

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, 16 September, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to provide for the increase or fixing of the minimum annual rents for leases, permits and occupancies under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; to prescribe the minimum annual interest payment in respect of certain conditional purchases; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924,

the

Crown Lands and Other Acts (Amendment).

the Finances Adjustment Act, 1932, and the Crown Lands and Other Acts (Amendment) Act, 1970; and for purposes connected therewith.

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. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1971". Short title.

2. (1) The Crown Lands and Other Acts (Amendment) Act, 1970, is amended by omitting section five. Amendment of Act No. 28, 1970. Sec. 5.

10 (2) The Crown Lands Consolidation Act, 1913, is amended— Amendment of Act No. 7, 1913.

(a) by omitting from the matter relating to Division 9 of Part VIII in paragraph (b) of section one the figures "233" and by inserting in lieu thereof the figures and letter "233A"; Sec. 1. (Short title.)

15 (b) by inserting next after subsection (1A) of section thirty-seven the following new subsection :— Sec. 37. (Power to make regulations.)

(1B) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent or license fee pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different

amounts

Crown Lands and Other Acts (Amendment).

amounts in respect of different classes of holdings, or may prescribe the bases on which such minimum rent or license fee shall be calculated.

5 Any increase in rents or license fees pursuant to any such prescription shall take effect from the prescribed date.

10 (c) by omitting from section fifty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 52.
(Term and
rent of
conditional
lease.)

(d) by omitting from paragraph (2A) of section seventy the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 70.
(Occupation
license.)

15 (e) by omitting from paragraph five of section seventy-two the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Sec. 72.
(Annual
leases
generally:
terms and
conditions.)

20 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement
25 some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

30 (f) by omitting from subsection one of section seventy-four the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 74.
(Special
leases for
wharfs and
jetties.)

(g)

Crown Lands and Other Acts (Amendment).

- 5 (g) by omitting from subsection one of section seventy-five the words "four dollars per annum" wherever occurring and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75.
(Special leases, miscellaneous purposes.)
- 10 (h) (i) by omitting from subsection nine of section 75A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75A.
(Extension of special leases to special leases in perpetuity for miscellaneous purposes.)
- 15 (ii) by omitting from subsection ten of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 20 (i) by omitting from subsection nine of section 75B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75B.
(Special leases in perpetuity for miscellaneous purposes.)
- 25 (j) by omitting from subsection one of section seventy-six the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 76.
(Special leases: tramway and irrigation purposes.)
- 30 (k) by omitting from section seventy-eight the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 78.
(Snow lease.)

Crown Lands and Other Acts (Amendment).

- 5 (l) by omitting from paragraph (c) of subsection one of section eighty the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 80. (Residential lease on goldfield, or mineral field.)
- (m) by omitting from paragraph (d) of section 82A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 82A. (Leasing of Crown lands within towns.)
- 10 (n) by omitting from paragraph (e) of subsection one of section ninety-one the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 91. (Conditions precedent to homestead grant.)
- 15 (o) (i) by omitting from subsection one of section ninety-seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 97. (Additional homestead selection.)
- 20 (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 25 (p) by omitting from subsection one of section one hundred and one the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 101. (Original settlement lease.)
- 30 (q) (i) by omitting from subsection one of section one hundred and three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 103. (Additional settlement lease.)
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(ii)

Crown Lands and Other Acts (Amendment).

- 5 (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 10 (r) by omitting from section one hundred and seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 15 (s) (i) by omitting from paragraph (b) of subsection seven of section one hundred and nine the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 20 (ii) by omitting from paragraph (b1) of the same subsection the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 25 (t) by omitting from subsection (2A) of section one hundred and thirteen the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 30 (u) by omitting from section one hundred and twenty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- (v) by omitting from subsection five of section 123A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

(w)

Crown Lands and Other Acts (Amendment).

- (w) by omitting from section one hundred and twenty-seven the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 127. (Suburban holding: rent.)
- 5 (x) by omitting from section one hundred and thirty-four the words "Provided that the annual rent shall not be less than four dollars, and that the rent payable for the next year after confirmation or approval shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial character, the improvements so effected—except boundary fencing—being in addition to those which may be otherwise required by the conditions as to improvements or expenditure attaching to the lease." Sec. 134. (Crown-lease: term and rent.)
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- 15 The foregoing provision of this section relating to remission of rent shall not apply to any Crown-lease the application for which is confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1964." and by inserting in lieu thereof the words—
- 20
- 25 Provided that the annual rent shall not be less than six dollars or, where some other amount is prescribed, such other amount.
- (y) by omitting from section 136c the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 136c. (Rent for week-end leases.)
- 30 (z) by inserting next after subsection one of section 136k the following new subsections :— Sec. 136k. (Permissive occupancies.)
- 35 (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four

Crown Lands and Other Acts (Amendment).

four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

5 (1B) Where a permission to occupy Crown lands is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect of
10 any such permission shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permission the Minister otherwise determines. Without limiting his discretion the
15 Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this subsection.

20 (aa) by omitting from the matter relating to Division 9 Part VIII. in the heading to Part VIII the figures "233" and Heading. by inserting in lieu thereof the figures and letter "233A";

25 (bb) by omitting from subsection four of section 167A Sec. 167A. the words "four dollars per annum." and by (Appraisal- ment of rents.) inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

30 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than
35 that other amount.";

(cc)

Crown Lands and Other Acts (Amendment).

- 5 (cc) (i) by omitting from subsection six of section one hundred and eighty-three the words "four dollars." and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount."; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)
- 10 (ii) by omitting from the same subsection the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 15 (iii) by omitting from subsection (6A) of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 20 (dd) (i) by omitting from paragraph two of section one hundred and eighty-five the words "that such rent shall not be less than four dollars per annum : Provided further"; Sec. 185. (Conversion of settlement lease or Crown-lease conditions upon conversion.)
- 25 (ii) by inserting at the end of the same paragraph the following proviso :—
 Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 30 (iii) by omitting from paragraph (2A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 35 (ee) by omitting from subsection five of section one hundred and ninety the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 190. (Conversion of special lease.)

(ff)

Crown Lands and Other Acts (Amendment).

- 5 (ff) by omitting from paragraph (b) of section one hundred and ninety-three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 193. (Provisions applicable to homestead selections or grants out of certain leases.)
- 10 (gg) by omitting from subsection eight of section 193A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 193A. (Conversion of prickly-pear leases.)
- 15 (hh) (i) by omitting from paragraph (6A) of subsection one of section one hundred and ninety-four the words " : Provided that such annual rent shall not be less than four dollars"; Sec. 194. (Conversion of certain holdings into homestead farms.)
- 20 (ii) by inserting next after paragraph eight of the same subsection the following new paragraph :—
- 25 (8A) The rent payable pursuant to paragraph (6A), (6B) or (8) of this subsection shall, notwithstanding anything therein contained, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 30 (ii) by omitting from section two hundred and two the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 202. (Enclosure of roads and water-courses.)
- (jj) by omitting from the heading to Division 9 of Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233A"; Part VIII. Division 9. Heading.

(kk)

Crown Lands and Other Acts (Amendment).

- (kk) by inserting next after section two hundred and thirty-three the following new section and short heading :—

Minimum rents and license fees.

5 233A. Any increase in rent or license fee effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) or license fee, as the case may be, becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

- 15 (II) (i) by omitting from section two hundred and fifty-eight the words “the right of conversion or purchase under”; Sec. 258. (Provisions governing subdivided portions.)
- (ii) by omitting from the same section the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”;

- 25 (mm) (i) by omitting from the proviso to subsection one of section two hundred and eighty-two the word “section” and by inserting in lieu thereof the word “subsection”; Sec. 282. (Conditional purchases before 10th August, 1875: condition of payment.)
- (ii) by inserting next after subsection two of the same section the following new subsection :—

30 (3) Notwithstanding any other provision in this Act where the interest payable annually in respect of any conditional purchase not under the instalment system would but for the provisions of this subsection be less than six dollars such interest shall, on and from the day

when

Crown Lands and Other Acts (Amendment).

when interest is next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, be six dollars or, where some other amount is prescribed, such other amount.

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(3) The Closer Settlement Act, 1904, is amended—
 Amendment
 of Act No.
 37, 1904.

(a) by omitting from section thirty-nine the word "fit:" Sec. 39.
 and by inserting in lieu thereof the words "fit. (Permits to occupy.)"

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Where the rent per annum in respect of a permit to occupy in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

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Where any such permit to occupy is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect thereof shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permit the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this section.";

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(b) by omitting from section forty-six the words "four Sec. 46.
 dollars" wherever occurring and by inserting in lieu (Enclosure
 thereof the words "six dollars or, where some other of roads.)
 amount is prescribed, such other amount".

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(4)

Crown Lands and Other Acts (Amendment).

(4) The Closer Settlement Amendment (Conversion) Act, 1943, is amended—

Amendment
of Act No.
38, 1943.

