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.*

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 21 *November,* 1967.

New South Wales

ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1967.

An Act to alter the constitution of the Lord Howe Island Board; to make further provisions in respect of elections held under the Lord Howe Island Act, 1953, as amended by subsequent Acts, and the tenure of land on Lord Howe Island; for these and other purposes to amend that Act, as so amended; to validate certain matters; and for purposes connected therewith.

BE

13865 119—A

Lord Howe Island (Amendment).

BE 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. (1) This Act may be cited as the "Lord Howe Island (Amendment) Act, 1967". Short title, citation and commencement.

(2) The Lord Howe Island Act, 1953, as amended by subsequent Acts and by this Act, may be cited as the Lord Howe Island Act, 1953–1967.

(3) The Lord Howe Island Act, 1953, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended by inserting in the definition of "Islander" in section three after the word "holder" the words ", at any time before that commencement,". Amendment of Act No. 39, 1953. Sec. 3. (Definitions.)

3. (1) The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) (i) by omitting from paragraph (e) of subsection three of section four the words "a member of the Committee" and by inserting in lieu thereof the words "an Islander"; Sec. 4. (Lord Howe Island Board.)

(ii)

(ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

(4) (a) The person appointed in pursuance of paragraph (e) of subsection three of this section—

(i) shall be the person elected for the purpose at an election held concurrently with each election of the persons referred to in subsection two of section seven of this Act;

(ii) shall hold office until his successor is appointed; and

(iii) shall be eligible for re-election.

(b) Where a vacancy occurs in the office of the member of the Board to whom this subsection applies, an election shall be held to fill the vacancy.

Any person so elected shall hold office for the unexpired term of the vacant office but shall be eligible for re-election.

(c) The persons entitled to vote at an election under this subsection shall be the persons entitled to vote at an election under Division 2 of this Part.

(d) The nomination of Islanders for election pursuant to this subsection, the appointment of electoral officers, the method of voting and the conduct of the elections shall be as prescribed.

(b) by inserting in subparagraph (iii) of paragraph (a) of subsection two of section thirty-eight after the word "election" the words "of the person to be appointed a member of the Board in pursuance of paragraph (e) of subsection three of section four of this Act and the election". Sec. 38. (Regulations.)

(2)

(2) Notwithstanding anything in section four of the Principal Act, as amended by this Act—

(a) the person who, immediately before the commencement of this Act, held office as a member of the Board in pursuance of paragraph (e) of subsection three of section four of the Principal Act shall continue to hold office until the appointment of an Islander in pursuance of paragraph (e) of subsection three of section four of the Principal Act, as amended by this Act; and

(b) where before that appointment a vacancy occurs in the office of the member of the Board referred to in paragraph (e) of subsection three of section four of the Principal Act, the vacant office shall be filled by the appointment of another member of the Committee nominated by the Minister.

(3) A person who holds office under subsection two of this section shall be eligible for election under subsection four of section four of the Principal Act, as amended by this Act.

(4) Nothing in this section shall prejudice or affect in any way the continuity of the body corporate constituted under section four of the Principal Act and it shall continue notwithstanding the provisions of this section.

4. (1) The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) (i) by inserting next after subsection three of section seven the following new subsection :— Sec. 7. (The Island Committee.)

(3A) Where the Islander appointed to the Board in pursuance of paragraph (e) of subsection three of section four of this Act is not one of the four Islanders elected under and in accordance with this Division, the Minister may appoint him as an additional member of

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the Committee and that person shall be an additional member of the Committee until—

(a) he ceases to hold office as a member of the Board; or

(b) he tenders to the Minister his resignation in writing as a member of the Committee.

(ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsections:—

(5) For the purposes of this Division a person over the age of twenty-one years who has been in residence on the Island—

(a) in the case of the holder of a lease under this Act—for a period of not less than three months immediately before his application for enrolment;

(b) in the case of an Islander, not being the holder of a lease under this Act—for a period of not less than one year immediately before his application for enrolment; or

(c) in the case of any other person—for a period of not less than three years immediately before his application for enrolment,

shall, subject to subsection six of this section, be entitled to be enrolled as an elector.

(6) (a) A person enrolled as an elector or entitled to be so enrolled shall cease to be entitled to be so enrolled if—

(i) in the case of the holder of a lease under this Act or an Islander—he has been absent from the Island for a continuous period of three years; or

(ii) in the case of any other person—he has been absent from the Island for a continuous period of one year,

but shall be again entitled to be so enrolled if he subsequently complies with the provisions of subsection five of this section.

(b)

(b) The period referred to in sub-paragraph (i) or (ii) of paragraph (a) of this subsection may be either—

(i) partly before and partly after; or

5 (ii) wholly after,

the commencement of the Lord Howe Island (Amendment) Act, 1967.

(b) by omitting subsection one of section eight and by inserting in lieu thereof the following subsections :— Sec. 8. (Electoral provisions.)

10 (1) The Board shall cause to be kept from time to time a roll of electors whose applications for enrolment have been approved whether before or after the commencement of the Lord Howe Island (Amendment) Act, 1967.

15 (1A) The Board shall cause—

(a) the name of a person who—

(i) dies; or

(ii) ceases, pursuant to subsection six of section seven of this Act, to be entitled to be enrolled as an elector,

20 to be removed from the roll; and

(b) such corrections to be made in the roll as may from time to time be necessary.

The regulations may prescribe the procedure to

25 be observed in relation to removing from the roll the name of a person pursuant to paragraph (a) of this subsection.

(2) A person who was, immediately before the commencement of this Act, entitled to be enrolled as an

30 elector pursuant to subsection five of section seven of the Principal Act, shall continue to be so entitled—

(a) notwithstanding the substitution of that subsection by this Act; but

(b) subject to subsection six of that section as inserted

35 by this Act.

5.

5. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by inserting next after section twelve the following new section :— New sec. 12A.

12A. (1) The Board may, on the application of an Islander, advance moneys to him— Advances by Board on mortgage.

(a) for the whole or part of the consideration for the transfer of a lease under this Act to him pursuant to section twenty-three of this Act; or

(b) for the effecting of improvements on land the subject of a lease under section twenty-one of this Act held by him,

on the security of a mortgage of that lease in favour of the Board.

(2) The Treasurer may from time to time make moneys available to the Board for advances under this section.

(b) (i) by omitting from subsection two of section twenty-three the words "(except by way of release of mortgage) or" and by inserting in lieu thereof the following words :— Sec. 23. (Transfers and sub-leases.)

", except—

(a) by way of discharge of mortgage; or

(b) to the Board by way of mortgage as security for an advance under section 12A of this Act,

or";

(ii) by inserting in subsection three of the same section after the word "transfer" the words "(not being a transfer referred to in paragraph (a) or (b) of subsection two of this section)";

(iii)

(iii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) Where the Board is the mortgagee of any lease under this Act, the provisions of subsections two, three, four, five, six and seven of this section shall not have effect in respect of the lease mortgaged, and the following provisions shall have effect :—

(a) If the Board as mortgagee enters into possession of the lease under the mortgage, the Board shall not foreclose the mortgage except with the consent of the Minister for Lands.

(b) The Board as mortgagee—

(i) shall not transfer the lease except with the consent of the Minister for Lands or by way of discharge of mortgage, or sublet the lease except with that consent; and

(ii) shall not apply for consent to transfer or sublet to any person other than an Islander unless satisfied that there is no Islander residing on the Island who desires and is in a position to take a transfer or sublease, as the case may be, of the lease.

(c) Such transfer or subletting shall not be effected, or if effected shall not be valid, unless the consent thereto of the Minister for Lands and, in the case of a transfer or subletting to a person other than an Islander, the approval of the Governor, has been obtained.

(d)

(d) Where the Board as mortgagee applies for consent under this subsection, the Minister for Lands may give his consent, or he may at his discretion refuse his consent.

(c) (i) by omitting from subsection one of section thirty-four the word "There" where secondly occurring and by inserting in lieu thereof the words "Subject to section 34A of this Act, there"; Sec. 34. (Lord Howe Island Account.)

(ii) by omitting from subsection two of the same section the word "There" and by inserting in lieu thereof the words "Subject to section 34A of this Act, there";

(d) by inserting next after section thirty-four the following new section :— New sec. 34A.

34A. (1) There shall be established and kept in the Treasury an account in special deposits account to be called the "Lord Howe Island Mortgages Account". Lord Howe Island Mortgages Account.

There shall be paid to the credit of the Lord Howe Island Mortgages Account—

(a) all moneys made available to the Board by the Treasurer for advances under section 12A of this Act;

(b) all moneys received by way of repayments of those advances and interest thereon.

(2) There shall be paid out of the Lord Howe Island Mortgages Account—

(a) all moneys advanced under section 12A of this Act;

(b) such moneys as are required by the Treasurer to be repaid to him from time to time.

6. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by omitting from paragraph (b) of section thirteen the word "require" and by inserting in lieu thereof the words "subject, in the case of a person conducting a guest-house, to regulations made in pursuance of subparagraph (iv) of paragraph (a) of subsection two of section thirty-eight of this Act, require"; Sec. 13. (Powers of Board as to tourists and licensing businesses.)

(b) by inserting at the end of paragraph (a) of subsection two of section thirty-eight the following new subparagraph :— Sec. 38. (Regulations.)

(iv) the licensing, control and regulation of guest-houses on the Island and the licensing of, and the terms and conditions to be observed by, persons operating them.

7. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by inserting in subsection two of section twenty-one after the word "in" the words "or to the effect of"; Sec. 21. (Leases in perpetuity for residence.)

(b) by inserting next after section twenty-two the following new section :— New sec. 22A.

22A. (1) The holder of a lease under this Act may lodge in the prescribed manner an instrument of surrender, in or to the effect of the prescribed form, as to the whole or a part of the land comprised in the lease. Surrenders.

(2)

(2) Subject to paragraph (c) of subsection (4A) of section twenty-three of this Act, the surrender shall take effect on the day of its acceptance by the Minister, on the recommendation of the Board.

(3) The Board may determine, demand and recover the costs, including costs of any necessary survey, in connection with the surrender.

(c) (i) by inserting in subsection one of section twenty-three after the word "manner" the words "as to the whole or a part of the land comprised in the lease"; Sec. 23. (Transfers and sub-leases.)

(ii) by inserting at the end of the same subsection the following new paragraph :—

(b) Notwithstanding anything in paragraph (a) of this subsection, a lease shall not be transferred, by way of mortgage or discharge of mortgage, as to part only of the land comprised in the lease.

(iii) by inserting next after subsection four of the same section the following new subsections :—

(4A) (a) Where, in the case of an application for consent to transfer a lease as to the whole of the land comprised in the lease to a person other than an Islander, the Board is prepared to recommend, in accordance with subsection four of this section, the granting of the application but as to part only of the land so comprised, the Board may, by notice served on the applicant, state that it is prepared so to recommend if the applicant within three months lodges with the Board an instrument of surrender of such part of the land comprised in the lease as is specified in the notice, being the part as to which the Board is not prepared so to recommend.

(b)

(b) If the applicant within three months lodges with the Board such an instrument of surrender the application may be dealt with as if the applicant had originally applied for consent to the transfer as to the land that would be comprised in the lease after the surrender takes effect.

