term for which Western Lands leases may be granted; to provide for the collection or waiving of arrears of certain Crown dues; to authorise the appointment of a Deputy Assistant Western Lands Commissioner; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith.

[MR. COMPTON;—20 *February*, 1963.]

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Western Lands (Amendment) Act, 1963".

*Western Lands (Amendment).*

2. The Western Lands Act of 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 70, 1901.

(a) by inserting at the end of subsection one of section eight the following new paragraph :— Sec. 8. (Appointment of deputy.)

5           In the case of the appointment of an Assistant Commissioner to be the deputy of the Commissioner for any period in accordance with the foregoing provisions of this subsection, the Minister may appoint a person to be the deputy of such Assistant Commissioner for the same period, and any person so appointed shall, while so acting, exercise and perform all the powers, authorities, duties and functions of an Assistant Commissioner.

15 (b) by inserting in section eighteen after the words "debt to the Crown" the words "unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture, cancellation or lapsing was declared before or after the commencement of the Western Lands (Amendment) Act, 1963"; Sec. 18. (Duration of lease.)

20 (c) by inserting next after section 18c the following new section :— New sec. 18cc.

25           18cc. It shall be lawful for the Minister for Lands to bring under that name, and as nominal plaintiff on behalf of the Crown, any action or suit for the recovery of arrears of rent or of any other sums which under this Act may be due to the Crown. And no such action or suit shall be prejudiced or abate or require amendment merely because after the commencement thereof the Minister who brought the same may have gone out of office or because another Minister may have been appointed or the office may for the time being be vacant : Provided that costs may be given for or against such plaintiff in the same way as in any ordinary action or suit. Minister may sue for money. cf. Act No. 7, 1913, sec. 251.

(d)

*Western Lands (Amendment).*

- (d) by omitting from paragraph (b) of subsection one of section twenty-three the words "expiring not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "not exceeding forty years";
- (e) (i) by omitting from section 28A the words " , unless extended to a lease in perpetuity under the provisions of section 18E of this Act, be for a term, to expire not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "be a lease in perpetuity, or for any term not exceeding forty years";
- (ii) by inserting in the same section after the words "may think fit." the following new paragraph : —
- The local land board shall determine the rental of any lease in perpetuity granted under this section for each separate period of ten years commencing from the date of granting of the lease, and in determining such rental, the local land board shall have regard to the purpose of the lease.
- (iii) by omitting from the same section the words "whether before or after the commencement of the Western Lands (Amendment) Act, 1934, may on application, be extended either as to the whole or any part of the lease, for any period up to the thirtieth day of June, one thousand nine hundred and seventy-three. Such extension" and by inserting in lieu thereof the words "for a term not exceeding forty years whether before or after the commencement of the Western Lands (Amendment) Act, 1963, may on application, be extended from time to time either as to the whole or any

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*Western Lands (Amendment).*