- 5 (a) by omitting from the matter relating to Part V in subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter "15B";
- 10 (b) by inserting at the end of subsection three of section 2A the following proviso :—
 Provided that the rent shall be—
 (a) the amount as above prescribed, or
 (b) six dollars per annum or, where some other amount is prescribed, such other amount per annum,
 whichever is the greater.
- 15 (c) by inserting in subsection one of section three after the words "so determined" where secondly occurring the following proviso :—
 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 20 (d) by inserting at the end of section 3A the following proviso :—
 Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 25 (e) by inserting at the end of subsection five of section five the following proviso :—
 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 1.
(Short title, commencement and division into Parts.)

Sec. 2A.
(Conversion of settlement purchases taken up on or after 15th December, 1937.)

Sec. 3.
(Annual rent.)

Sec. 3A.
(Certain debts to Crown may be taken into account for purposes of calculating annual rent.)

Sec. 5.
(Reduction of rent.)

(f)

Crown Lands and Other Acts (Amendment).

5 (f) by omitting from paragraph (a) of subsection two of section nine the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

10 (g) by inserting at the end of paragraph (b) of section fifteen the following proviso :—
 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

15 (h) by inserting next after section fifteen the following new sections :—
 15A. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

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 25 15B. The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of the Closer Settlement Acts may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

30 Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

Crown Lands and Other Acts (Amendment).

(5) The Returned Soldiers Settlement Act, 1916, is amended— Amendment of Act No. 21, 1916.

(a) by inserting next after subsection ten of section four the following new subsection :— Sec. 4.

5 (11) The rent of any holding by way of lease (before or after grant) under this section, other than a lease within an irrigation area, shall, notwithstanding anything in this or any other Act, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. (Special provision for settlement of discharged soldiers.)

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(b) by inserting next after subsection one of section six the following new subsection :— Sec. 6. (Regulations.)

15 (1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

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Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

25 (c) by inserting next after section twenty-three the following new sections and short headings :— New secs. 24 and 25.

Minimum rent for road or watercourse enclosures.

30 24. Where in respect of any permission to enclose a road or watercourse under this Act subsisting at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent Minimum rent for road or watercourse enclosures.

is

Crown Lands and Other Acts (Amendment).

is less than six dollars per annum such rent shall be increased to six dollars per annum and where some other amount per annum is prescribed shall be such other amount per annum.

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Minimum rents.

25. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971. Minimum rents.

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(6) The Prickly-pear Act, 1924, is amended— Amendment of Act No. 31, 1924.

(a) by omitting from subsection (3A) of section fifteen the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum : Sec. 15. (Existing holdings.)

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Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

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(b) (i) by omitting from section seventeen the words "(not being less than four dollars per annum)"; Sec. 17. (Leasing infested land.)

(ii)

Crown Lands and Other Acts (Amendment).

- (ii) by inserting in the same section after the word "determine" where firstly occurring the following proviso :—

5 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- 10 (c) (i) by omitting from section eighteen the words " (not being less than four dollars per annum)"; Sec. 18. (Leasing of commons and reserves.)

15 (ii) by omitting from the same section the words "Any rent received in respect of any such lease shall be paid into the Consolidated Revenue Fund" and by inserting in lieu thereof the words ": Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum";

- 20 (d) by omitting from subsection two of section twenty the words "four dollars per annum." and by Sec. 20. (Leases.) inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

25 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

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- 35 (e) by omitting from subsection five of section 21A the words "four dollars" wherever occurring and by Sec. 21A. (Extension of term to lease in perpetuity.) inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Crown Lands and Other Acts (Amendment).

5 (f) by omitting from subsection three of section 21B Sec. 21B. the words "four dollars per annum" and by inserting (Sub-division of in lieu thereof the words "six dollars per annum or, leases.) where some other amount is prescribed, such other amount per annum";

(g) by inserting next after section 21C the following new section :— New sec. 21D.

10 21D. Any increase in rent effected by the amend- Minimum rents. ments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

(h) by inserting next after subsection one of section thirty-four the following new subsection :— Sec. 34. (Regulations.)

20 (1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

25 Any increase in rent pursuant to any such prescription shall take effect from the prescribed date.

Crown Lands and Other Acts (Amendment).

(7) The Finances Adjustment Act, 1932, is amended by omitting from subsection (3A) of section three the words "section five of the Crown Lands and Other Acts (Amendment) Act, 1970" and by inserting in lieu thereof the words "the Crown Lands and Other Acts (Amendment) Act, 1971".

Amendment of Act No. 27, 1932.
Sec. 3.
(Interest.)

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[20c]

(Continued from page 17)

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THE UNIVERSITY OF CHICAGO
 540 EAST 58TH STREET
 CHICAGO, ILLINOIS 60637

No. , 1971.

A BILL

To provide for the increase or fixing of the minimum annual rents for leases, permits and occupancies under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; to prescribe the minimum annual interest payment in respect of certain conditional purchases; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924,

the

Crown Lands and Other Acts (Amendment).

the Finances Adjustment Act, 1932, and the Crown Lands and Other Acts (Amendment) Act, 1970; and for purposes connected therewith.

[MR LEWIS—24 August, 1971.]

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. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1971". Short title.

2. (1) The Crown Lands and Other Acts (Amendment) Act, 1970, is amended by omitting section five. Amendment of Act No. 28, 1970. Sec. 5.

10 (2) The Crown Lands Consolidation Act, 1913, is amended— Amendment of Act No. 7, 1913.

(a) by omitting from the matter relating to Division 9 of Part VIII in paragraph (b) of section one the figures "233" and by inserting in lieu thereof the figures and letter "233A"; Sec. 1. (Short title.)

15 (b) by inserting next after subsection (1A) of section thirty-seven the following new subsection :— Sec. 37. (Power to make regulations.)

(1B) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent or license fee pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different

amounts

Crown Lands and Other Acts (Amendment).

amounts in respect of different classes of holdings, or may prescribe the bases on which such minimum rent or license fee shall be calculated.

5 Any increase in rents or license fees pursuant to any such prescription shall take effect from the prescribed date.

10 (c) by omitting from section fifty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 52.
(Term and rent of conditional lease.)

(d) by omitting from paragraph (2A) of section seventy the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 70.
(Occupation license.)

15 (e) by omitting from paragraph five of section seventy-two the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Sec. 72.
(Annual leases generally: terms and conditions.)

20 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount." ;

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30 (f) by omitting from subsection one of section seventy-four the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 74.
(Special leases for wharfs and jetties.)

(g)

Crown Lands and Other Acts (Amendment).

- 5 (g) by omitting from subsection one of section seventy-five the words "four dollars per annum" wherever occurring and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75. (Special leases, miscellaneous purposes.)
- 10 (h) (i) by omitting from subsection nine of section 75A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)
- 15 (ii) by omitting from subsection ten of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 20 (i) by omitting from subsection nine of section 75B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)
- 25 (j) by omitting from subsection one of section seventy-six the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 76. (Special leases: tramway and irrigation purposes.)
- 30 (k) by omitting from section seventy-eight the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 78. (Snow lease.)

Crown Lands and Other Acts (Amendment).

- 5 (l) by omitting from paragraph (c) of subsection one of section eighty the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 80. (Residential lease on goldfield, or mineral field.)
- (m) by omitting from paragraph (d) of section 82A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 82A. (Leasing of Crown lands within towns.)
- 10 (n) by omitting from paragraph (e) of subsection one of section ninety-one the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 91. (Conditions precedent to homestead grant.)
- 15 (o) (i) by omitting from subsection one of section ninety-seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 97. (Additional homestead selection.)
- 20 (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 25 (p) by omitting from subsection one of section one hundred and one the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 101. (Original settlement lease.)
- 30 (q) (i) by omitting from subsection one of section one hundred and three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 103. (Additional settlement lease.)
- 35

(ii)

Crown Lands and Other Acts (Amendment).

- 5 (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 10 (r) by omitting from section one hundred and seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 107. (Term and rent of conditional purchase lease.)
- 15 (s) (i) by omitting from paragraph (b) of subsection seven of section one hundred and nine the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)
- 20 (ii) by omitting from paragraph (b1) of the same subsection the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 25 (t) by omitting from subsection (2A) of section one hundred and thirteen the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 113. (Additional in virtue of conditional purchase leases, &c.)
- 30 (u) by omitting from section one hundred and twenty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 122. (Homestead farm: rent.)
- (v) by omitting from subsection five of section 123A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 123A. (Right of conversion.)

(w)

Crown Lands and Other Acts (Amendment).