(c) An instrument of surrender pursuant to this subsection shall not take effect until the day upon which the transfer takes effect.

(4B) (a) Where, in accordance with this section, a lease (in this subsection referred to as "the original lease") is transferred to any person as to part only of the land comprised in the original lease, and the residue of the land comprised in the original lease is retained by the transferor—

(i) where the original lease was a lease under section twenty-one of this Act, separate leases in or to the effect of the prescribed form shall be issued in respect of the part so transferred and the residue so retained, and the original lease shall be delivered up for cancellation;

(ii) where the original lease was a lease under section twenty-two of this Act, the lease of the part so transferred and the residue so retained shall be each held for the balance of the term for which the original lease was held before the transfer;

(iii) the lease of the part so transferred and the residue so retained shall, as from the transfer, be each held in all respects as a separate lease, but shall, subject to subsection eight of section twenty-one,

twenty-one, or subsection seven of section twenty-two, as the case may require, and to section twenty-five, of this Act, be subject to such conditions, reservations or provisions as applied in respect of the original lease immediately before the transfer; and

(iv) the Board may determine, demand and recover from the transferor the costs of any necessary survey in connection with the transfer.

(b) The Minister for Lands on the recommendation of the Board may, when giving his consent to an application to transfer a lease as to part of the land comprised in the lease, exclude from any of the lands comprised in the original lease any areas required for providing roads of access to the part so transferred or the residue so retained or both.

Any such exclusion shall not take effect until the day on which the transfer takes effect, on which day the areas so excluded shall be deemed to have been surrendered.

8. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

Sec. 23. (Transfers and sub-leases.)

(a) (i) by inserting in subsection one of section twenty-three after the word "Board" where firstly occurring the words "and, in the case only of a lease of land used for commercial purposes, a sum for the goodwill of the business conducted thereon, being goodwill transferred to the transferee in connection with the transfer of the lease or accruing to him in consequence thereof";

(ii)

(ii) by inserting in the same subsection after the word "value" where secondly occurring the words "and, as the case may require, such sum for goodwill";

(b) by inserting in section twenty-four after the word "improvements" the words "or of sum for goodwill". Sec. 24. (Appeal to Land and Valuation Court.)

9. The Principal Act is further amended by inserting next after Division 6 of Part IV the following new Division :— Further amendment of Act No. 39, 1953. Part IV, new Div. 6A.

DIVISION 6A.—*Permissive occupancies.*

31A. (1) The Minister for Lands on the recommendation of the Board may grant permissions to occupy vacant Crown lands or Crown lands the subject of a reservation under this Act, whether above or below or beyond high water mark, for such purposes and upon such terms and conditions as he may impose on the recommendation of the Board. Permissive occupancies.

(2) A permission to occupy such Crown lands or a permissive occupancy of Crown lands granted or purporting to have been granted before the commencement of the Lord Howe Island (Amendment) Act, 1967, and whether or not a tenancy was created or purported to have been created thereby, shall be deemed to have been validly granted and to have and always to have had force and effect subject to the terms and conditions thereof.

(3) A permission to occupy Crown lands or a permissive occupancy of Crown lands referred to in subsection two of this section or a permission to occupy Crown lands granted under subsection one of this section shall be terminable at will by the Minister for Lands on the recommendation of the Board.

10. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(a) (i) by inserting in subsection one of section thirty-two after the words "tree thereon" the words "—or ringbark or otherwise destroy any tree thereon—without lawful authority";

Sec. 32. (Trespass on Crown lands or dedicated lands.)

(ii) by omitting from the same subsection the words "forty dollars" and by inserting in lieu thereof the words "one hundred dollars";

(iii) by omitting from the same subsection the words "ten dollars" and by inserting in lieu thereof the words "twenty dollars";

(b) (i) by omitting from section thirty-three the words ", and no person shall remove, cut, ringbark or otherwise destroy any such timber unless authorised to do so by the Board or by the conditions of any lease held by such person under this Act";

Sec. 33. (Timber to be property of the Crown.)

(ii) by inserting at the end of the same section the following new subsection :—

(2) No person shall remove, cut, ringbark or otherwise destroy any such timber as is growing on land which becomes the subject of any lease under this Act, unless, being the holder of the lease, he is authorised to do so by the Board or by the conditions of the lease.

A person who contravenes the provisions of this subsection shall be liable on conviction to a penalty not exceeding one hundred dollars.

11. The Principal Act is further amended—

Further amendment of Act No. 39, 1953. (Statute law revision.)

(a) (i) by omitting from paragraph (b) of subsection three of section four the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";

Sec. 4. (Lord Howe Island Board.)

(ii)

(ii) by omitting from paragraph (d) of the same subsection the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands";

5 (b) by omitting paragraph (c) of section five and by inserting in lieu thereof the following paragraph :— Sec. 5. (Disqualifications.)

(c) becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

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(c) by omitting from paragraph (b) of subsection four of section eleven the figures "1949" and by inserting in lieu thereof the figures and words "1949, as amended by subsequent Acts"; Sec. 11. (General functions of the Board.)

15 (d) by omitting from section nineteen the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 19. (Reservation or dedication of Crown lands for public purposes.)

(e) by omitting from subsection one of section twenty the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands"; Sec. 20. (Appointment of trustees.)

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(f) (i) by omitting from section twenty-one the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 21. (Leases in perpetuity for residence.)

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(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

30 (g) (i) by omitting from section twenty-two the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 22. (Special leases.)

(ii)

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

(h) (i) by omitting from section twenty-three the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 23. (Transfers and sub-leases.)

(ii) by omitting from subsection six of the same section the word "land" and by inserting in lieu thereof the word "lease";

(iii) by omitting from subsection seven of the same section the word "Minister" and by inserting in lieu thereof the words "Minister for Lands";

(i) by omitting from section twenty-six the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 26. (Rent may be deferred or waived.)

(j) (i) by omitting from section twenty-seven the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 27. (Forfeiture.)

(ii) by omitting from subsection six of the same section the word "detemine" and by inserting in lieu thereof the word "determine";

(k) (i) by omitting from subsection one of section thirty the words "under this Act"; Sec. 30. (Tenant-right in improvements.)

(ii) by omitting from the same subsection the word "affected" and by inserting in lieu thereof the word "effected";

(iii) by omitting from subsection two of the same section the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands".

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967
[15c]

119—B

No. , 1967.

A BILL

To alter the constitution of the Lord Howe Island Board; to make further provisions in respect of elections held under the Lord Howe Island Act, 1953, as amended by subsequent Acts, and the tenure of land on Lord Howe Island; for these and other purposes to amend that Act, as so amended; to validate certain matters; and for purposes connected therewith.

[MR WILLIS—2 *November*, 1967.]

BE

13865 119—A

Lord Howe Island (Amendment).

BE 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. (1) This Act may be cited as the "Lord Howe Island (Amendment) Act, 1967". Short title, citation and commencement.

(2) The Lord Howe Island Act, 1953, as amended by subsequent Acts and by this Act, may be cited as the Lord Howe Island Act, 1953–1967.

(3) The Lord Howe Island Act, 1953, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended by inserting in the definition of "Islander" in section three after the word "holder" the words ", at any time before that commencement,". Amendment of Act No. 39, 1953. Sec. 3. (Definitions.)

3. (1) The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) (i) by omitting from paragraph (e) of subsection three of section four the words "a member of the Committee" and by inserting in lieu thereof the words "an Islander"; Sec. 4. (Lord Howe Island Board.)

(ii)

(ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

(4) (a) The person appointed in pursuance of paragraph (e) of subsection three of this section—

(i) shall be the person elected for the purpose at an election held concurrently with each election of the persons referred to in subsection two of section seven of this Act;

(ii) shall hold office until his successor is appointed; and

(iii) shall be eligible for re-election.

(b) Where a vacancy occurs in the office of the member of the Board to whom this subsection applies, an election shall be held to fill the vacancy.

Any person so elected shall hold office for the unexpired term of the vacant office but shall be eligible for re-election.

(c) The persons entitled to vote at an election under this subsection shall be the persons entitled to vote at an election under Division 2 of this Part.

(d) The nomination of Islanders for election pursuant to this subsection, the appointment of electoral officers, the method of voting and the conduct of the elections shall be as prescribed.

(b) by inserting in subparagraph (iii) of paragraph (a) of subsection two of section thirty-eight after the word "election" the words "of the person to be appointed a member of the Board in pursuance of paragraph (e) of subsection three of section four of this Act and the election". Sec. 38. (Regulations.)

(2)

(2) Notwithstanding anything in section four of the Principal Act, as amended by this Act—

(a) the person who, immediately before the commencement of this Act, held office as a member of the Board in pursuance of paragraph (e) of subsection three of section four of the Principal Act shall continue to hold office until the appointment of an Islander in pursuance of paragraph (e) of subsection three of section four of the Principal Act, as amended by this Act; and

(b) where before that appointment a vacancy occurs in the office of the member of the Board referred to in paragraph (e) of subsection three of section four of the Principal Act, the vacant office shall be filled by the appointment of another member of the Committee nominated by the Minister.

(3) A person who holds office under subsection two of this section shall be eligible for election under subsection four of section four of the Principal Act, as amended by this Act.

(4) Nothing in this section shall prejudice or affect in any way the continuity of the body corporate constituted under section four of the Principal Act and it shall continue notwithstanding the provisions of this section.

4. (1) The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) (i) by inserting next after subsection three of section seven the following new subsection :— Sec. 7. (The Island Committee.)

(3A) Where the Islander appointed to the Board in pursuance of paragraph (e) of subsection three of section four of this Act is not one of the four Islanders elected under and in accordance with this Division, the Minister may appoint him as an additional member of

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the Committee and that person shall be an additional member of the Committee until—

(a) he ceases to hold office as a member of the Board; or

(b) he tenders to the Minister his resignation in writing as a member of the Committee.

(ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsections:—

(5) For the purposes of this Division a person over the age of twenty-one years who has been in residence on the Island—

(a) in the case of the holder of a lease under this Act—for a period of not less than three months immediately before his application for enrolment;

(b) in the case of an Islander, not being the holder of a lease under this Act—for a period of not less than one year immediately before his application for enrolment; or

(c) in the case of any other person—for a period of not less than three years immediately before his application for enrolment,

shall, subject to subsection six of this section, be entitled to be enrolled as an elector.

(6) (a) A person enrolled as an elector or entitled to be so enrolled shall cease to be entitled to be so enrolled if—

(i) in the case of the holder of a lease under this Act or an Islander—he has been absent from the Island for a continuous period of three years; or

(ii) in the case of any other person—he has been absent from the Island for a continuous period of one year,

but shall be again entitled to be so enrolled if he subsequently complies with the provisions of subsection five of this section.

(b)

(b) The period referred to in sub-paragraph (i) or (ii) of paragraph (a) of this subsection may be either—

(i) partly before and partly after; or

(ii) wholly after,

the commencement of the Lord Howe Island (Amendment) Act, 1967.

(b) by omitting subsection one of section eight and by inserting in lieu thereof the following subsections :— Sec. 8. (Electoral provisions.)

(1) The Board shall cause to be kept from time to time a roll of electors whose applications for enrolment have been approved whether before or after the commencement of the Lord Howe Island (Amendment) Act, 1967.