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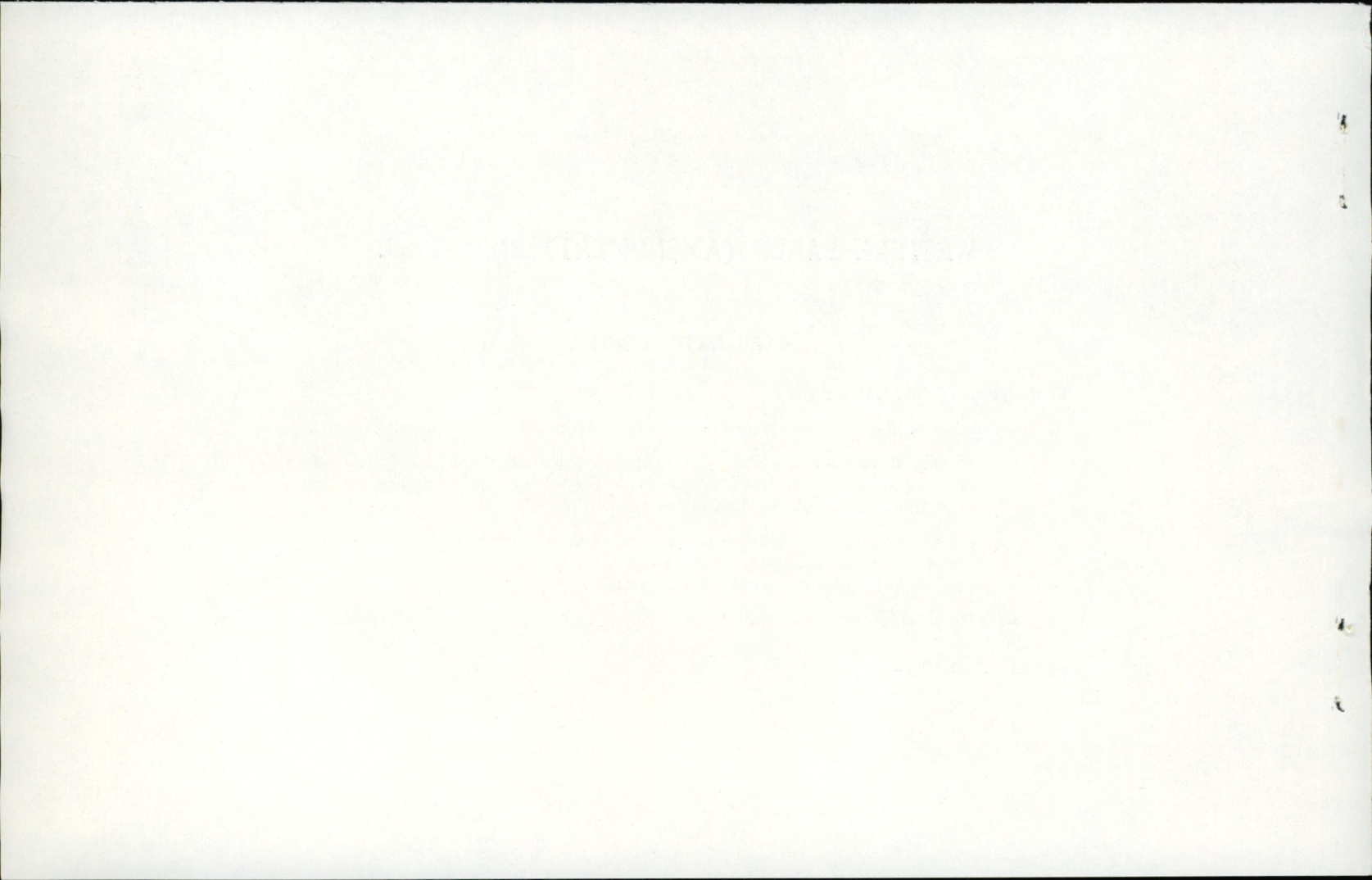
## WESTERN LANDS (AMENDMENT) BILL, 1963.

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### EXPLANATORY NOTE.

THE objects of this Bill are to—

- (a) authorise the appointment of a Deputy Assistant Commissioner ;
- (b) remove the terminal date of 30th June, 1973, to which Western Lands leases may be granted or extended, and provide for a term not exceeding 40 years, or, in the case of Special Leases, to perpetuity ;
- (c) provide the Minister with power to deal with arrears of Crown dues in the Western Division, similar to the powers already vested in him with regard to such arrears in other parts of the State ;
- (d) protect the interests of mortgagees upon subdivision of existing leases.



No. , 1963.

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## A BILL

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[MR. COMPTON ;—20 *February*, 1963.]

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Western Lands (Amend- Short title.  
ment) Act, 1963".

*Western Lands (Amendment).*

2. The Western Lands Act of 1901, as amended by subsequent Acts, is amended—

Amendment of Act No. 70, 1901.

(a) by inserting at the end of subsection one of section eight the following new paragraph :—

Sec. 8. (Appointment of deputy.)

5 In the case of the appointment of an Assistant Commissioner to be the deputy of the Commissioner for any period in accordance with the foregoing provisions of this subsection, the Minister may  
10 appoint a person to be the deputy of such Assistant Commissioner for the same period, and any person so appointed shall, while so acting, exercise and perform all the powers, authorities, duties and functions of an Assistant Commissioner.

15 (b) by inserting in section eighteen after the words "debt to the Crown" the words "unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture, cancellation or lapsing was declared before or after the commencement of the Western Lands (Amendment) Act, 1963";

Sec. 18. (Duration of lease.)

20 (c) by inserting next after section 18c the following new section :—

New sec. 18cc.

25 18cc. It shall be lawful for the Minister for Lands to bring under that name, and as nominal plaintiff on behalf of the Crown, any action or suit for the recovery of arrears of rent or of any other sums which under this Act may be due to the Crown. And no such action or suit shall be  
30 prejudiced or abate or require amendment merely because after the commencement thereof the Minister who brought the same may have gone out of office or because another Minister may have been appointed or the office may for the time being be vacant : Provided that costs may be given for  
35 or against such plaintiff in the same way as in any ordinary action or suit.

Minister may sue for money. cf. Act No. 7, 1913, sec. 251.