- (w) by omitting from section one hundred and twenty-seven the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 127. (Suburban holding: rent.)
- 5 (x) by omitting from section one hundred and thirty-four the words "Provided that the annual rent shall not be less than four dollars, and that the rent payable for the next year after confirmation or approval shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial character, the improvements so effected—except boundary fencing—being in addition to those which may be otherwise required by the conditions as to improvements or expenditure attaching to the lease. Sec. 134. (Crown-lease: term and rent.)
- 10
- 15 The foregoing provision of this section relating to remission of rent shall not apply to any Crown-lease the application for which is confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1964." and by inserting in lieu thereof the words—
- 20
- Provided that the annual rent shall not be less than six dollars or, where some other amount is prescribed, such other amount.
- 25
- (y) by omitting from section 136c the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 136c. (Rent for week-end leases.)
- 30 (z) by inserting next after subsection one of section 136k the following new subsections :— Sec. 136k. (Permissive occupancies.)
- 35 (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four

Crown Lands and Other Acts (Amendment).

four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

5 (1B) Where a permission to occupy Crown lands is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect of
10 any such permission shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permission the Minister otherwise determines. Without limiting his discretion the
15 Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this subsection.

20 (aa) by omitting from the matter relating to Division 9 Part VIII. in the heading to Part VIII the figures "233" and Heading. by inserting in lieu thereof the figures and letter "233A";

25 (bb) by omitting from subsection four of section 167A Sec. 167A. the words "four dollars per annum." and by (Appraisal of rents.) inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

30 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement
35 some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

(cc)

Crown Lands and Other Acts (Amendment).

- 5 (cc) (i) by omitting from subsection six of section one hundred and eighty-three the words "four dollars." and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount."; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)
- 10 (ii) by omitting from the same subsection the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 15 (iii) by omitting from subsection (6A) of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 20 (dd) (i) by omitting from paragraph two of section one hundred and eighty-five the words "that such rent shall not be less than four dollars per annum : Provided further"; Sec. 185. (Conversion of settlement lease or Crown-lease conditions upon conversion.)
- 25 (ii) by inserting at the end of the same paragraph the following proviso :—
 Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 30 (iii) by omitting from paragraph (2A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 35 (ee) by omitting from subsection five of section one hundred and ninety the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 190. (Conversion of special lease.)

(ff)

Crown Lands and Other Acts (Amendment).

- (ff) by omitting from paragraph (b) of section one hundred and ninety-three the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”;
- 5
- (gg) by omitting from subsection eight of section 193A the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”;
- 10
- (hh) (i) by omitting from paragraph (6A) of subsection one of section one hundred and ninety-four the words “: Provided that such annual rent shall not be less than four dollars”;
- 15
- (ii) by inserting next after paragraph eight of the same subsection the following new paragraph :—
- 20
- (8A) The rent payable pursuant to paragraph (6A), (6B) or (8) of this subsection shall, notwithstanding anything therein contained, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 25
- (ii) by omitting from section two hundred and two the words “four dollars” wherever occurring and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount”;
- 30
- (jj) by omitting from the heading to Division 9 of Part VIII the figures “233” and by inserting in lieu thereof the figures and letter “233A”;

Sec. 193.
(Provisions applicable to homestead selections or grants out of certain leases.)

Sec. 193A.
(Conversion of prickly-pear leases.)

Sec. 194.
(Conversion of certain holdings into homestead farms.)

Sec. 202.
(Enclosure of roads and water-courses.)

Part VIII.
Division 9.
Heading.

(kk)

Crown Lands and Other Acts (Amendment).

- (kk) by inserting next after section two hundred and thirty-three the following new section and short heading :—

Minimum rents and license fees.

5 233A. Any increase in rent or license fee effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) or license fee, as the case may be, becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

- 15 (II) (i) by omitting from section two hundred and fifty-eight the words "the right of conversion or purchase under";
- (ii) by omitting from the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

- 25 (mm) (i) by omitting from the proviso to subsection one of section two hundred and eighty-two the word "section" and by inserting in lieu thereof the word "subsection";
- (ii) by inserting next after subsection two of the same section the following new subsection :—

30 (3) Notwithstanding any other provision in this Act where the interest payable annually in respect of any conditional purchase not under the instalment system would but for the provisions of this subsection be less than six dollars such interest shall, on and from the day

when

Crown Lands and Other Acts (Amendment).

when interest is next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, be six dollars or, where some other amount is prescribed, such other amount.

5

(3) The Closer Settlement Act, 1904, is amended—
Amendment
of Act No.
37, 1904.

(a) by omitting from section thirty-nine the word “fit:” Sec. 39.
 and by inserting in lieu thereof the words “fit. (Permits to
occupy.)”

10

Where the rent per annum in respect of a permit to occupy in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

15

Where any such permit to occupy is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect thereof shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permit the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this section.”;

20

25

(b) by omitting from section forty-six the words “four dollars” wherever occurring and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount” Sec. 46.
(Enclosure
of roads.)

30

(4)

Crown Lands and Other Acts (Amendment).

(4) The Closer Settlement Amendment (Conversion) Amendment of Act No. 38, 1943.
Act, 1943, is amended—

- 5 (a) by omitting from the matter relating to Part V in subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter "15B"; Sec. 1. (Short title, commencement and division into Parts.)
- 10 (b) by inserting at the end of subsection three of section 2A the following proviso :—
Provided that the rent shall be—
(a) the amount as above prescribed, or
(b) six dollars per annum or, where some other amount is prescribed, such other amount per annum,
whichever is the greater. Sec. 2A. (Conversion of settlement purchases taken up on or after 15th December, 1937.)
- 15 (c) by inserting in subsection one of section three after the words "so determined" where secondly occurring the following proviso :—
Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. Sec. 3. (Annual rent.)
- 20 (d) by inserting at the end of section 3A the following proviso :—
Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. Sec. 3A. (Certain debts to Crown may be taken into account for purposes of calculating annual rent.)
- 25 (e) by inserting at the end of subsection five of section five the following proviso :—
Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. Sec. 5. (Reduction of rent.)
- 30

(f)

Crown Lands and Other Acts (Amendment).

5 (f) by omitting from paragraph (a) of subsection two of section nine the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 9.
(Closer settlement leases.)

10 (g) by inserting at the end of paragraph (b) of section fifteen the following proviso :—

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 15.
(Forfeiture of leases subject to securities held by Rural Bank.)

20 (h) by inserting next after section fifteen the following new sections :—

New secs. 15A and 15B.

15 15A. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Operation of increased rentals.

25 15B. The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of the Closer Settlement Acts may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Regulations re rents.

30 Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

Crown Lands and Other Acts (Amendment).

(5) The Returned Soldiers Settlement Act, 1916, is amended— Amendment of Act No. 21, 1916.

(a) by inserting next after subsection ten of section four the following new subsection :— Sec. 4.

5 (11) The rent of any holding by way of lease (before or after grant) under this section, other than a lease within an irrigation area, shall, notwithstanding anything in this or any other Act, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. (Special provision for settlement of discharged soldiers.)

10

(b) by inserting next after subsection one of section six the following new subsection :— Sec. 6. (Regulations.)

15 (1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

20

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

25 (c) by inserting next after section twenty-three the following new sections and short headings :— New secs. 24 and 25.

Minimum rent for road or watercourse enclosures.

30 24. Where in respect of any permission to enclose a road or watercourse under this Act subsisting at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent Minimum rent for road or watercourse enclosures.

is

Crown Lands and Other Acts (Amendment).

is less than six dollars per annum such rent shall be increased to six dollars per annum and where some other amount per annum is prescribed shall be such other amount per annum.

5

Minimum rents.

10

25. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Minimum rents.

(6) The Prickly-pear Act, 1924, is amended—

Amendment of Act No. 31, 1924.

15

(a) by omitting from subsection (3A) of section fifteen the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Sec. 15. (Existing holdings.)

20

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount." ;

25

30

(b) (i) by omitting from section seventeen the words "(not being less than four dollars per annum)";

Sec. 17. (Leasing infested land.)

(ii)

Crown Lands and Other Acts (Amendment).

(ii) by inserting in the same section after the word "determine" where firstly occurring the following proviso :—

5 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

10 (c) (i) by omitting from section eighteen the words Sec. 18. "(not being less than four dollars per annum)"; (Leasing of commons and reserves.)

15 (ii) by omitting from the same section the words "Any rent received in respect of any such lease shall be paid into the Consolidated Revenue Fund" and by inserting in lieu thereof the words ": Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum";

20 (d) by omitting from subsection two of section twenty Sec. 20. the words "four dollars per annum." and by (Leases.) inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

25 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

30 (e) by omitting from subsection five of section 21A the Sec. 21A. words "four dollars" wherever occurring and and by (Extension of term to lease in perpetuity.) inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Crown Lands and Other Acts (Amendment).

5 (f) by omitting from subsection three of section 21B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

(g) by inserting next after section 21C the following new section :—

10 21D. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

(h) by inserting next after subsection one of section thirty-four the following new subsection :—

20 (1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

25 Any increase in rent pursuant to any such prescription shall take effect from the prescribed date.

Crown Lands and Other Acts (Amendment).