(1A) The Board shall cause—

(a) the name of a person who—

(i) dies; or

(ii) ceases, pursuant to subsection six of section seven of this Act, to be entitled to be enrolled as an elector,

to be removed from the roll; and

(b) such corrections to be made in the roll as may from time to time be necessary.

The regulations may prescribe the procedure to be observed in relation to removing from the roll the name of a person pursuant to paragraph (a) of this subsection.

(2) A person who was, immediately before the commencement of this Act, entitled to be enrolled as an elector pursuant to subsection five of section seven of the Principal Act, shall continue to be so entitled—

(a) notwithstanding the substitution of that subsection by this Act; but

(b) subject to subsection six of that section as inserted by this Act.

5. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by inserting next after section twelve the following new section :— New sec. 12A.

12A. (1) The Board may, on the application of an Islander, advance moneys to him— Advances by Board on mortgage.

(a) for the whole or part of the consideration for the transfer of a lease under this Act to him pursuant to section twenty-three of this Act; or

(b) for the effecting of improvements on land the subject of a lease under section twenty-one of this Act held by him,

on the security of a mortgage of that lease in favour of the Board.

(2) The Treasurer may from time to time make moneys available to the Board for advances under this section.

(b) (i) by omitting from subsection two of section twenty-three the words "(except by way of release of mortgage) or" and by inserting in lieu thereof the following words :— Sec. 23. (Transfers and sub-leases.)

", except—

(a) by way of discharge of mortgage; or

(b) to the Board by way of mortgage as security for an advance under section 12A of this Act,

or";

(ii) by inserting in subsection three of the same section after the word "transfer" the words "(not being a transfer referred to in paragraph (a) or (b) of subsection two of this section)";

(iii)

(iii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) Where the Board is the mortgagee of any lease under this Act, the provisions of subsections two, three, four, five, six and seven of this section shall not have effect in respect of the lease mortgaged, and the following provisions shall have effect :—

(a) If the Board as mortgagee enters into possession of the lease under the mortgage, the Board shall not foreclose the mortgage except with the consent of the Minister for Lands.

(b) The Board as mortgagee—

(i) shall not transfer the lease except with the consent of the Minister for Lands or by way of discharge of mortgage, or sublet the lease except with that consent; and

(ii) shall not apply for consent to transfer or sublet to any person other than an Islander unless satisfied that there is no Islander residing on the Island who desires and is in a position to take a transfer or sublease, as the case may be, of the lease.

(c) Such transfer or subletting shall not be effected, or if effected shall not be valid, unless the consent thereto of the Minister for Lands and, in the case of a transfer or subletting to a person other than an Islander, the approval of the Governor, has been obtained.

(d) Where the Board as mortgagee applies for consent under this subsection, the Minister for Lands may give his consent, or he may at his discretion refuse his consent.

(c) (i) by omitting from subsection one of section thirty-four the word "There" where secondly occurring and by inserting in lieu thereof the words "Subject to section 34A of this Act, there"; Sec. 34. (Lord Howe Island Account.)

(ii) by omitting from subsection two of the same section the word "There" and by inserting in lieu thereof the words "Subject to section 34A of this Act, there";

(d) by inserting next after section thirty-four the following new section :— New sec. 34A.

34A. (1) There shall be established and kept in the Treasury an account in special deposits account to be called the "Lord Howe Island Mortgages Account". Lord Howe Island Mortgages Account.

There shall be paid to the credit of the Lord Howe Island Mortgages Account—

(a) all moneys made available to the Board by the Treasurer for advances under section 12A of this Act;

(b) all moneys received by way of repayments of those advances and interest thereon.

(2) There shall be paid out of the Lord Howe Island Mortgages Account—

(a) all moneys advanced under section 12A of this Act;

(b) such moneys as are required by the Treasurer to be repaid to him from time to time.

6. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by omitting from paragraph (b) of section thirteen the word "require" and by inserting in lieu thereof the words "subject, in the case of a person conducting a guest-house, to regulations made in pursuance of subparagraph (iv) of paragraph (a) of subsection two of section thirty-eight of this Act, require"; Sec. 13. (Powers of Board as to tourists and licensing businesses.)

(b) by inserting at the end of paragraph (a) of subsection two of section thirty-eight the following new subparagraph :— Sec. 38. (Regulations.)

(iv) the licensing, control and regulation of guest-houses on the Island and the licensing of, and the terms and conditions to be observed by, persons operating them.

7. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by inserting in subsection two of section twenty-one after the word "in" the words "or to the effect of"; Sec. 21. (Leases in perpetuity for residence.)

(b) by inserting next after section twenty-two the following new section :— New sec. 22A.

22A. (1) The holder of a lease under this Act may lodge in the prescribed manner an instrument of surrender, in or to the effect of the prescribed form, as to the whole or a part of the land comprised in the lease. Surrenders.

(2)

(2) Subject to paragraph (c) of subsection (4A) of section twenty-three of this Act, the surrender shall take effect on the day of its acceptance by the Minister, on the recommendation of the Board.

(3) The Board may determine, demand and recover the costs, including costs of any necessary survey, in connection with the surrender.

Sec. 23. (Transfers and sub-leases.)

(c) (i) by inserting in subsection one of section twenty-three after the word "manner" the words "as to the whole or a part of the land comprised in the lease";

(ii) by inserting at the end of the same subsection the following new paragraph :—

(b) Notwithstanding anything in paragraph (a) of this subsection, a lease shall not be transferred, by way of mortgage or discharge of mortgage, as to part only of the land comprised in the lease.

(iii) by inserting next after subsection four of the same section the following new subsections :—

(4A) (a) Where, in the case of an application for consent to transfer a lease as to the whole of the land comprised in the lease to a person other than an Islander, the Board is prepared to recommend, in accordance with subsection four of this section, the granting of the application but as to part only of the land so comprised, the Board may, by notice served on the applicant, state that it is prepared so to recommend if the applicant within three months lodges with the Board an instrument of surrender of such part of the land comprised in the lease as is specified in the notice, being the part as to which the Board is not prepared so to recommend.

(b)

(b) If the applicant within three months lodges with the Board such an instrument of surrender the application may be dealt with as if the applicant had originally applied for consent to the transfer as to the land that would be comprised in the lease after the surrender takes effect.

(c) An instrument of surrender pursuant to this subsection shall not take effect until the day upon which the transfer takes effect.

(4B) (a) Where, in accordance with this section, a lease (in this subsection referred to as "the original lease") is transferred to any person as to part only of the land comprised in the original lease, and the residue of the land comprised in the original lease is retained by the transferor—

(i) where the original lease was a lease under section twenty-one of this Act, separate leases in or to the effect of the prescribed form shall be issued in respect of the part so transferred and the residue so retained, and the original lease shall be delivered up for cancellation;

(ii) where the original lease was a lease under section twenty-two of this Act, the lease of the part so transferred and the residue so retained shall be each held for the balance of the term for which the original lease was held before the transfer;

(iii) the lease of the part so transferred and the residue so retained shall, as from the transfer, be each held in all respects as a separate lease, but shall, subject to subsection eight of section twenty-one,

twenty-one, or subsection seven of section twenty-two, as the case may require, and to section twenty-five, of this Act, be subject to such conditions, reservations or provisions as applied in respect of the original lease immediately before the transfer; and

(iv) the Board may determine, demand and recover from the transferor the costs of any necessary survey in connection with the transfer.

(b) The Minister for Lands on the recommendation of the Board may, when giving his consent to an application to transfer a lease as to part of the land comprised in the lease, exclude from any of the lands comprised in the original lease any areas required for providing roads of access to the part so transferred or the residue so retained or both.

Any such exclusion shall not take effect until the day on which the transfer takes effect, on which day the areas so excluded shall be deemed to have been surrendered.

8. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(a) (i) by inserting in subsection one of section twenty-three after the word "Board" where firstly occurring the words "and, in the case only of a lease of land used for commercial purposes, a sum for the goodwill of the business conducted thereon, being goodwill transferred to the transferee in connection with the transfer of the lease or accruing to him in consequence thereof";

Sec. 23. (Transfers and sub-leases.)

(ii)

(ii) by inserting in the same subsection after the word "value" where secondly occurring the words "and, as the case may require, such sum for goodwill";

(b) by inserting in section twenty-four after the word "improvements" the words "or of sum for goodwill". Sec. 24. (Appeal to Land and Valuation Court.)

9. The Principal Act is further amended by inserting next after Division 6 of Part IV the following new Division :— Further amendment of Act No. 39, 1953. Part IV, new Div. 6A.

DIVISION 6A.—*Permissive occupancies.*

31A. (1) The Minister for Lands on the recommendation of the Board may grant permissions to occupy vacant Crown lands or Crown lands the subject of a reservation under this Act, whether above or below or beyond high water mark, for such purposes and upon such terms and conditions as he may impose on the recommendation of the Board. Permissive occupancies.

(2) A permission to occupy such Crown lands or a permissive occupancy of Crown lands granted or purporting to have been granted before the commencement of the Lord Howe Island (Amendment) Act, 1967, and whether or not a tenancy was created or purported to have been created thereby, shall be deemed to have been validly granted and to have and always to have had force and effect subject to the terms and conditions thereof.

(3) A permission to occupy Crown lands or a permissive occupancy of Crown lands referred to in subsection two of this section or a permission to occupy Crown lands granted under subsection one of this section shall be terminable at will by the Minister for Lands on the recommendation of the Board.

10.

10. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(a) (i) by inserting in subsection one of section thirty-two after the words "tree thereon" the words "—or ringbark or otherwise destroy any tree thereon—without lawful authority";

Sec. 32. (Trespass on Crown lands or dedicated lands.)

(ii) by omitting from the same subsection the words "forty dollars" and by inserting in lieu thereof the words "one hundred dollars";

(iii) by omitting from the same subsection the words "ten dollars" and by inserting in lieu thereof the words "twenty dollars";

(b) (i) by omitting from section thirty-three the words ", and no person shall remove, cut, ringbark or otherwise destroy any such timber unless authorised to do so by the Board or by the conditions of any lease held by such person under this Act";

Sec. 33. (Timber to be property of the Crown.)

(ii) by inserting at the end of the same section the following new subsection :—

(2) No person shall remove, cut, ringbark or otherwise destroy any such timber as is growing on land which becomes the subject of any lease under this Act, unless, being the holder of the lease, he is authorised to do so by the Board or by the conditions of the lease.

A person who contravenes the provisions of this subsection shall be liable on conviction to a penalty not exceeding one hundred dollars.

11. The Principal Act is further amended—

Further amendment of Act No. 39, 1953. (Statute law revision.)

(a) (i) by omitting from paragraph (b) of subsection three of section four the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";

Sec. 4. (Lord Howe Island Board.)

(ii)

(ii) by omitting from paragraph (d) of the same subsection the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands";

5 (b) by omitting paragraph (c) of section five and by inserting in lieu thereof the following paragraph :— Sec. 5. (Disqualifications.)

(c) becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

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(c) by omitting from paragraph (b) of subsection four of section eleven the figures "1949" and by inserting in lieu thereof the figures and words "1949, as amended by subsequent Acts"; Sec. 11. (General functions of the Board.)