(d)

*Western Lands (Amendment).*

- 5 (d) by omitting from paragraph (b) of subsection one of section twenty-three the words "expiring not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "not exceeding forty years";
- 10 (e) (i) by omitting from section 28A the words  
 " , unless extended to a lease in perpetuity under the provisions of section 18E of this Act, be for a term, to expire not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "be a lease in perpetuity, or for any term not exceeding forty years";
- 15 (ii) by inserting in the same section after the words "may think fit." the following new paragraph :—
- 20 The local land board shall determine the rental of any lease in perpetuity granted under this section for each separate period of ten years commencing from the date of granting of the lease, and in determining such rental, the local land board shall have regard to the purpose of the lease.
- 25 (iii) by omitting from the same section the words  
 "whether before or after the commencement of the Western Lands (Amendment) Act, 1934, may on application, be extended either as to the whole or any part of the lease, for any period up to the thirtieth day of June, one thousand nine hundred and seventy-three. Such extension" and by inserting in lieu thereof  
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*Western Lands (Amendment).*

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any part of the lease. Any such extension shall be for a period not exceeding forty years,";

5 (iv) by inserting in the same section after the words "together with" the words ", unless the Minister otherwise approves,";

10 (f) by inserting in subsection one of section thirty-nine after the words "surrendered lease." where firstly occurring the words "Any person having an interest in the subdivided lease shall be deemed to have an equivalent interest whether by way of mortgage or otherwise in the new leases." Sec. 39. (Leases of subdivided area.)

# New South Wales



ANNO DUODECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 14, 1963.

An Act to provide a longer term for which Western Lands leases may be granted; to provide for the collection or waiving of arrears of certain Crown dues; to authorise the appointment of a Deputy Assistant Western Lands Commissioner; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 2nd April, 1963.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Western Lands (Amend- Short title. ment) Act, 1963".

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*Western Lands (Amendment).*


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Amend-  
ment of  
Act No.  
70, 1901.

2. The Western Lands Act of 1901, as amended by subsequent Acts, is amended—

Sec. 8.  
(Appoint-  
ment of  
deputy.)

- (a) by inserting at the end of subsection one of section eight the following new paragraph :—

In the case of the appointment of an Assistant Commissioner to be the deputy of the Commissioner for any period in accordance with the foregoing provisions of this subsection, the Minister may appoint a person to be the deputy of such Assistant Commissioner for the same period, and any person so appointed shall, while so acting, exercise and perform all the powers, authorities, duties and functions of an Assistant Commissioner.

Sec. 18.  
(Duration  
of lease.)

- (b) by inserting in section eighteen after the words “debt to the Crown” the words “unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture, cancellation or lapsing was declared before or after the commencement of the Western Lands (Amendment) Act, 1963”;

New sec.  
18cc.

- (c) by inserting next after section 18c the following new section :—

Minister  
may sue  
for money.  
cf. Act No.  
7, 1913,  
sec. 251.

18cc. It shall be lawful for the Minister for Lands to bring under that name, and as nominal plaintiff on behalf of the Crown, any action or suit for the recovery of arrears of rent or of any other sums which under this Act may be due to the Crown. And no such action or suit shall be prejudiced or abate or require amendment merely because after the commencement thereof the Minister who brought the same may have gone out of office or because another Minister may have been appointed or the office may for the time being be vacant: Provided that costs may be given for or against such plaintiff in the same way as in any ordinary action or suit.

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*Western Lands (Amendment).*


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(d) by omitting from paragraph (b) of subsection one of section twenty-three the words "expiring not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "not exceeding forty years";

Sec. 23.  
(Minister's  
power to  
grant  
leases.)

(e) (i) by omitting from section 28A the words " , unless extended to a lease in perpetuity under the provisions of section 18E of this Act, be for a term, to expire not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "be a lease in perpetuity, or for any term not exceeding forty years";

Sec. 28A.  
(Special  
leases  
may be  
granted.)

(ii) by inserting in the same section after the words "may think fit." the following new paragraph :—

The local land board shall determine the rental of any lease in perpetuity granted under this section for each separate period of ten years commencing from the date of granting of the lease, and in determining such rental, the local land board shall have regard to the purpose of the lease.

(iii) by omitting from the same section the words "whether before or after the commencement of the Western Lands (Amendment) Act, 1934, may on application, be extended either as to the whole or any part of the lease, for any period up to the thirtieth day of June, one thousand nine hundred and seventy-three. Such extension" and by inserting in lieu thereof the words "for a term not exceeding forty years whether before or after the commencement of the Western Lands (Amendment) Act, 1963, may on application, be extended from time to time either as to the whole or any

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*Western Lands (Amendment).*

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any part of the lease. Any such extension shall be for a period not exceeding forty years,";

(iv) by inserting in the same section after the words "together with" the words ", unless the Minister otherwise approves,";

Sec. 39.  
(Leases of  
subdivided  
area.)