(7) The Finances Adjustment Act, 1932, is amended
by omitting from subsection (3A) of section three the words
“section five of the Crown Lands and Other Acts (Amend-
ment) Act, 1970” and by inserting in lieu thereof the words
5 “the Crown Lands and Other Acts (Amendment) Act, 1971”.

Amendment
of Act No.
27, 1932.

Sec. 3.
(Interest.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

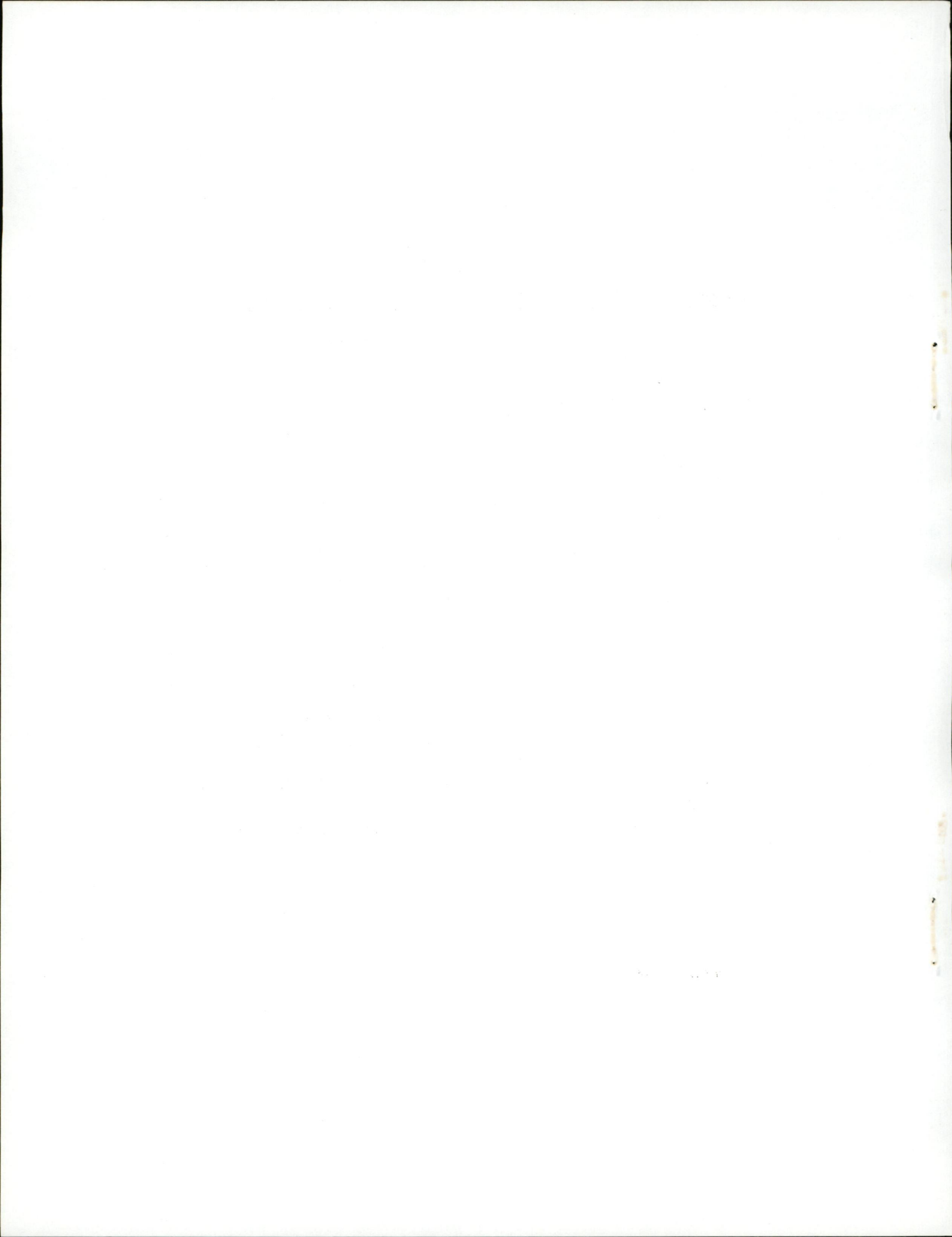
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CROWN LANDS AND OTHER ACTS (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to repeal section five of the Crown Lands and Other Acts (Amendment) Act, 1970, which section although its commencement date has not been appointed by the Governor and notified by proclamation published in the Gazette—
 - (i) provides that, upon transfer of a lease under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, and the Prickly-pear Act, 1924 (other than where the transfer is between certain members of a family) the rent shall be increased—generally to six per centum of its notified or determined capital value or \$2 per acre where not notified or determined—or in certain specified cases to some other amount;
 - (ii) alters from \$4 to \$6, or such other amount as may from time to time be prescribed, the minimum annual rents for leases, permits and occupancies under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, and the Prickly-pear Act, 1924;
 - (iii) provides for a minimum annual payment of \$6, or such other amount as may from time to time be prescribed, on those conditional purchases taken up before 10th August, 1875, in respect of which the holders have not elected to pay the balance of purchase money by instalments and $2\frac{1}{2}$ per centum per annum interest on the balance of purchase money only is payable;
- (b) to make fresh provisions to give effect to the proposals outlined in subparagraphs (ii) and (iii) of paragraph (a) above; and
- (c) to make other amendments of a minor, consequential or machinery nature.



PROOF

No. , 1971.

A BILL

To provide for the increase or fixing of the minimum annual rents for leases, permits and occupancies under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; to prescribe the minimum annual interest payment in respect of certain conditional purchases; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924,

the

Crown Lands and Other Acts (Amendment).

the Finances Adjustment Act, 1932, and the Crown Lands and Other Acts (Amendment) Act, 1970; and for purposes connected therewith.

[MR LEWIS—24 August, 1971.]

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. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1971". Short title.

2. (1) The Crown Lands and Other Acts (Amendment) Act, 1970, is amended by omitting section five. Amendment of Act No. 28, 1970. Sec. 5.

10 (2) The Crown Lands Consolidation Act, 1913, is amended— Amendment of Act No. 7, 1913.

(a) by omitting from the matter relating to Division 9 of Part VIII in paragraph (b) of section one the figures "233" and by inserting in lieu thereof the figures and letter "233A"; Sec. 1. (Short title.)

15 (b) by inserting next after subsection (1A) of section thirty-seven the following new subsection :— Sec. 37. (Power to make regulations.)

(1B) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent or license fee pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different

20

amounts

Crown Lands and Other Acts (Amendment).

amounts in respect of different classes of holdings, or may prescribe the bases on which such minimum rent or license fee shall be calculated.

5 Any increase in rents or license fees pursuant to any such prescription shall take effect from the prescribed date.

10 (c) by omitting from section fifty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 52.
(Term and rent of conditional lease.)

(d) by omitting from paragraph (2A) of section seventy the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 70.
(Occupation license.)

15 (e) by omitting from paragraph five of section seventy-two the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 72.
(Annual leases generally: terms and conditions.)

20 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

25

30 (f) by omitting from subsection one of section seventy-four the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 74.
(Special leases for wharfs and jetties.)

(g)

Crown Lands and Other Acts (Amendment).

- 5 (g) by omitting from subsection one of section seventy-five the words "four dollars per annum" wherever occurring and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75. (Special leases, miscellaneous purposes.)
- 10 (h) (i) by omitting from subsection nine of section 75A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)
- 15 (ii) by omitting from subsection ten of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 20 (i) by omitting from subsection nine of section 75B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)
- 25 (j) by omitting from subsection one of section seventy-six the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 76. (Special leases: tramway and irrigation purposes.)
- 30 (k) by omitting from section seventy-eight the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 78. (Snow lease.)

Crown Lands and Other Acts (Amendment).

- 5 (l) by omitting from paragraph (c) of subsection one of section eighty the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 80. (Residential lease on goldfield, or mineral field.)
- (m) by omitting from paragraph (d) of section 82A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 82A. (Leasing of Crown lands within towns.)
- 10 (n) by omitting from paragraph (e) of subsection one of section ninety-one the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 91. (Conditions precedent to homestead grant.)
- 15 (o) (i) by omitting from subsection one of section ninety-seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 97. (Additional homestead selection.)
- 20 (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 25 (p) by omitting from subsection one of section one hundred and one the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 101. (Original settlement lease.)
- 30 (q) (i) by omitting from subsection one of section one hundred and three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 103. (Additional settlement lease.)
- 35

(ii)

Crown Lands and Other Acts (Amendment).

- 5 (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 10 (r) by omitting from section one hundred and seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 107. (Term and rent of conditional purchase lease.)
- 15 (s) (i) by omitting from paragraph (b) of subsection seven of section one hundred and nine the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)
- 20 (ii) by omitting from paragraph (b1) of the same subsection the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 25 (t) by omitting from subsection (2A) of section one hundred and thirteen the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 113. (Additional in virtue of conditional purchase leases, &c.)
- 30 (u) by omitting from section one hundred and twenty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 122. (Homestead farm: rent.)
- (v) by omitting from subsection five of section 123A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 123A. (Right of conversion.)