15 (d) by omitting from section nineteen the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 19. (Reservation or dedication of Crown lands for public purposes.)

(e) by omitting from subsection one of section twenty the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands"; Sec. 20. (Appointment of trustees.)

20

(f) (i) by omitting from section twenty-one the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 21. (Leases in perpetuity for residence.)

25

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

30 (g) (i) by omitting from section twenty-two the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 22. (Special leases.)

(ii)

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

(h) (i) by omitting from section twenty-three the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 23. (Transfers and sub-leases.)

(ii) by omitting from subsection six of the same section the word "land" and by inserting in lieu thereof the word "lease";

(iii) by omitting from subsection seven of the same section the word "Minister" and by inserting in lieu thereof the words "Minister for Lands";

(i) by omitting from section twenty-six the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 26. (Rent may be deferred or waived.)

(j) (i) by omitting from section twenty-seven the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 27. (Forfeiture.)

(ii) by omitting from subsection six of the same section the word "detemine" and by inserting in lieu thereof the word "determine";

(k) (i) by omitting from subsection one of section thirty the words "under this Act"; Sec. 30. (Tenant-right in improvements.)

(ii) by omitting from the same subsection the word "affected" and by inserting in lieu thereof the word "effected";

(iii) by omitting from subsection two of the same section the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands".

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967
[15c]

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PROOF

LORD HOWE ISLAND (AMENDMENT) BILL, 1967

EXPLANATORY NOTE

THE objects of this Bill are—

(a) to widen the definition of "Islander" to include a person who held a permissive occupancy of part of Lord Howe Island (hereinafter referred to as "the Island") at any time before the commencement of the Lord Howe Island Act, 1953 (hereinafter referred to as "the Act");

(b) to provide for the election to the Lord Howe Island Board of an Islander, who may also be appointed to the Island Committee if he is not already a member;

(c) to modify the entitlement of a person to be enrolled as an elector under the Act;

(d) to empower the Lord Howe Island Board to advance moneys on mortgage to Islanders for the acquisition or erection of improvements on leases held by them, and to establish for this purpose the Lord Howe Island Mortgages Account;

(e) to permit regulations to be made for licensing guest-houses and persons operating them;

(f) to make provision for the transfer of a lease under the Act as to part only of the land comprised in the lease;

(g) to make further provision for the calculation of the consideration for the transfer of a lease under the Act;

(h) to make provision for the granting of permissive occupancies of certain land on the Island by the Minister for Lands on the recommendation of the Lord Howe Island Board;

(i) to increase the penalty for trespass on vacant or dedicated or reserved Crown lands·

(j) to provide a penalty for the unauthorised destruction or removal of timber from any leased land; and

(k) to make other amendments and provisions of a minor or ancillary character.

PROOF

No. , 1967.

A BILL

To alter the constitution of the Lord Howe Island Board; to make further provisions in respect of elections held under the Lord Howe Island Act, 1953, as amended by subsequent Acts, and the tenure of land on Lord Howe Island; for these and other purposes to amend that Act, as so amended; to validate certain matters; and for purposes connected therewith.

[MR WILLIS—2 *November*, 1967.]

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BE 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. (1) This Act may be cited as the "Lord Howe Island (Amendment) Act, 1967". Short title, citation and commencement.

(2) The Lord Howe Island Act, 1953, as amended by subsequent Acts and by this Act, may be cited as the Lord Howe Island Act, 1953–1967.

(3) The Lord Howe Island Act, 1953, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended by inserting in the definition of "Islander" in section three after the word "holder" the words ", at any time before that commencement,". Amendment of Act No. 39, 1953. Sec. 3. (Definitions.)

3. (1) The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) (i) by omitting from paragraph (e) of subsection three of section four the words "a member of the Committee" and by inserting in lieu thereof the words "an Islander"; Sec. 4. (Lord Howe Island Board.)

(ii)

(ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

(4) (a) The person appointed in pursuance of paragraph (e) of subsection three of this section—

(i) shall be the person elected for the purpose at an election held concurrently with each election of the persons referred to in subsection two of section seven of this Act;

(ii) shall hold office until his successor is appointed; and

(iii) shall be eligible for re-election.

(b) Where a vacancy occurs in the office of the member of the Board to whom this subsection applies, an election shall be held to fill the vacancy.

Any person so elected shall hold office for the unexpired term of the vacant office but shall be eligible for re-election.

(c) The persons entitled to vote at an election under this subsection shall be the persons entitled to vote at an election under Division 2 of this Part.

(d) The nomination of Islanders for election pursuant to this subsection, the appointment of electoral officers, the method of voting and the conduct of the elections shall be as prescribed.

(b) by inserting in subparagraph (iii) of paragraph (a) of subsection two of section thirty-eight after the word "election" the words "of the person to be appointed a member of the Board in pursuance of paragraph (e) of subsection three of section four of this Act and the election". Sec. 38. (Regulations.)

(2)

(2) Notwithstanding anything in section four of the Principal Act, as amended by this Act—

(a) the person who, immediately before the commencement of this Act, held office as a member of the Board in pursuance of paragraph (e) of subsection three of section four of the Principal Act shall continue to hold office until the appointment of an Islander in pursuance of paragraph (e) of subsection three of section four of the Principal Act, as amended by this Act; and

(b) where before that appointment a vacancy occurs in the office of the member of the Board referred to in paragraph (e) of subsection three of section four of the Principal Act, the vacant office shall be filled by the appointment of another member of the Committee nominated by the Minister.

(3) A person who holds office under subsection two of this section shall be eligible for election under subsection four of section four of the Principal Act, as amended by this Act.

(4) Nothing in this section shall prejudice or affect in any way the continuity of the body corporate constituted under section four of the Principal Act and it shall continue notwithstanding the provisions of this section.

4. (1) The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) (i) by inserting next after subsection three of section seven the following new subsection :— Sec. 7. (The Island Committee.)

(3A) Where the Islander appointed to the Board in pursuance of paragraph (e) of subsection three of section four of this Act is not one of the four Islanders elected under and in accordance with this Division, the Minister may appoint him as an additional member of

the

the Committee and that person shall be an additional member of the Committee until—

(a) he ceases to hold office as a member of the Board; or

(b) he tenders to the Minister his resignation in writing as a member of the Committee.

(ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsections:—

(5) For the purposes of this Division a person over the age of twenty-one years who has been in residence on the Island—

(a) in the case of the holder of a lease under this Act—for a period of not less than three months immediately before his application for enrolment;

(b) in the case of an Islander, not being the holder of a lease under this Act—for a period of not less than one year immediately before his application for enrolment; or

(c) in the case of any other person—for a period of not less than three years immediately before his application for enrolment,

shall, subject to subsection six of this section, be entitled to be enrolled as an elector.

(6) (a) A person enrolled as an elector or entitled to be so enrolled shall cease to be entitled to be so enrolled if—

(i) in the case of the holder of a lease under this Act or an Islander—he has been absent from the Island for a continuous period of three years; or

(ii) in the case of any other person—he has been absent from the Island for a continuous period of one year,

but shall be again entitled to be so enrolled if he subsequently complies with the provisions of subsection five of this section.

(b)

(b) The period referred to in sub-paragraph (i) or (ii) of paragraph (a) of this subsection may be either—

(i) partly before and partly after; or

(ii) wholly after,

the commencement of the Lord Howe Island (Amendment) Act, 1967.

(b) by omitting subsection one of section eight and by inserting in lieu thereof the following subsections :— Sec. 8. (Electoral provisions.)

(1) The Board shall cause to be kept from time to time a roll of electors whose applications for enrolment have been approved whether before or after the commencement of the Lord Howe Island (Amendment) Act, 1967.

(1A) The Board shall cause—

(a) the name of a person who—

(i) dies; or

(ii) ceases, pursuant to subsection six of section seven of this Act, to be entitled to be enrolled as an elector,

to be removed from the roll; and

(b) such corrections to be made in the roll as may from time to time be necessary.

The regulations may prescribe the procedure to be observed in relation to removing from the roll the name of a person pursuant to paragraph (a) of this subsection.

(2) A person who was, immediately before the commencement of this Act, entitled to be enrolled as an elector pursuant to subsection five of section seven of the Principal Act, shall continue to be so entitled—

(a) notwithstanding the substitution of that subsection by this Act; but

(b) subject to subsection six of that section as inserted by this Act.

5.

5. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by inserting next after section twelve the following new section :— New sec. 12A.

12A. (1) The Board may, on the application of an Islander, advance moneys to him— Advances by Board on mortgage.

(a) for the whole or part of the consideration for the transfer of a lease under this Act to him pursuant to section twenty-three of this Act; or

(b) for the effecting of improvements on land the subject of a lease under section twenty-one of this Act held by him,

on the security of a mortgage of that lease in favour of the Board.

(2) The Treasurer may from time to time make moneys available to the Board for advances under this section.

(b) (i) by omitting from subsection two of section twenty-three the words "(except by way of release of mortgage) or" and by inserting in lieu thereof the following words :— Sec. 23. (Transfers and sub-leases.)

", except—

(a) by way of discharge of mortgage; or

(b) to the Board by way of mortgage as security for an advance under section 12A of this Act,

or";

(ii) by inserting in subsection three of the same section after the word "transfer" the words "(not being a transfer referred to in paragraph (a) or (b) of subsection two of this section)";

(iii)

(iii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) Where the Board is the mortgagee of any lease under this Act, the provisions of subsections two, three, four, five, six and seven of this section shall not have effect in respect of the lease mortgaged, and the following provisions shall have effect :—

(a) If the Board as mortgagee enters into possession of the lease under the mortgage, the Board shall not foreclose the mortgage except with the consent of the Minister for Lands.

(b) The Board as mortgagee—

(i) shall not transfer the lease except with the consent of the Minister for Lands or by way of discharge of mortgage, or sublet the lease except with that consent; and

(ii) shall not apply for consent to transfer or sublet to any person other than an Islander unless satisfied that there is no Islander residing on the Island who desires and is in a position to take a transfer or sublease, as the case may be, of the lease.

(c) Such transfer or subletting shall not be effected, or if effected shall not be valid, unless the consent thereto of the Minister for Lands and, in the case of a transfer or subletting to a person other than an Islander, the approval of the Governor, has been obtained.

(d)

(d) Where the Board as mortgagee applies for consent under this subsection, the Minister for Lands may give his consent, or he may at his discretion refuse his consent.

(c) (i) by omitting from subsection one of section thirty-four the word "There" where secondly occurring and by inserting in lieu thereof the words "Subject to section 34A of this Act, there"; Sec. 34. (Lord Howe Island Account.)

(ii) by omitting from subsection two of the same section the word "There" and by inserting in lieu thereof the words "Subject to section 34A of this Act, there";

(d) by inserting next after section thirty-four the following new section :— New sec. 34A.

34A. (1) There shall be established and kept in the Treasury an account in special deposits account to be called the "Lord Howe Island Mortgages Account". Lord Howe Island Mortgages Account.

There shall be paid to the credit of the Lord Howe Island Mortgages Account—

(a) all moneys made available to the Board by the Treasurer for advances under section 12A of this Act;

(b) all moneys received by way of repayments of those advances and interest thereon.