(f) by inserting in subsection one of section thirty-nine after the words "surrendered lease." where firstly occurring the words "Any person having an interest in the subdivided lease shall be deemed to have an equivalent interest whether by way of mortgage or otherwise in the new leases."

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 26 March, 1963.*

## New South Wales



ANNO DUODECIMO

**ELIZABETHÆ II REGINÆ**

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### Act No. 14, 1963.

An Act to provide a longer term for which Western Lands leases may be granted; to provide for the collection or waiving of arrears of certain Crown dues; to authorise the appointment of a Deputy Assistant Western Lands Commissioner; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 2nd April, 1963.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Western Lands (Amendment) Act, 1963".

2.

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

HOWARD T. FOWLES,  
*Chairman of Committees of the Legislative Assembly.*

*Western Lands (Amendment).*

Amend-  
ment of  
Act No.  
70, 1901.

Sec. 8.  
(Appoint-  
ment of  
deputy.)

2. The Western Lands Act of 1901, as amended by subsequent Acts, is amended—

- (a) by inserting at the end of subsection one of section eight the following new paragraph :—

In the case of the appointment of an Assistant Commissioner to be the deputy of the Commissioner for any period in accordance with the foregoing provisions of this subsection, the Minister may appoint a person to be the deputy of such Assistant Commissioner for the same period, and any person so appointed shall, while so acting, exercise and perform all the powers, authorities, duties and functions of an Assistant Commissioner.

Sec. 18.  
(Duration  
of lease.)

- (b) by inserting in section eighteen after the words "debt to the Crown" the words "unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture, cancellation or lapsing was declared before or after the commencement of the Western Lands (Amendment) Act, 1963";

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- (c) by inserting next after section 18c the following new section :—

Minister  
may sue  
for money.  
cf. Act No.  
7, 1913,  
sec. 251.

18cc. It shall be lawful for the Minister for Lands to bring under that name, and as nominal plaintiff on behalf of the Crown, any action or suit for the recovery of arrears of rent or of any other sums which under this Act may be due to the Crown. And no such action or suit shall be prejudiced or abate or require amendment merely because after the commencement thereof the Minister who brought the same may have gone out of office or because another Minister may have been appointed or the office may for the time being be vacant : Provided that costs may be given for or against such plaintiff in the same way as in any ordinary action or suit.

(d)

*Western Lands (Amendment).*

- (d) by omitting from paragraph (b) of subsection one of section twenty-three the words "expiring not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "not exceeding forty years"; Sec. 23. (Minister's power to grant leases.)
- (e) (i) by omitting from section 28A the words "Sec. 28A. (Special leases may be granted.) unless extended to a lease in perpetuity under the provisions of section 18E of this Act, be for a term, to expire not later than the thirtieth day of June, one thousand nine hundred and seventy-three" and by inserting in lieu thereof the words "be a lease in perpetuity, or for any term not exceeding forty years";
- (ii) by inserting in the same section after the words "may think fit." the following new paragraph:—
- The local land board shall determine the rental of any lease in perpetuity granted under this section for each separate period of ten years commencing from the date of granting of the lease, and in determining such rental, the local land board shall have regard to the purpose of the lease.
- (iii) by omitting from the same section the words "whether before or after the commencement of the Western Lands (Amendment) Act, 1934, may on application, be extended either as to the whole or any part of the lease, for any period up to the thirtieth day of June, one thousand nine hundred and seventy-three. Such extension" and by inserting in lieu thereof the words "for a term not exceeding forty years whether before or after the commencement of the Western Lands (Amendment) Act, 1963, may on application, be extended from time to time either as to the whole or any

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*Western Lands (Amendment).*


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any part of the lease. Any such extension shall be for a period not exceeding forty years.”;

(iv) by inserting in the same section after the words “together with” the words “, unless the Minister otherwise approves.”;

Sec. 39.  
(Leases of  
subdivided  
area.)

(f) by inserting in subsection one of section thirty-nine after the words “surrendered lease.” where firstly occurring the words “Any person having an interest in the subdivided lease shall be deemed to have an equivalent interest whether by way of mortgage or otherwise in the new leases.”.

*In the name and on behalf of Her Majesty I assent to this Act.*

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 2nd April, 1963.*