(w)

Crown Lands and Other Acts (Amendment).

- (w) by omitting from section one hundred and twenty-seven the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 5 (x) by omitting from section one hundred and thirty-four the words "Provided that the annual rent shall not be less than four dollars, and that the rent payable for the next year after confirmation or approval shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial character, the improvements so effected—except boundary fencing—being in addition to those which may be otherwise required by the conditions as to improvements or expenditure attaching to the lease.
- 10
- 15
- The foregoing provision of this section relating to remission of rent shall not apply to any Crown-lease the application for which is confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1964." and by inserting in lieu thereof the words—
- 20
- Provided that the annual rent shall not be less than six dollars or, where some other amount is prescribed, such other amount.
- 25
- (y) by omitting from section 136C the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 30 (z) by inserting next after subsection one of section 136K the following new subsections :—
- (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four
- 35

Sec. 127.
(Suburban
holding:
rent.)

Sec. 134.
(Crown-
lease:
term and
rent.)

Sec. 136c.
(Rent for
week-end
leases.)

Sec. 136k.
(Permissive
occupan-
cies.)

Crown Lands and Other Acts (Amendment).

four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

5 (1B) Where a permission to occupy Crown lands is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect of
10 any such permission shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permission the Minister otherwise determines. Without limiting his discretion the
15 Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this subsection.

20 (aa) by omitting from the matter relating to Division 9 ^{Part VIII.} in the heading to Part VIII the figures "233" and ^{Heading.} by inserting in lieu thereof the figures and letter "233A";

25 (bb) by omitting from subsection four of section 167A ^{Sec. 167A.} the words "four dollars per annum." and by ^(Appraisal of rents.) inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

30 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than
35 that other amount.";

(cc)

Crown Lands and Other Acts (Amendment).

- 5 (cc) (i) by omitting from subsection six of section one hundred and eighty-three the words "four dollars." and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount.";
- 10 (ii) by omitting from the same subsection the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 15 (iii) by omitting from subsection (6A) of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 20 (dd) (i) by omitting from paragraph two of section one hundred and eighty-five the words "that such rent shall not be less than four dollars per annum : Provided further";
- (ii) by inserting at the end of the same paragraph the following proviso :—
- 25 Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 30 (iii) by omitting from paragraph (2A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 35 (ee) by omitting from subsection five of section one hundred and ninety the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

(ff)

Crown Lands and Other Acts (Amendment).

- 5 (ff) by omitting from paragraph (b) of section one hundred and ninety-three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 10 (gg) by omitting from subsection eight of section 193A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- 15 (hh) (i) by omitting from paragraph (6A) of subsection one of section one hundred and ninety-four the words ": Provided that such annual rent shall not be less than four dollars";
- (ii) by inserting next after paragraph eight of the same subsection the following new paragraph :—
- 20 (8A) The rent payable pursuant to paragraph (6A), (6B) or (8) of this subsection shall, notwithstanding anything therein contained, be not less than six dollars per annum or, where
- 25 some other amount is prescribed, such other amount per annum.
- 30 (ii) by omitting from section two hundred and two the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- (jj) by omitting from the heading to Division 9 of Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233A";

Sec. 193.
(Provisions applicable to homestead selections or grants out of certain leases.)

Sec. 193A.
(Conversion of prickly-pear leases.)

Sec. 194.
(Conversion of certain holdings into homestead farms.)

Sec. 202.
(Enclosure of roads and water-courses.)

Part VIII.
Division 9.
Heading.

(kk)

Crown Lands and Other Acts (Amendment).

(kk) by inserting next after section two hundred and thirty-three the following new section and short heading :—

Minimum rents and license fees.

5 233A. Any increase in rent or license fee effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) or license fee, as the case may be, becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

15 (ii) (i) by omitting from section two hundred and fifty-eight the words "the right of conversion or purchase under";

 (ii) by omitting from the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

25 (mm) (i) by omitting from the proviso to subsection one of section two hundred and eighty-two the word "section" and by inserting in lieu thereof the word "subsection";

 (ii) by inserting next after subsection two of the same section the following new subsection :—

30 (3) Notwithstanding any other provision in this Act where the interest payable annually in respect of any conditional purchase not under the instalment system would but for the provisions of this subsection be less than six dollars such interest shall, on and from the day

when

Crown Lands and Other Acts (Amendment).

when interest is next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, be six dollars or, where some other amount is prescribed, such other amount.

5

(3) The Closer Settlement Act, 1904, is amended—
Amendment
of Act No.
37, 1904.

(a) by omitting from section thirty-nine the word “fit:” Sec. 39.
 and by inserting in lieu thereof the words “fit. (Permits to
occupy.)”

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Where the rent per annum in respect of a permit to occupy in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

20

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Where any such permit to occupy is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect thereof shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permit the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this section.”;

30

(b) by omitting from section forty-six the words “four dollars” wherever occurring and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount” Sec. 46.
(Enclosure
of roads.)

(4)

Crown Lands and Other Acts (Amendment).

(4) The Closer Settlement Amendment (Conversion) Act, 1943, is amended—

Amendment
of Act No.
38, 1943.

- 5 (a) by omitting from the matter relating to Part V in subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter "15B";
- 10 (b) by inserting at the end of subsection three of section 2A the following proviso :—
Provided that the rent shall be—
(a) the amount as above prescribed, or
(b) six dollars per annum or, where some other amount is prescribed, such other amount per annum,
whichever is the greater.
- 15 (c) by inserting in subsection one of section three after the words "so determined" where secondly occurring the following proviso :—
Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 20 (d) by inserting at the end of section 3A the following proviso :—
Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 25 (e) by inserting at the end of subsection five of section five the following proviso :—
Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 1.
(Short
title, com-
mencement
and division
into Parts.)

Sec. 2A.
(Conversion
of settle-
ment pur-
chases taken
up on or
after 15th
December,
1937.)

Sec. 3.
(Annual
rent.)

Sec. 3A.
(Certain
debts to
Crown
may be
taken into
account for
purposes of
calculating
annual
rent.)

Sec. 5.
(Reduction
of rent.)

(f)

Crown Lands and Other Acts (Amendment).

- 5 (f) by omitting from paragraph (a) of subsection two of section nine the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- 10 (g) by inserting at the end of paragraph (b) of section fifteen the following proviso :—
 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- 15 (h) by inserting next after section fifteen the following new sections :—
 15A. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.
- 20 15B. The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of the Closer Settlement Acts may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.
- 25 Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.
- 30

Sec. 9.
(Closer settlement leases.)

Sec. 15.
(Forfeiture of leases subject to securities held by Rural Bank.)

New secs. 15A and 15B.

Operation of increased rentals.

Regulations re rents.

Crown Lands and Other Acts (Amendment).

(5) The Returned Soldiers Settlement Act, 1916, is amended— Amendment
of Act No.
21, 1916.

(a) by inserting next after subsection ten of section four the following new subsection :— Sec. 4.

5 (11) The rent of any holding by way of lease (before or after grant) under this section, other than a lease within an irrigation area, shall, notwithstanding anything in this or any other Act, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. (Special
provision
for settle-
ment of
discharged
soldiers.)

(b) by inserting next after subsection one of section six the following new subsection :— Sec. 6.
(Regula-
tions.)

15 (1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

25 (c) by inserting next after section twenty-three the following new sections and short headings :— New secs.
24 and 25.

Minimum rent for road or watercourse enclosures.

30 24. Where in respect of any permission to enclose a road or watercourse under this Act subsisting at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent Minimum
rent for
road or
watercourse
enclosures.

is

Crown Lands and Other Acts (Amendment).

is less than six dollars per annum such rent shall be increased to six dollars per annum and where some other amount per annum is prescribed shall be such other amount per annum.

5 *Minimum rents.*

25. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971. Minimum rents.

(6) The Prickly-pear Act, 1924, is amended— Amendment of Act No. 31, 1924.

15 (a) by omitting from subsection (3A) of section fifteen the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum : Sec. 15. (Existing holdings.)

20 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

30 (b) (i) by omitting from section seventeen the words "(not being less than four dollars per annum)"; Sec. 17. (Leasing infested land.)

(ii)

Crown Lands and Other Acts (Amendment).

- (ii) by inserting in the same section after the word "determine" where firstly occurring the following proviso :—

5 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- 10 (c) (i) by omitting from section eighteen the words "not being less than four dollars per annum";

Sec. 18.
(Leasing of commons and reserves.)

- 15 (ii) by omitting from the same section the words "Any rent received in respect of any such lease shall be paid into the Consolidated Revenue Fund" and by inserting in lieu thereof the words " : Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum";

- 20 (d) by omitting from subsection two of section twenty the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Sec. 20.
(Leases.)