(2) There shall be paid out of the Lord Howe Island Mortgages Account—

(a) all moneys advanced under section 12A of this Act;

(b) such moneys as are required by the Treasurer to be repaid to him from time to time.

6. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by omitting from paragraph (b) of section thirteen the word "require" and by inserting in lieu thereof the words "subject, in the case of a person conducting a guest-house, to regulations made in pursuance of subparagraph (iv) of paragraph (a) of subsection two of section thirty-eight of this Act, require"; Sec. 13. (Powers of Board as to tourists and licensing businesses.)

(b) by inserting at the end of paragraph (a) of subsection two of section thirty-eight the following new subparagraph :— Sec. 38. (Regulations.)

(iv) the licensing, control and regulation of guest-houses on the Island and the licensing of, and the terms and conditions to be observed by, persons operating them.

7. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by inserting in subsection two of section twenty-one after the word "in" the words "or to the effect of"; Sec. 21. (Leases in perpetuity for residence.)

(b) by inserting next after section twenty-two the following new section :— New sec. 22A.

22A. (1) The holder of a lease under this Act may lodge in the prescribed manner an instrument of surrender, in or to the effect of the prescribed form, as to the whole or a part of the land comprised in the lease. Surrenders.

(2)

(2) Subject to paragraph (c) of subsection (4A) of section twenty-three of this Act, the surrender shall take effect on the day of its acceptance by the Minister, on the recommendation of the Board.

(3) The Board may determine, demand and recover the costs, including costs of any necessary survey, in connection with the surrender.

(c) (i) by inserting in subsection one of section twenty-three after the word "manner" the words "as to the whole or a part of the land comprised in the lease"; Sec. 23. (Transfers and sub-leases.)

(ii) by inserting at the end of the same subsection the following new paragraph :—

(b) Notwithstanding anything in paragraph (a) of this subsection, a lease shall not be transferred, by way of mortgage or discharge of mortgage, as to part only of the land comprised in the lease.

(iii) by inserting next after subsection four of the same section the following new subsections :—

(4A) (a) Where, in the case of an application for consent to transfer a lease as to the whole of the land comprised in the lease to a person other than an Islander, the Board is prepared to recommend, in accordance with subsection four of this section, the granting of the application but as to part only of the land so comprised, the Board may, by notice served on the applicant, state that it is prepared so to recommend if the applicant within three months lodges with the Board an instrument of surrender of such part of the land comprised in the lease as is specified in the notice, being the part as to which the Board is not prepared so to recommend.

(b)

(b) If the applicant within three months lodges with the Board such an instrument of surrender the application may be dealt with as if the applicant had originally applied for consent to the transfer as to the land that would be comprised in the lease after the surrender takes effect.

(c) An instrument of surrender pursuant to this subsection shall not take effect until the day upon which the transfer takes effect.

(4B) (a) Where, in accordance with this section, a lease (in this subsection referred to as "the original lease") is transferred to any person as to part only of the land comprised in the original lease, and the residue of the land comprised in the original lease is retained by the transferor—

(i) where the original lease was a lease under section twenty-one of this Act, separate leases in or to the effect of the prescribed form shall be issued in respect of the part so transferred and the residue so retained, and the original lease shall be delivered up for cancellation;

(ii) where the original lease was a lease under section twenty-two of this Act, the lease of the part so transferred and the residue so retained shall be each held for the balance of the term for which the original lease was held before the transfer;

(iii) the lease of the part so transferred and the residue so retained shall, as from the transfer, be each held in all respects as a separate lease, but shall, subject to subsection eight of section twenty-one,

twenty-one, or subsection seven of section twenty-two, as the case may require, and to section twenty-five, of this Act, be subject to such conditions, reservations or provisions as applied in respect of the original lease immediately before the transfer; and

(iv) the Board may determine, demand and recover from the transferor the costs of any necessary survey in connection with the transfer.

(b) The Minister for Lands on the recommendation of the Board may, when giving his consent to an application to transfer a lease as to part of the land comprised in the lease, exclude from any of the lands comprised in the original lease any areas required for providing roads of access to the part so transferred or the residue so retained or both.

Any such exclusion shall not take effect until the day on which the transfer takes effect, on which day the areas so excluded shall be deemed to have been surrendered.

8. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(a) (i) by inserting in subsection one of section twenty-three after the word "Board" where firstly occurring the words "and, in the case only of a lease of land used for commercial purposes, a sum for the goodwill of the business conducted thereon, being goodwill transferred to the transferee in connection with the transfer of the lease or accruing to him in consequence thereof";

Sec. 23. (Transfers and sub-leases.)

(ii)

(ii) by inserting in the same subsection after the word "value" where secondly occurring the words "and, as the case may require, such sum for goodwill";

5 (b) by inserting in section twenty-four after the word "improvements" the words "or of sum for goodwill". Sec. 24. (Appeal to Land and Valuation Court.)

9. The Principal Act is further amended by inserting next after Division 6 of Part IV the following new Division :— Further amendment of Act No. 39, 1953. Part IV, new Div. 6A.

10 DIVISION 6A.—*Permissive occupancies.*

31A. (1) The Minister for Lands on the recommendation of the Board may grant permissions to occupy vacant Crown lands or Crown lands the subject of a reservation under this Act, whether above or below or 15 beyond high water mark, for such purposes and upon such terms and conditions as he may impose on the recommendation of the Board. Permissive occupancies.

(2) A permission to occupy such Crown lands or a permissive occupancy of Crown lands granted or 20 purporting to have been granted before the commencement of the Lord Howe Island (Amendment) Act, 1967, and whether or not a tenancy was created or purported to have been created thereby, shall be deemed to have been validly granted and to have and always to have 25 had force and effect subject to the terms and conditions thereof.

(3) A permission to occupy Crown lands or a permissive occupancy of Crown lands referred to in subsection two of this section or a permission to occupy 30 Crown lands granted under subsection one of this section shall be terminable at will by the Minister for Lands on the recommendation of the Board.

10.

10. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(a) (i) by inserting in subsection one of section thirty-two after the words "tree thereon" the words "—or ringbark or otherwise destroy any tree thereon—without lawful authority";

Sec. 32. (Trespass on Crown lands or dedicated lands.)

(ii) by omitting from the same subsection the words "forty dollars" and by inserting in lieu thereof the words "one hundred dollars";

(iii) by omitting from the same subsection the words "ten dollars" and by inserting in lieu thereof the words "twenty dollars";

(b) (i) by omitting from section thirty-three the words ", and no person shall remove, cut, ringbark or otherwise destroy any such timber unless authorised to do so by the Board or by the conditions of any lease held by such person under this Act";

Sec. 33. (Timber to be property of the Crown.)

(ii) by inserting at the end of the same section the following new subsection :—

(2) No person shall remove, cut, ringbark or otherwise destroy any such timber as is growing on land which becomes the subject of any lease under this Act, unless, being the holder of the lease, he is authorised to do so by the Board or by the conditions of the lease.

A person who contravenes the provisions of this subsection shall be liable on conviction to a penalty not exceeding one hundred dollars.

11. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(Statute law revision.)

(a) (i) by omitting from paragraph (b) of subsection three of section four the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";

Sec. 4. (Lord Howe Island Board.)

(ii)

(ii) by omitting from paragraph (d) of the same subsection the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands";

5 (b) by omitting paragraph (c) of section five and by inserting in lieu thereof the following paragraph :— Sec. 5. (Disqualifications.)

(c) becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

10

(c) by omitting from paragraph (b) of subsection four of section eleven the figures "1949" and by inserting in lieu thereof the figures and words "1949, as amended by subsequent Acts"; Sec. 11. (General functions of the Board.)

15 (d) by omitting from section nineteen the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 19. (Reservation or dedication of Crown lands for public purposes.)

(e) by omitting from subsection one of section twenty the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands"; Sec. 20. (Appointment of trustees.)

20

(f) (i) by omitting from section twenty-one the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 21. (Leases in perpetuity for residence.)

25

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

30 (g) (i) by omitting from section twenty-two the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 22. (Special leases.)

(ii)

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

(h) (i) by omitting from section twenty-three the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 23. (Transfers and sub-leases.)

(ii) by omitting from subsection six of the same section the word "land" and by inserting in lieu thereof the word "lease";

(iii) by omitting from subsection seven of the same section the word "Minister" and by inserting in lieu thereof the words "Minister for Lands";

(i) by omitting from section twenty-six the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 26. (Rent may be deferred or waived.)

(j) (i) by omitting from section twenty-seven the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 27. (Forfeiture.)

(ii) by omitting from subsection six of the same section the word "detemine" and by inserting in lieu thereof the word "determine";

(k) (i) by omitting from subsection one of section thirty the words "under this Act"; Sec. 30. (Tenant-right in improvements.)

(ii) by omitting from the same subsection the word "affected" and by inserting in lieu thereof the word "effected";

(iii) by omitting from subsection two of the same section the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands".

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

119—B

New South Wales

ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 66, 1967.

An Act to alter the constitution of the Lord Howe Island Board; to make further provisions in respect of elections held under the Lord Howe Island Act, 1953, as amended by subsequent Acts, and the tenure of land on Lord Howe Island; for these and other purposes to amend that Act, as so amended; to validate certain matters; and for purposes connected therewith. [Assented to, 7th December, 1967.]

BE

P 23975—1 [15c]

Lord Howe Island (Amendment).

BE 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:—

Short title, citation and commencement.

1. (1) This Act may be cited as the "Lord Howe Island (Amendment) Act, 1967".

(2) The Lord Howe Island Act, 1953, as amended by subsequent Acts and by this Act, may be cited as the Lord Howe Island Act, 1953–1967.

(3) The Lord Howe Island Act, 1953, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 39, 1953. Sec. 3. (Definitions.)

2. The Principal Act is amended by inserting in the definition of "Islander" in section three after the word "holder" the words ", at any time before that commencement,".

Further amendment of Act No. 39, 1953.

Sec. 4. (Lord Howe Island Board.)

3. (1) The Principal Act is further amended—

(a) (i) by omitting from paragraph (e) of subsection three of section four the words "a member of the Committee" and by inserting in lieu thereof the words "an Islander";

(ii)

(ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

(4) (a) The person appointed in pursuance of paragraph (e) of subsection three of this section—

(i) shall be the person elected for the purpose at an election held concurrently with each election of the persons referred to in subsection two of section seven of this Act;

(ii) shall hold office until his successor is appointed; and

(iii) shall be eligible for re-election.

(b) Where a vacancy occurs in the office of the member of the Board to whom this subsection applies, an election shall be held to fill the vacancy.

Any person so elected shall hold office for the unexpired term of the vacant office but shall be eligible for re-election.

(c) The persons entitled to vote at an election under this subsection shall be the persons entitled to vote at an election under Division 2 of this Part.

(d) The nomination of Islanders for election pursuant to this subsection, the appointment of electoral officers, the method of voting and the conduct of the elections shall be as prescribed.

(b) by inserting in subparagraph (iii) of paragraph (a) of subsection two of section thirty-eight after the word "election" the words "of the person to be appointed a member of the Board in pursuance of paragraph (e) of subsection three of section four of this Act and the election". Sec. 38. (Regulations.)