25 Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

- 35 (e) by omitting from subsection five of section 21A the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 21A.
(Extension of term to lease in perpetuity.)

Crown Lands and Other Acts (Amendment).

5 (f) by omitting from subsection three of section 21B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 21B.
(Sub-
division of
leases.)

(g) by inserting next after section 21C the following new section :—

New sec.
21D.

10 21D. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Minimum
rents.

(h) by inserting next after subsection one of section thirty-four the following new subsection :—

Sec. 34.
(Regula-
tions.)

20 (1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

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Any increase in rent pursuant to any such prescription shall take effect from the prescribed date.

Crown Lands and Other Acts (Amendment).

(7) The Finances Adjustment Act, 1932, is amended
by omitting from subsection (3A) of section three the words
“section five of the Crown Lands and Other Acts (Amend-
ment) Act, 1970” and by inserting in lieu thereof the words
5 “the Crown Lands and Other Acts (Amendment) Act, 1971”.
Amendment of Act No. 27, 1932.
Sec. 3.
(Interest.)

BY AUTHORITY:

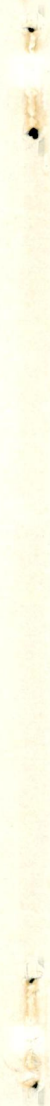
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

THE HISTORY OF THE

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New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 35, 1971.

An Act to provide for the increase or fixing of the minimum annual rents for leases, permits and occupancies under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; to prescribe the minimum annual interest payment in respect of certain conditional purchases; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924,

the

Crown Lands and Other Acts (Amendment).

the Finances Adjustment Act, 1932, and the Crown Lands and Other Acts (Amendment) Act, 1970; and for purposes connected therewith. [Assented to, 8th October, 1971.]

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. **1.** This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1971".

Amendment of Act No. 28, 1970.
Sec. 5. **2.** (1) The Crown Lands and Other Acts (Amendment) Act, 1970, is amended by omitting section five.

Amendment of Act No. 7, 1913. (2) The Crown Lands Consolidation Act, 1913, is amended—

Sec. 1.
(Short title.) (a) by omitting from the matter relating to Division 9 of Part VIII in paragraph (b) of section one the figures "233" and by inserting in lieu thereof the figures and letter "233A";

Sec. 37.
(Power to make regulations.) (b) by inserting next after subsection (1A) of section thirty-seven the following new subsection :—

(1B) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent or license fee pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different

amounts

Crown Lands and Other Acts (Amendment).

amounts in respect of different classes of holdings, or may prescribe the bases on which such minimum rent or license fee shall be calculated.

Any increase in rents or license fees pursuant to any such prescription shall take effect from the prescribed date.

- (c) by omitting from section fifty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 52.
(Term and rent of conditional lease.)
- (d) by omitting from paragraph (2A) of section seventy the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 70.
(Occupation license.)
- (e) by omitting from paragraph five of section seventy-two the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 72.
(Annual leases generally: terms and conditions.)
- Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";
- (f) by omitting from subsection one of section seventy-four the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 74.
(Special leases for wharfs and jetties.)

(g)

Crown Lands and Other Acts (Amendment).

Sec. 75.

(Special leases, miscellaneous purposes.)

- (g) by omitting from subsection one of section seventy-five the words "four dollars per annum" wherever occurring and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 75A.

(Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

- (h) (i) by omitting from subsection nine of section 75A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (ii) by omitting from subsection ten of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 75B.

(Special leases in perpetuity for miscellaneous purposes.)

- (i) by omitting from subsection nine of section 75B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 76.

(Special leases: tramway and irrigation purposes.)

- (j) by omitting from subsection one of section seventy-six the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 78.

(Snow lease.)

- (k) by omitting from section seventy-eight the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Crown Lands and Other Acts (Amendment).

- (l) by omitting from paragraph (c) of subsection one of section eighty the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”; Sec. 80.
(Residential lease on goldfield, or mineral field.)
- (m) by omitting from paragraph (d) of section 82A the words “four dollars” and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount”; Sec. 82A.
(Leasing of Crown lands within towns.)
- (n) by omitting from paragraph (e) of subsection one of section ninety-one the words “four dollars” and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount”; Sec. 91.
(Conditions precedent to homestead grant.)
- (o) (i) by omitting from subsection one of section ninety-seven the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”; Sec. 97.
(Additional homestead selection.)
- (ii) by omitting from subsection (1A) of the same section the words “four dollars” and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount”;
- (p) by omitting from subsection one of section one hundred and one the words “four dollars” and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount”; Sec. 101.
(Original settlement lease.)
- (q) (i) by omitting from subsection one of section one hundred and three the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”; Sec. 103.
(Additional settlement lease.)

(ii)

Crown Lands and Other Acts (Amendment).

- (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 107.
(Term and rent of conditional purchase lease.)
- (r) by omitting from section one hundred and seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- Sec. 109.
(Conditional purchase leases. Conversion into conditional purchases and conditional leases.)
- (s) (i) by omitting from paragraph (b) of subsection seven of section one hundred and nine the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (ii) by omitting from paragraph (b1) of the same subsection the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 113.
(Additional in virtue of conditional purchase leases, &c.)
- (t) by omitting from subsection (2A) of section one hundred and thirteen the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 122.
(Homestead farm: rent.)
- (u) by omitting from section one hundred and twenty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 123A.
(Right of conversion.)
- (v) by omitting from subsection five of section 123A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

(w)

Crown Lands and Other Acts (Amendment).

- (w) by omitting from section one hundred and twenty-seven the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 127. (Suburban holding: rent.)

- (x) by omitting from section one hundred and thirty-four the words "Provided that the annual rent shall not be less than four dollars, and that the rent payable for the next year after confirmation or approval shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial character, the improvements so effected—except boundary fencing—being in addition to those which may be otherwise required by the conditions as to improvements or expenditure attaching to the lease." Sec. 134. (Crown-lease: term and rent.)

The foregoing provision of this section relating to remission of rent shall not apply to any Crown-lease the application for which is confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1964." and by inserting in lieu thereof the words—

Provided that the annual rent shall not be less than six dollars or, where some other amount is prescribed, such other amount.

- (y) by omitting from section 136C the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 136c. (Rent for week-end leases.)

- (z) by inserting next after subsection one of section 136k the following new subsections :— Sec. 136k. (Permissive occupancies.)

(1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four

four

Crown Lands and Other Acts (Amendment).

four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

(1B) Where a permission to occupy Crown lands is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect of any such permission shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permission the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this subsection.

Part VIII.
Heading.

(aa) by omitting from the matter relating to Division 9 in the heading to Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233A";

Sec. 167A.
(Appraisal of
rents.)

(bb) by omitting from subsection four of section 167A the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall **not** be reduced to less than that other amount.";

(cc)

Crown Lands and Other Acts (Amendment).

- (cc) (i) by omitting from subsection six of section one hundred and eighty-three the words "four dollars." and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount."; Sec. 183.
(Conversion of homestead selection or grant or homestead farm.)
- (ii) by omitting from the same subsection the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (iii) by omitting from subsection (6A) of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (dd) (i) by omitting from paragraph two of section one hundred and eighty-five the words "that such rent shall not be less than four dollars per annum : Provided further"; Sec. 185.
(Conversion of settlement lease or Crown-lease conditions upon conversion.)
- (ii) by inserting at the end of the same paragraph the following proviso :—
- Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (iii) by omitting from paragraph (2A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- (ee) by omitting from subsection five of section one hundred and ninety the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 190.
(Conversion of special lease.)

(ff)

Crown Lands and Other Acts (Amendment).

- Sec. 193.
(Provisions applicable to homestead selections or grants out of certain leases.)
- (ff) by omitting from paragraph (b) of section one hundred and ninety-three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- Sec. 193A.
(Conversion of prickly-pear leases.)
- (gg) by omitting from subsection eight of section 193A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- Sec. 194.
(Conversion of certain holdings into homestead farms.)
- (hh) (i) by omitting from paragraph (6A) of subsection one of section one hundred and ninety-four the words ": Provided that such annual rent shall not be less than four dollars";
- (ii) by inserting next after paragraph eight of the same subsection the following new paragraph :—
- (8A) The rent payable pursuant to paragraph (6A), (6B) or (8) of this subsection shall, notwithstanding anything therein contained, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- Sec. 202.
(Enclosure of roads and water-courses.)
- (ii) by omitting from section two hundred and two the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Part VIII.
Division 9.
Heading.
- (jj) by omitting from the heading to Division 9 of Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233A";
- (kk)

Crown Lands and Other Acts (Amendment).

- (kk) by inserting next after section two hundred and thirty-three the following new section and short heading :—

Minimum rents and license fees.

233A. Any increase in rent or license fee effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) or license fee, as the case may be, becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

- (ll) (i) by omitting from section two hundred and fifty-eight the words “the right of conversion or purchase under”;
- (ii) by omitting from the same section the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”;
- (mm) (i) by omitting from the proviso to subsection one of section two hundred and eighty-two the word “section” and by inserting in lieu thereof the word “subsection”;
- (ii) by inserting next after subsection two of the same section the following new subsection :—

(3) Notwithstanding any other provision in this Act where the interest payable annually in respect of any conditional purchase not under the instalment system would but for the provisions of this subsection be less than six dollars such interest shall, on and from the day

when

Crown Lands and Other Acts (Amendment).

when interest is next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, be six dollars or, where some other amount is prescribed, such other amount.

Amendment
of Act No.
37, 1904.

(3) The Closer Settlement Act, 1904, is amended—

Sec. 39.
(Permits to
occupy.)

- (a) by omitting from section thirty-nine the word “fit:” and by inserting in lieu thereof the words “fit. Where the rent per annum in respect of a permit to occupy in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

Where any such permit to occupy is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect thereof shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permit the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this section.”;

Sec. 46.
(Enclosure
of roads.)

- (b) by omitting from section forty-six the words “four dollars” wherever occurring and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount”.

(4)

Crown Lands and Other Acts (Amendment).

(4) The Closer Settlement Amendment (Conversion) Act, 1943, is amended—

Amendment of Act No. 38, 1943.

- (a) by omitting from the matter relating to Part V in subsection four of section one the figures “15” and by inserting in lieu thereof the figures and letter “15B”;
- Sec. 1.
(Short title, commencement and division into Parts.)
- (b) by inserting at the end of subsection three of section 2A the following proviso :—
- Sec. 2A.
(Conversion of settlement purchases taken up on or after 15th December, 1937.)
- Provided that the rent shall be—
- (a) the amount as above prescribed, or
- (b) six dollars per annum or, where some other amount is prescribed, such other amount per annum,
- whichever is the greater.
- (c) by inserting in subsection one of section three after the words “so determined” where secondly occurring the following proviso :—
- Sec. 3.
(Annual rent.)
- Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (d) by inserting at the end of section 3A the following proviso :—
- Sec. 3A.
(Certain debts to Crown may be taken into account for purposes of calculating annual rent.)
- Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (e) by inserting at the end of subsection five of section five the following proviso :—
- Sec. 5.
(Reduction of rent.)
- Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

(f)

Crown Lands and Other Acts (Amendment).

Sec. 9.
(Closer
settlement
leases.)

- (f) by omitting from paragraph (a) of subsection two of section nine the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 15.
(Forfeiture
of leases
subject to
securities
held by
Rural
Bank.)

- (g) by inserting at the end of paragraph (b) of section fifteen the following proviso :—

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

New secs.
15A and
15B.

- (h) by inserting next after section fifteen the following new sections :—

Operation of
increased
rentals.

15A. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Regulations
re rents.

15B. The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of the Closer Settlement Acts may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

Crown Lands and Other Acts (Amendment).

(5) The Returned Soldiers Settlement Act, 1916, is amended— Amendment
of Act No.
21, 1916.

- (a) by inserting next after subsection ten of section four the following new subsection :— Sec. 4.
(Special
provision
for settle-
ment of
discharged
soldiers.)
- (11) The rent of any holding by way of lease (before or after grant) under this section, other than a lease within an irrigation area, shall, notwithstanding anything in this or any other Act, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (b) by inserting next after subsection one of section six the following new subsection :— Sec. 6.
(Regula-
tions.)

(1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

- (c) by inserting next after section twenty-three the following new sections and short headings :— New secs.
24 and 25.

Minimum rent for road or watercourse enclosures.

24. Where in respect of any permission to enclose a road or watercourse under this Act subsisting at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent Minimum
rent for
road or
watercourse
enclosures.

Crown Lands and Other Acts (Amendment).

is less than six dollars per annum such rent shall be increased to six dollars per annum and where some other amount per annum is prescribed shall be such other amount per annum.

Minimum rents.

Minimum
rents.

25. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Amendment
of Act No.
31, 1924.

(6) The Prickly-pear Act, 1924, is amended—

Sec. 15.
(Existing
holdings.)

- (a) by omitting from subsection (3A) of section fifteen the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

Sec. 17.
(Leasing
infested
land.)

- (b) (i) by omitting from section seventeen the words "(not being less than four dollars per annum)";

(ii)

Crown Lands and Other Acts (Amendment).

- (ii) by inserting in the same section after the word "determine" where firstly occurring the following proviso :—

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (c) (i) by omitting from section eighteen the words "not being less than four dollars per annum"; Sec. 18. (Leasing of commons and reserves.)
- (ii) by omitting from the same section the words "Any rent received in respect of any such lease shall be paid into the Consolidated Revenue Fund" and by inserting in lieu thereof the words " : Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (d) by omitting from subsection two of section twenty the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum : Sec. 20. (Leases.)

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

- (e) by omitting from subsection five of section 21A the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 21A. (Extension of term to lease in perpetuity.)

Crown Lands and Other Acts (Amendment).

Sec. 21B.
(Sub-
division of
leases.)

- (f) by omitting from subsection three of section 21B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

New sec.
21D.

- (g) by inserting next after section 21C the following new section :—

Minimum
rents.

21D. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Sec. 34.
(Regula-
tions.)

- (h) by inserting next after subsection one of section thirty-four the following new subsection :—

(1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rent pursuant to any such prescription shall take effect from the prescribed date.

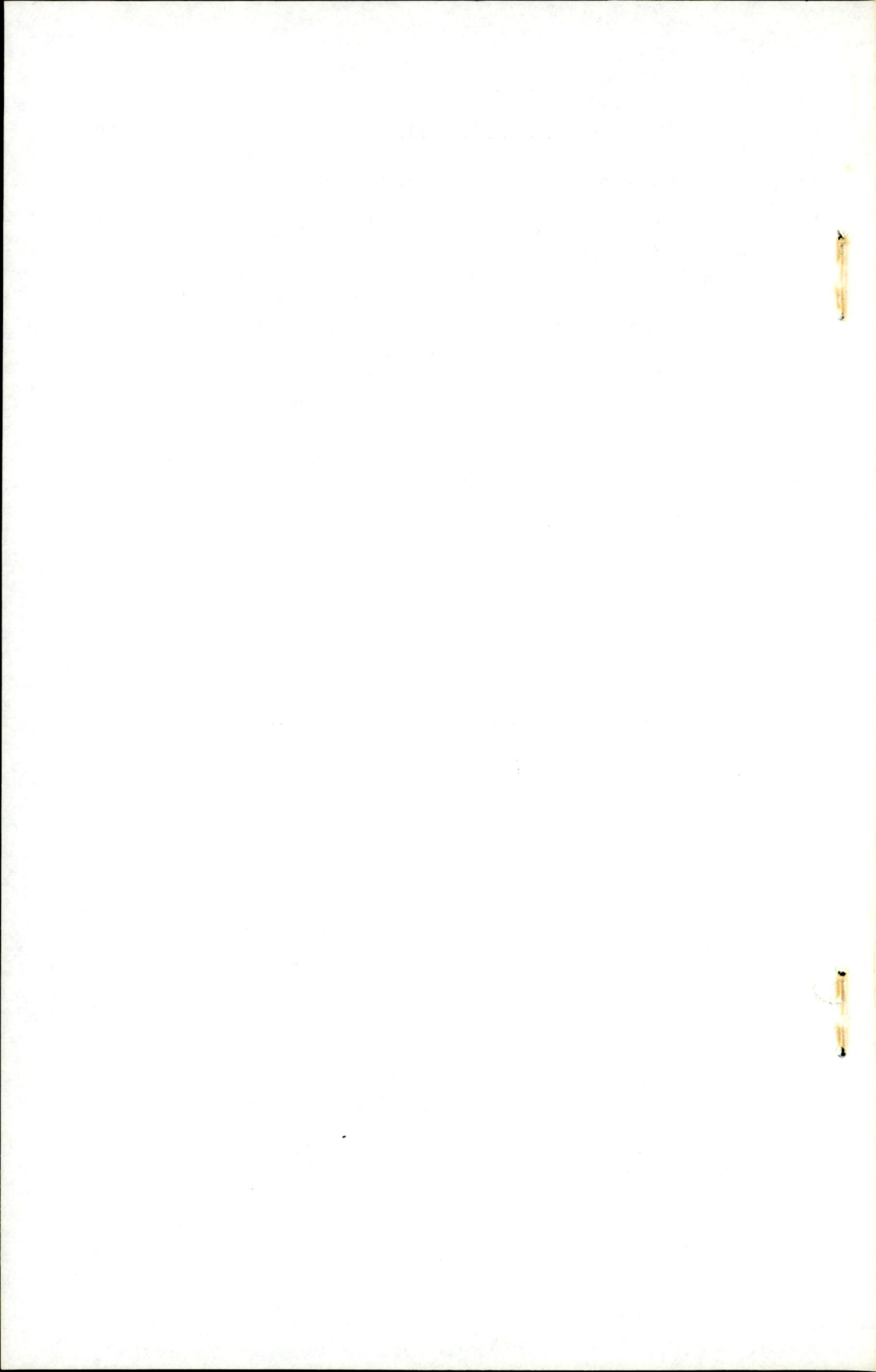
Crown Lands and Other Acts (Amendment).