(2)

(2) Notwithstanding anything in section four of the Principal Act, as amended by this Act—

(a) the person who, immediately before the commencement of this Act, held office as a member of the Board in pursuance of paragraph (e) of subsection three of section four of the Principal Act shall continue to hold office until the appointment of an Islander in pursuance of paragraph (e) of subsection three of section four of the Principal Act, as amended by this Act; and

(b) where before that appointment a vacancy occurs in the office of the member of the Board referred to in paragraph (e) of subsection three of section four of the Principal Act, the vacant office shall be filled by the appointment of another member of the Committee nominated by the Minister.

(3) A person who holds office under subsection two of this section shall be eligible for election under subsection four of section four of the Principal Act, as amended by this Act.

(4) Nothing in this section shall prejudice or affect in any way the continuity of the body corporate constituted under section four of the Principal Act and it shall continue notwithstanding the provisions of this section.

Further amendment of Act No. 39, 1953.

4. (1) The Principal Act is further amended—

Sec. 7. (The Island Committee.)

(a) (i) by inserting next after subsection three of section seven the following new subsection :—

(3A) Where the Islander appointed to the Board in pursuance of paragraph (e) of subsection three of section four of this Act is not one of the four Islanders elected under and in accordance with this Division, the Minister may appoint him as an additional member of

the

the Committee and that person shall be an additional member of the Committee until—

(a) he ceases to hold office as a member of the Board; or

(b) he tenders to the Minister his resignation in writing as a member of the Committee.

(ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsections:—

(5) For the purposes of this Division a person over the age of twenty-one years who has been in residence on the Island—

(a) in the case of the holder of a lease under this Act—for a period of not less than three months immediately before his application for enrolment;

(b) in the case of an Islander, not being the holder of a lease under this Act—for a period of not less than one year immediately before his application for enrolment; or

(c) in the case of any other person—for a period of not less than three years immediately before his application for enrolment,

shall, subject to subsection six of this section, be entitled to be enrolled as an elector.

(6) (a) A person enrolled as an elector or entitled to be so enrolled shall cease to be entitled to be so enrolled if—

(i) in the case of the holder of a lease under this Act or an Islander—he has been absent from the Island for a continuous period of three years; or

(ii) in the case of any other person—he has been absent from the Island for a continuous period of one year,

but shall be again entitled to be so enrolled if he subsequently complies with the provisions of subsection five of this section.

(b)

(b) The period referred to in sub-paragraph (i) or (ii) of paragraph (a) of this subsection may be either—

(i) partly before and partly after; or

(ii) wholly after,

the commencement of the Lord Howe Island (Amendment) Act, 1967.

Sec. 8. (Electoral provisions.)

(b) by omitting subsection one of section eight and by inserting in lieu thereof the following subsections :—

(1) The Board shall cause to be kept from time to time a roll of electors whose applications for enrolment have been approved whether before or after the commencement of the Lord Howe Island (Amendment) Act, 1967.

(1A) The Board shall cause—

(a) the name of a person who—

(i) dies; or

(ii) ceases, pursuant to subsection six of section seven of this Act, to be entitled to be enrolled as an elector,

to be removed from the roll; and

(b) such corrections to be made in the roll as may from time to time be necessary.

The regulations may prescribe the procedure to be observed in relation to removing from the roll the name of a person pursuant to paragraph (a) of this subsection.

(2) A person who was, immediately before the commencement of this Act, entitled to be enrolled as an elector pursuant to subsection five of section seven of the Principal Act, shall continue to be so entitled—

(a) notwithstanding the substitution of that subsection by this Act; but

(b) subject to subsection six of that section as inserted by this Act.

5. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by inserting next after section twelve the following new section :— New sec. 12A.

12A. (1) The Board may, on the application of an Islander, advance moneys to him— Advances by Board on mortgage.

(a) for the whole or part of the consideration for the transfer of a lease under this Act to him pursuant to section twenty-three of this Act; or

(b) for the effecting of improvements on land the subject of a lease under section twenty-one of this Act held by him,

on the security of a mortgage of that lease in favour of the Board.

(2) The Treasurer may from time to time make moneys available to the Board for advances under this section.

(b) (i) by omitting from subsection two of section twenty-three the words "(except by way of release of mortgage) or" and by inserting in lieu thereof the following words :— Sec. 23. (Transfers and sub-leases.)

", except—

(a) by way of discharge of mortgage; or

(b) to the Board by way of mortgage as security for an advance under section 12A of this Act,

or";

(ii) by inserting in subsection three of the same section after the word "transfer" the words "(not being a transfer referred to in paragraph (a) or (b) of subsection two of this section)";

(iii)

(iii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) Where the Board is the mortgagee of any lease under this Act, the provisions of subsections two, three, four, five, six and seven of this section shall not have effect in respect of the lease mortgaged, and the following provisions shall have effect :—

(a) If the Board as mortgagee enters into possession of the lease under the mortgage, the Board shall not foreclose the mortgage except with the consent of the Minister for Lands.

(b) The Board as mortgagee—

(i) shall not transfer the lease except with the consent of the Minister for Lands or by way of discharge of mortgage, or sublet the lease except with that consent; and

(ii) shall not apply for consent to transfer or sublet to any person other than an Islander unless satisfied that there is no Islander residing on the Island who desires and is in a position to take a transfer or sublease, as the case may be, of the lease.

(c) Such transfer or subletting shall not be effected, or if effected shall not be valid, unless the consent thereto of the Minister for Lands and, in the case of a transfer or subletting to a person other than an Islander, the approval of the Governor, has been obtained.

(d)

(d) Where the Board as mortgagee applies for consent under this subsection, the Minister for Lands may give his consent, or he may at his discretion refuse his consent.

(c) (i) by omitting from subsection one of section thirty-four the word "There" where secondly occurring and by inserting in lieu thereof the words "Subject to section 34A of this Act, there"; Sec. 34. (Lord Howe Island Account.)

(ii) by omitting from subsection two of the same section the word "There" and by inserting in lieu thereof the words "Subject to section 34A of this Act, there";

(d) by inserting next after section thirty-four the following new section :— New sec. 34A.

34A. (1) There shall be established and kept in the Treasury an account in special deposits account to be called the "Lord Howe Island Mortgages Account". Lord Howe Island Mortgages Account.

There shall be paid to the credit of the Lord Howe Island Mortgages Account—

(a) all moneys made available to the Board by the Treasurer for advances under section 12A of this Act;

(b) all moneys received by way of repayments of those advances and interest thereon.

(2) There shall be paid out of the Lord Howe Island Mortgages Account—

(a) all moneys advanced under section 12A of this Act;

(b) such moneys as are required by the Treasurer to be repaid to him from time to time.

Further amendment of Act No. 39, 1953.

6. The Principal Act is further amended—

Sec. 13. (Powers of Board as to tourists and licensing businesses.)

(a) by omitting from paragraph (b) of section thirteen the word "require" and by inserting in lieu thereof the words "subject, in the case of a person conducting a guest-house, to regulations made in pursuance of subparagraph (iv) of paragraph (a) of subsection two of section thirty-eight of this Act, require";

Sec. 38. (Regulations.)

(b) by inserting at the end of paragraph (a) of subsection two of section thirty-eight the following new subparagraph :—

(iv) the licensing, control and regulation of guest-houses on the Island and the licensing of, and the terms and conditions to be observed by, persons operating them.

Further amendment of Act No. 39, 1953.

7. The Principal Act is further amended—

Sec. 21. (Leases in perpetuity for residence.)

(a) by inserting in subsection two of section twenty-one after the word "in" the words "or to the effect of";

New sec. 22A.

(b) by inserting next after section twenty-two the following new section :—

Surrenders.

22A. (1) The holder of a lease under this Act may lodge in the prescribed manner an instrument of surrender, in or to the effect of the prescribed form, as to the whole or a part of the land comprised in the lease.

(2)

(2) Subject to paragraph (c) of subsection (4A) of section twenty-three of this Act, the surrender shall take effect on the day of its acceptance by the Minister, on the recommendation of the Board.

(3) The Board may determine, demand and recover the costs, including costs of any necessary survey, in connection with the surrender.

(c) (i) by inserting in subsection one of section twenty-three after the word "manner" the words "as to the whole or a part of the land comprised in the lease"; Sec. 23. (Transfers and sub-leases.)

(ii) by inserting at the end of the same subsection the following new paragraph :—

(b) Notwithstanding anything in paragraph (a) of this subsection, a lease shall not be transferred, by way of mortgage or discharge of mortgage, as to part only of the land comprised in the lease.

(iii) by inserting next after subsection four of the same section the following new subsections :—

(4A) (a) Where, in the case of an application for consent to transfer a lease as to the whole of the land comprised in the lease to a person other than an Islander, the Board is prepared to recommend, in accordance with subsection four of this section, the granting of the application but as to part only of the land so comprised, the Board may, by notice served on the applicant, state that it is prepared so to recommend if the applicant within three months lodges with the Board an instrument of surrender of such part of the land comprised in the lease as is specified in the notice, being the part as to which the Board is not prepared so to recommend.

(b)

(b) If the applicant within three months lodges with the Board such an instrument of surrender the application may be dealt with as if the applicant had originally applied for consent to the transfer as to the land that would be comprised in the lease after the surrender takes effect.

(c) An instrument of surrender pursuant to this subsection shall not take effect until the day upon which the transfer takes effect.

(4B) (a) Where, in accordance with this section, a lease (in this subsection referred to as "the original lease") is transferred to any person as to part only of the land comprised in the original lease, and the residue of the land comprised in the original lease is retained by the transferor—

(i) where the original lease was a lease under section twenty-one of this Act, separate leases in or to the effect of the prescribed form shall be issued in respect of the part so transferred and the residue so retained, and the original lease shall be delivered up for cancellation;

(ii) where the original lease was a lease under section twenty-two of this Act, the lease of the part so transferred and the residue so retained shall be each held for the balance of the term for which the original lease was held before the transfer;

(iii) the lease of the part so transferred and the residue so retained shall, as from the transfer, be each held in all respects as a separate lease, but shall, subject to subsection eight of section twenty-one,

twenty-one, or subsection seven of section twenty-two, as the case may require, and to section twenty-five, of this Act, be subject to such conditions, reservations or provisions as applied in respect of the original lease immediately before the transfer; and

(iv) the Board may determine, demand and recover from the transferor the costs of any necessary survey in connection with the transfer.

(b) The Minister for Lands on the recommendation of the Board may, when giving his consent to an application to transfer a lease as to part of the land comprised in the lease, exclude from any of the lands comprised in the original lease any areas required for providing roads of access to the part so transferred or the residue so retained or both.

Any such exclusion shall not take effect until the day on which the transfer takes effect, on which day the areas so excluded shall be deemed to have been surrendered.

8. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(a) (i) by inserting in subsection one of section twenty-three after the word "Board" where firstly occurring the words "and, in the case only of a lease of land used for commercial purposes, a sum for the goodwill of the business conducted thereon, being goodwill transferred to the transferee in connection with the transfer of the lease or accruing to him in consequence thereof";

Sec. 23. (Transfers and sub-leases.)

(ii)

(ii) by inserting in the same subsection after the word "value" where secondly occurring the words "and, as the case may require, such sum for goodwill";

Sec. 24. (Appeal to Land and Valuation Court.)

(b) by inserting in section twenty-four after the word "improvements" the words "or of sum for goodwill".

Further amendment of Act No. 39, 1953.

9. The Principal Act is further amended by inserting next after Division 6 of Part IV the following new Division :—

Part IV, new Div. 6A.

DIVISION 6A.—*Permissive occupancies.*

Permissive occupancies.

31A. (1) The Minister for Lands on the recommendation of the Board may grant permissions to occupy vacant Crown lands or Crown lands the subject of a reservation under this Act, whether above or below or beyond high water mark, for such purposes and upon such terms and conditions as he may impose on the recommendation of the Board.

(2) A permission to occupy such Crown lands or a permissive occupancy of Crown lands granted or purporting to have been granted before the commencement of the Lord Howe Island (Amendment) Act, 1967, and whether or not a tenancy was created or purported to have been created thereby, shall be deemed to have been validly granted and to have and always to have had force and effect subject to the terms and conditions thereof.

(3) A permission to occupy Crown lands or a permissive occupancy of Crown lands referred to in subsection two of this section or a permission to occupy Crown lands granted under subsection one of this section shall be terminable at will by the Minister for Lands on the recommendation of the Board.

10. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(a) (i) by inserting in subsection one of section thirty-two after the words "tree thereon" the words "—or ringbark or otherwise destroy any tree thereon—without lawful authority";

Sec. 32. (Trespass on Crown lands or dedicated lands.)

(ii) by omitting from the same subsection the words "forty dollars" and by inserting in lieu thereof the words "one hundred dollars";

(iii) by omitting from the same subsection the words "ten dollars" and by inserting in lieu thereof the words "twenty dollars";

(b) (i) by omitting from section thirty-three the words ", and no person shall remove, cut, ringbark or otherwise destroy any such timber unless authorised to do so by the Board or by the conditions of any lease held by such person under this Act";

Sec. 33. (Timber to be property of the Crown.)

(ii) by inserting at the end of the same section the following new subsection :—

(2) No person shall remove, cut, ringbark or otherwise destroy any such timber as is growing on land which becomes the subject of any lease under this Act, unless, being the holder of the lease, he is authorised to do so by the Board or by the conditions of the lease.

A person who contravenes the provisions of this subsection shall be liable on conviction to a penalty not exceeding one hundred dollars.

11. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

(Statute law revision.)

(a) (i) by omitting from paragraph (b) of subsection three of section four the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";

Sec. 4. (Lord Howe Island Board.)

(ii)

(ii) by omitting from paragraph (d) of the same subsection the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands";

Sec. 5. (Disqualifications.)

(b) by omitting paragraph (c) of section five and by inserting in lieu thereof the following paragraph :—

(c) becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

Sec. 11. (General functions of the Board.)

(c) by omitting from paragraph (b) of subsection four of section eleven the figures "1949" and by inserting in lieu thereof the figures and words "1949, as amended by subsequent Acts";

Sec. 19. (Reservation or dedication of Crown lands for public purposes.)

(d) by omitting from section nineteen the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands";

Sec. 20. (Appointment of trustees.)

(e) by omitting from subsection one of section twenty the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands";

Sec. 21. (Leases in perpetuity for residence.)

(f) (i) by omitting from section twenty-one the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands";

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

Sec. 22. (Special leases.)

(g) (i) by omitting from section twenty-two the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands";

(ii)

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

(h) (i) by omitting from section twenty-three the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 23. (Transfers and sub-leases.)

(ii) by omitting from subsection six of the same section the word "land" and by inserting in lieu thereof the word "lease";

(iii) by omitting from subsection seven of the same section the word "Minister" and by inserting in lieu thereof the words "Minister for Lands";

(i) by omitting from section twenty-six the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 26. (Rent may be deferred or waived.)

(j) (i) by omitting from section twenty-seven the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 27. (Forfeiture.)

(ii) by omitting from subsection six of the same section the word "detemine" and by inserting in lieu thereof the word "determine";

(k) (i) by omitting from subsection one of section thirty the words "under this Act"; Sec. 30. (Tenant-right in improvements.)

(ii) by omitting from the same subsection the word "affected" and by inserting in lieu thereof the word "effected";

(iii) by omitting from subsection two of the same section the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands".

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

P 23975—2

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 28 *November,* 1967.

New South Wales

ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 66, 1967.

An Act to alter the constitution of the Lord Howe Island Board; to make further provisions in respect of elections held under the Lord Howe Island Act, 1953, as amended by subsequent Acts, and the tenure of land on Lord Howe Island; for these and other purposes to amend that Act, as so amended; to validate certain matters; and for purposes connected therewith. [Assented to, 7th December, 1967.]

BE

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

G. R. CRAWFORD,
Chairman of Committees of the Legislative Assembly.

BE 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:—

Short title, citation and commencement.

1. (1) This Act may be cited as the "Lord Howe Island (Amendment) Act, 1967".

(2) The Lord Howe Island Act, 1953, as amended by subsequent Acts and by this Act, may be cited as the Lord Howe Island Act, 1953–1967.

(3) The Lord Howe Island Act, 1953, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 39, 1953. Sec. 3. (Definitions.)

2. The Principal Act is amended by inserting in the definition of "Islander" in section three after the word "holder" the words ", at any time before that commencement,".

Further amendment of Act No. 39, 1953. Sec. 4. (Lord Howe Island Board.)

3. (1) The Principal Act is further amended—

(a) (i) by omitting from paragraph (e) of subsection three of section four the words "a member of the Committee" and by inserting in lieu thereof the words "an Islander";

(ii)

(ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

(4) (a) The person appointed in pursuance of paragraph (e) of subsection three of this section—

(i) shall be the person elected for the purpose at an election held concurrently with each election of the persons referred to in subsection two of section seven of this Act;

(ii) shall hold office until his successor is appointed; and

(iii) shall be eligible for re-election.

(b) Where a vacancy occurs in the office of the member of the Board to whom this subsection applies, an election shall be held to fill the vacancy.

Any person so elected shall hold office for the unexpired term of the vacant office but shall be eligible for re-election.

(c) The persons entitled to vote at an election under this subsection shall be the persons entitled to vote at an election under Division 2 of this Part.

(d) The nomination of Islanders for election pursuant to this subsection, the appointment of electoral officers, the method of voting and the conduct of the elections shall be as prescribed.

(b) by inserting in subparagraph (iii) of paragraph (a) of subsection two of section thirty-eight after the word "election" the words "of the person to be appointed a member of the Board in pursuance of paragraph (e) of subsection three of section four of this Act and the election". Sec. 38. (Regulations.)

(2)

(2) Notwithstanding anything in section four of the Principal Act, as amended by this Act—

(a) the person who, immediately before the commencement of this Act, held office as a member of the Board in pursuance of paragraph (e) of subsection three of section four of the Principal Act shall continue to hold office until the appointment of an Islander in pursuance of paragraph (e) of subsection three of section four of the Principal Act, as amended by this Act; and

(b) where before that appointment a vacancy occurs in the office of the member of the Board referred to in paragraph (e) of subsection three of section four of the Principal Act, the vacant office shall be filled by the appointment of another member of the Committee nominated by the Minister.

(3) A person who holds office under subsection two of this section shall be eligible for election under subsection four of section four of the Principal Act, as amended by this Act.

(4) Nothing in this section shall prejudice or affect in any way the continuity of the body corporate constituted under section four of the Principal Act and it shall continue notwithstanding the provisions of this section.

Further amendment of Act No. 39, 1953.

4. (1) The Principal Act is further amended—

Sec. 7. (The Island Committee.)

(a) (i) by inserting next after subsection three of section seven the following new subsection :—

(3A) Where the Islander appointed to the Board in pursuance of paragraph (e) of subsection three of section four of this Act is not one of the four Islanders elected under and in accordance with this Division, the Minister may appoint him as an additional member of

the

the Committee and that person shall be an additional member of the Committee until—

(a) he ceases to hold office as a member of the Board; or

(b) he tenders to the Minister his resignation in writing as a member of the Committee.

(ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsections:—

(5) For the purposes of this Division a person over the age of twenty-one years who has been in residence on the Island—

(a) in the case of the holder of a lease under this Act—for a period of not less than three months immediately before his application for enrolment;

(b) in the case of an Islander, not being the holder of a lease under this Act—for a period of not less than one year immediately before his application for enrolment; or

(c) in the case of any other person—for a period of not less than three years immediately before his application for enrolment,

shall, subject to subsection six of this section, be entitled to be enrolled as an elector.

(6) (a) A person enrolled as an elector or entitled to be so enrolled shall cease to be entitled to be so enrolled if—

(i) in the case of the holder of a lease under this Act or an Islander—he has been absent from the Island for a continuous period of three years; or

(ii) in the case of any other person—he has been absent from the Island for a continuous period of one year,

but shall be again entitled to be so enrolled if he subsequently complies with the provisions of subsection five of this section.

(b)

(b) The period referred to in subparagraph (i) or (ii) of paragraph (a) of this subsection may be either—

(i) partly before and partly after; or

(ii) wholly after,

the commencement of the Lord Howe Island (Amendment) Act, 1967.

Sec. 8. (Electoral provisions.)

(b) by omitting subsection one of section eight and by inserting in lieu thereof the following subsections :—

(1) The Board shall cause to be kept from time to time a roll of electors whose applications for enrolment have been approved whether before or after the commencement of the Lord Howe Island (Amendment) Act, 1967.

(1A) The Board shall cause—

(a) the name of a person who—

(i) dies; or

(ii) ceases, pursuant to subsection six of section seven of this Act, to be entitled to be enrolled as an elector,

to be removed from the roll; and

(b) such corrections to be made in the roll as may from time to time be necessary.

The regulations may prescribe the procedure to be observed in relation to removing from the roll the name of a person pursuant to paragraph (a) of this subsection.

(2) A person who was, immediately before the commencement of this Act, entitled to be enrolled as an elector pursuant to subsection five of section seven of the Principal Act, shall continue to be so entitled—

(a) notwithstanding the substitution of that subsection by this Act; but

(b) subject to subsection six of that section as inserted by this Act.

5. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) by inserting next after section twelve the following new section :— New sec. 12A.

12A. (1) The Board may, on the application of an Islander, advance moneys to him— Advances by Board on mortgage.

(a) for the whole or part of the consideration for the transfer of a lease under this Act to him pursuant to section twenty-three of this Act; or

(b) for the effecting of improvements on land the subject of a lease under section twenty-one of this Act held by him,

on the security of a mortgage of that lease in favour of the Board.

(2) The Treasurer may from time to time make moneys available to the Board for advances under this section.

(b) (i) by omitting from subsection two of section twenty-three the words "(except by way of release of mortgage) or" and by inserting in lieu thereof the following words :— Sec. 23. (Transfers and sub-leases.)

", except—

(a) by way of discharge of mortgage; or

(b) to the Board by way of mortgage as security for an advance under section 12A of this Act,

or";

(ii) by inserting in subsection three of the same section after the word "transfer" the words "(not being a transfer referred to in paragraph (a) or (b) of subsection two of this section)";

(iii)

(iii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) Where the Board is the mortgagee of any lease under this Act, the provisions of subsections two, three, four, five, six and seven of this section shall not have effect in respect of the lease mortgaged, and the following provisions shall have effect :—

(a) If the Board as mortgagee enters into possession of the lease under the mortgage, the Board shall not foreclose the mortgage except with the consent of the Minister for Lands.

(b) The Board as mortgagee—

(i) shall not transfer the lease except with the consent of the Minister for Lands or by way of discharge of mortgage, or sublet the lease except with that consent; and

(ii) shall not apply for consent to transfer or sublet to any person other than an Islander unless satisfied that there is no Islander residing on the Island who desires and is in a position to take a transfer or sublease, as the case may be, of the lease.

(c) Such transfer or subletting shall not be effected, or if effected shall not be valid, unless the consent thereto of the Minister for Lands and, in the case of a transfer or subletting to a person other than an Islander, the approval of the Governor, has been obtained.

(d)

(d) Where the Board as mortgagee applies for consent under this subsection, the Minister for Lands may give his consent, or he may at his discretion refuse his consent.

(c) (i) by omitting from subsection one of section thirty-four the word "There" where secondly occurring and by inserting in lieu thereof the words "Subject to section 34A of this Act, there"; Sec. 34. (Lord Howe Island Account.)

(ii) by omitting from subsection two of the same section the word "There" and by inserting in lieu thereof the words "Subject to section 34A of this Act, there";

(d) by inserting next after section thirty-four the following new section :— New sec. 34A.

34A. (1) There shall be established and kept in the Treasury an account in special deposits account to be called the "Lord Howe Island Mortgages Account". Lord Howe Island Mortgages Account.

There shall be paid to the credit of the Lord Howe Island Mortgages Account—

(a) all moneys made available to the Board by the Treasurer for advances under section 12A of this Act;

(b) all moneys received by way of repayments of those advances and interest thereon.

(2) There shall be paid out of the Lord Howe Island Mortgages Account—

(a) all moneys advanced under section 12A of this Act;

(b) such moneys as are required by the Treasurer to be repaid to him from time to time.

Further amendment of Act No. 39, 1953.

6. The Principal Act is further amended—

Sec. 13. (Powers of Board as to tourists and licensing businesses.)

(a) by omitting from paragraph (b) of section thirteen the word "require" and by inserting in lieu thereof the words "subject, in the case of a person conducting a guest-house, to regulations made in pursuance of subparagraph (iv) of paragraph (a) of subsection two of section thirty-eight of this Act, require";

Sec. 38. (Regulations.)

(b) by inserting at the end of paragraph (a) of subsection two of section thirty-eight the following new subparagraph :—

(iv) the licensing, control and regulation of guest-houses on the Island and the licensing of, and the terms and conditions to be observed by, persons operating them.

Further amendment of Act No. 39, 1953.

7. The Principal Act is further amended—

Sec. 21. (Leases in perpetuity for residence.)

(a) by inserting in subsection two of section twenty-one after the word "in" the words "or to the effect of";

New sec. 22A.

(b) by inserting next after section twenty-two the following new section :—

Surrenders.

22A. (1) The holder of a lease under this Act may lodge in the prescribed manner an instrument of surrender, in or to the effect of the prescribed form, as to the whole or a part of the land comprised in the lease.

(2)

(2) Subject to paragraph (c) of subsection (4A) of section twenty-three of this Act, the surrender shall take effect on the day of its acceptance by the Minister, on the recommendation of the Board.

(3) The Board may determine, demand and recover the costs, including costs of any necessary survey, in connection with the surrender.

(c) (i) by inserting in subsection one of section twenty-three after the word "manner" the words "as to the whole or a part of the land comprised in the lease"; Sec. 23. (Transfers and sub-leases.)

(ii) by inserting at the end of the same subsection the following new paragraph :—

(b) Notwithstanding anything in paragraph (a) of this subsection, a lease shall not be transferred, by way of mortgage or discharge of mortgage, as to part only of the land comprised in the lease.

(iii) by inserting next after subsection four of the same section the following new subsections :—

(4A) (a) Where, in the case of an application for consent to transfer a lease as to the whole of the land comprised in the lease to a person other than an Islander, the Board is prepared to recommend, in accordance with subsection four of this section, the granting of the application but as to part only of the land so comprised, the Board may, by notice served on the applicant, state that it is prepared so to recommend if the applicant within three months lodges with the Board an instrument of surrender of such part of the land comprised in the lease as is specified in the notice, being the part as to which the Board is not prepared so to recommend.

(b)

(b) If the applicant within three months lodges with the Board such an instrument of surrender the application may be dealt with as if the applicant had originally applied for consent to the transfer as to the land that would be comprised in the lease after the surrender takes effect.

(c) An instrument of surrender pursuant to this subsection shall not take effect until the day upon which the transfer takes effect.

(4B) (a) Where, in accordance with this section, a lease (in this subsection referred to as "the original lease") is transferred to any person as to part only of the land comprised in the original lease, and the residue of the land comprised in the original lease is retained by the transferor—

(i) where the original lease was a lease under section twenty-one of this Act, separate leases in or to the effect of the prescribed form shall be issued in respect of the part so transferred and the residue so retained, and the original lease shall be delivered up for cancellation;

(ii) where the original lease was a lease under section twenty-two of this Act, the lease of the part so transferred and the residue so retained shall be each held for the balance of the term for which the original lease was held before the transfer;

(iii) the lease of the part so transferred and the residue so retained shall, as from the transfer, be each held in all respects as a separate lease, but shall, subject to subsection eight of section twenty-one,

twenty-one, or subsection seven of section twenty-two, as the case may require, and to section twenty-five, of this Act, be subject to such conditions, reservations or provisions as applied in respect of the original lease immediately before the transfer; and

(iv) the Board may determine, demand and recover from the transferor the costs of any necessary survey in connection with the transfer.

(b) The Minister for Lands on the recommendation of the Board may, when giving his consent to an application to transfer a lease as to part of the land comprised in the lease, exclude from any of the lands comprised in the original lease any areas required for providing roads of access to the part so transferred or the residue so retained or both.

Any such exclusion shall not take effect until the day on which the transfer takes effect, on which day the areas so excluded shall be deemed to have been surrendered.

8. The Principal Act is further amended—

Further amendment of Act No. 39, 1953.

Sec. 23. (Transfers and sub-leases.)

(a) (i) by inserting in subsection one of section twenty-three after the word "Board" where firstly occurring the words "and, in the case only of a lease of land used for commercial purposes, a sum for the goodwill of the business conducted thereon, being goodwill transferred to the transferee in connection with the transfer of the lease or accruing to him in consequence thereof";

(ii)

(ii) by inserting in the same subsection after the word "value" where secondly occurring the words "and, as the case may require, such sum for goodwill";

Sec. 24. (Appeal to Land and Valuation Court.)

(b) by inserting in section twenty-four after the word "improvements" the words "or of sum for goodwill".

Further amendment of Act No. 39, 1953. Part IV, new Div. 6A.

9. The Principal Act is further amended by inserting next after Division 6 of Part IV the following new Division :—

DIVISION 6A.—*Permissive occupancies.*

Permissive occupancies.

31A. (1) The Minister for Lands on the recommendation of the Board may grant permissions to occupy vacant Crown lands or Crown lands the subject of a reservation under this Act, whether above or below or beyond high water mark, for such purposes and upon such terms and conditions as he may impose on the recommendation of the Board.

(2) A permission to occupy such Crown lands or a permissive occupancy of Crown lands granted or purporting to have been granted before the commencement of the Lord Howe Island (Amendment) Act, 1967, and whether or not a tenancy was created or purported to have been created thereby, shall be deemed to have been validly granted and to have and always to have had force and effect subject to the terms and conditions thereof.

(3) A permission to occupy Crown lands or a permissive occupancy of Crown lands referred to in subsection two of this section or a permission to occupy Crown lands granted under subsection one of this section shall be terminable at will by the Minister for Lands on the recommendation of the Board.

10. The Principal Act is further amended— Further amendment of Act No. 39, 1953.

(a) (i) by inserting in subsection one of section thirty-two after the words "tree thereon" the words "—or ringbark or otherwise destroy any tree thereon—without lawful authority"; Sec. 32. (Trespass on Crown lands or dedicated lands.)

(ii) by omitting from the same subsection the words "forty dollars" and by inserting in lieu thereof the words "one hundred dollars";

(iii) by omitting from the same subsection the words "ten dollars" and by inserting in lieu thereof the words "twenty dollars";

(b) (i) by omitting from section thirty-three the words ", and no person shall remove, cut, ringbark or otherwise destroy any such timber unless authorised to do so by the Board or by the conditions of any lease held by such person under this Act"; Sec. 33. (Timber to be property of the Crown.)

(ii) by inserting at the end of the same section the following new subsection :—

(2) No person shall remove, cut, ringbark or otherwise destroy any such timber as is growing on land which becomes the subject of any lease under this Act, unless, being the holder of the lease, he is authorised to do so by the Board or by the conditions of the lease.

A person who contravenes the provisions of this subsection shall be liable on conviction to a penalty not exceeding one hundred dollars.

11. The Principal Act is further amended— Further amendment of Act No. 39, 1953. (Statute law revision.)

(a) (i) by omitting from paragraph (b) of subsection three of section four the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister"; Sec. 4. (Lord Howe Island Board.)

(ii)

(ii) by omitting from paragraph (d) of the same subsection the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands";

Sec. 5. (Disqualifications.)

(b) by omitting paragraph (c) of section five and by inserting in lieu thereof the following paragraph :—

(c) becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

Sec. 11. (General functions of the Board.)

(c) by omitting from paragraph (b) of subsection four of section eleven the figures "1949" and by inserting in lieu thereof the figures and words "1949, as amended by subsequent Acts";

Sec. 19. (Reservation or dedication of Crown lands for public purposes.)

(d) by omitting from section nineteen the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands";

Sec. 20. (Appointment of trustees.)

(e) by omitting from subsection one of section twenty the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands";

Sec. 21. (Leases in perpetuity for residence.)

(f) (i) by omitting from section twenty-one the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands";

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

Sec. 22. (Special leases.)

(g) (i) by omitting from section twenty-two the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands";

(ii)

(ii) by omitting from subsection four of the same section the words "form prescribed" and by inserting in lieu thereof the words "prescribed form";

(h) (i) by omitting from section twenty-three the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 23. (Transfers and sub-leases.)

(ii) by omitting from subsection six of the same section the word "land" and by inserting in lieu thereof the word "lease";

(iii) by omitting from subsection seven of the same section the word "Minister" and by inserting in lieu thereof the words "Minister for Lands";

(i) by omitting from section twenty-six the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 26. (Rent may be deferred or waived.)

(j) (i) by omitting from section twenty-seven the words "Secretary for Lands" wherever occurring and by inserting in lieu thereof the words "Minister for Lands"; Sec. 27. (Forfeiture.)

(ii) by omitting from subsection six of the same section the word "detemine" and by inserting in lieu thereof the word "determine";

(k) (i) by omitting from subsection one of section thirty the words "under this Act"; Sec. 30. (Tenant-right in improvements.)

(ii) by omitting from the same subsection the word "affected" and by inserting in lieu thereof the word "effected";

(iii) by omitting from subsection two of the same section the words "Secretary for Lands" and by inserting in lieu thereof the words "Minister for Lands".

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 7th December, 1967.