(7) The Finances Adjustment Act, 1932, is amended by omitting from subsection (3A) of section three the words "section five of the Crown Lands and Other Acts (Amendment) Act, 1970" and by inserting in lieu thereof the words "the Crown Lands and Other Acts (Amendment) Act, 1971".

Amendment
of Act No.
27, 1932.
Sec. 3.
(Interest.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971



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, 29 September, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 35, 1971.

An Act to provide for the increase or fixing of the minimum annual rents for leases, permits and occupancies under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; to prescribe the minimum annual interest payment in respect of certain conditional purchases; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924,

the

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Crown Lands and Other Acts (Amendment).

the Finances Adjustment Act, 1932, and the Crown Lands and Other Acts (Amendment) Act, 1970; and for purposes connected therewith. [Assented to, 8th October, 1971.]

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. **1.** This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1971".

Amendment of Act No. 28, 1970.
Sec. 5. **2.** (1) The Crown Lands and Other Acts (Amendment) Act, 1970, is amended by omitting section five.

Amendment of Act No. 7, 1913.
Sec. 1. (2) The Crown Lands Consolidation Act, 1913, is amended—

(Short title.) (a) by omitting from the matter relating to Division 9 of Part VIII in paragraph (b) of section one the figures "233" and by inserting in lieu thereof the figures and letter "233A";

Sec. 37. (b) by inserting next after subsection (1A) of section thirty-seven the following new subsection :—

(Power to make regulations.)

(1B) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent or license fee pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different

amounts

Crown Lands and Other Acts (Amendment).

amounts in respect of different classes of holdings, or may prescribe the bases on which such minimum rent or license fee shall be calculated.

Any increase in rents or license fees pursuant to any such prescription shall take effect from the prescribed date.

- (c) by omitting from section fifty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 52.
(Term and rent of conditional lease.)

- (d) by omitting from paragraph (2A) of section seventy the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 70.
(Occupation license.)

- (e) by omitting from paragraph five of section seventy-two the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :"; Sec. 72.
(Annual leases generally: terms and conditions.)

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

- (f) by omitting from subsection one of section seventy-four the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 74.
(Special leases for wharfs and jetties.)

(i)

(g)

Crown Lands and Other Acts (Amendment).

Sec. 75.
(Special
leases, mis-
cellaneous
purposes.)

- (g) by omitting from subsection one of section seventy-five the words "four dollars per annum" wherever occurring and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 75A.
(Extension
of special
leases to
special
leases in
perpetuity
for mis-
cellaneous
purposes.)

- (h) (i) by omitting from subsection nine of section 75A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (ii) by omitting from subsection ten of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 75B.
(Special
leases in
perpetuity
for mis-
cellaneous
purposes.)

- (i) by omitting from subsection nine of section 75B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 76.
(Special
leases:
tramway
and irriga-
tion
purposes.)

- (j) by omitting from subsection one of section seventy-six the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 78.
(Snow
lease.)

- (k) by omitting from section seventy-eight the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Crown Lands and Other Acts (Amendment).

- (l) by omitting from paragraph (c) of subsection one of section eighty the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 80. (Residential lease on goldfield, or mineral field.)
- (m) by omitting from paragraph (d) of section 82A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 82A. (Leasing of Crown lands within towns.)
- (n) by omitting from paragraph (e) of subsection one of section ninety-one the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 91. (Conditions precedent to homestead grant.)
- (o) (i) by omitting from subsection one of section ninety-seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 97. (Additional homestead selection.)
- (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- (p) by omitting from subsection one of section one hundred and one the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 101. (Original settlement lease.)
- (q) (i) by omitting from subsection one of section one hundred and three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum"; Sec. 103. (Additional settlement lease.)

(ii)

Crown Lands and Other Acts (Amendment).

- (ii) by omitting from subsection (1A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 107.
(Term and rent of conditional purchase lease.)
- (r) by omitting from section one hundred and seven the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- Sec. 109.
(Conditional purchase leases. Conversion into conditional purchases and conditional leases.)
- (s) (i) by omitting from paragraph (b) of subsection seven of section one hundred and nine the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (ii) by omitting from paragraph (b1) of the same subsection the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 113.
(Additional in virtue of conditional purchase leases, &c.)
- (t) by omitting from subsection (2A) of section one hundred and thirteen the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 122.
(Homestead farm: rent.)
- (u) by omitting from section one hundred and twenty-two the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 123A.
(Right of conversion.)
- (v) by omitting from subsection five of section 123A the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

(w)

Crown Lands and Other Acts (Amendment).

(w) by omitting from section one hundred and twenty-seven the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 127.
(Suburban holding: rent.)

(x) by omitting from section one hundred and thirty-four the words "Provided that the annual rent shall not be less than four dollars, and that the rent payable for the next year after confirmation or approval shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial character, the improvements so effected—except boundary fencing—being in addition to those which may be otherwise required by the conditions as to improvements or expenditure attaching to the lease.

Sec. 134.
(Crown-lease: term and rent.)

The foregoing provision of this section relating to remission of rent shall not apply to any Crown-lease the application for which is confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1964." and by inserting in lieu thereof the words—

Part VIII.
Housing

Provided that the annual rent shall not be less than six dollars or, where some other amount is prescribed, such other amount.

(y) by omitting from section 136C the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 136c.
(Rent for week-end leases.)

(z) by inserting next after subsection one of section 136K the following new subsections :—

Sec. 136k.
(Permissive occupancies.)

(1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four

Crown Lands and Other Acts (Amendment).

four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

(1B) Where a permission to occupy Crown lands is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect of any such permission shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permission the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this subsection.

Part VIII.
Heading.

(aa) by omitting from the matter relating to Division 9 in the heading to Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233A";

Sec. 167A.
(Appraisal
of
rents.)

(bb) by omitting from subsection four of section 167A the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

(cc)

Crown Lands and Other Acts (Amendment).

- (cc) (i) by omitting from subsection six of section one hundred and eighty-three the words "four dollars." and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount."; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)
- (ii) by omitting from the same subsection the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (iii) by omitting from subsection (6A) of the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (dd) (i) by omitting from paragraph two of section one hundred and eighty-five the words "that such rent shall not be less than four dollars per annum : Provided further"; Sec. 185. (Conversion of settlement lease or Crown-lease conditions upon conversion.)
- (ii) by inserting at the end of the same paragraph the following proviso :—
- Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (iii) by omitting from paragraph (2A) of the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- (ee) by omitting from subsection five of section one hundred and ninety the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount"; Sec. 190. (Conversion of special lease.)

(ff)

Crown Lands and Other Acts (Amendment).

- Sec. 193. (ff) by omitting from paragraph (b) of section one hundred and ninety-three the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
(Provisions applicable to homestead selections or grants out of certain leases.)
- Sec. 193A. (gg) by omitting from subsection eight of section 193A the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
(Conversion of prickly-pear leases.)
- Sec. 194. (hh) (i) by omitting from paragraph (6A) of subsection one of section one hundred and ninety-four the words " : Provided that such annual rent shall not be less than four dollars";
(Conversion of certain holdings into homestead farms.)
(ii) by inserting next after paragraph eight of the same subsection the following new paragraph :—
(8A) The rent payable pursuant to paragraph (6A), (6B) or (8) of this subsection shall, notwithstanding anything therein contained, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- Sec. 202. (ii) by omitting from section two hundred and two the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
(Enclosure of roads and water-courses.)
- Part VIII. (jj) by omitting from the heading to Division 9 of Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233A";
Division 9. Heading.

(kk)

Crown Lands and Other Acts (Amendment).

- (kk) by inserting next after section two hundred and thirty-three the following new section and short heading :—

Minimum rents and license fees.

233A. Any increase in rent or license fee effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) or license fee, as the case may be, becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

- (ll) (i) by omitting from section two hundred and fifty-eight the words "the right of conversion or purchase under";
- (ii) by omitting from the same section the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (mm) (i) by omitting from the proviso to subsection one of section two hundred and eighty-two the word "section" and by inserting in lieu thereof the word "subsection";
- (ii) by inserting next after subsection two of the same section the following new subsection :—
- (3) Notwithstanding any other provision in this Act where the interest payable annually in respect of any conditional purchase not under the instalment system would but for the provisions of this subsection be less than six dollars such interest shall, on and from the day

when

Crown Lands and Other Acts (Amendment).

when interest is next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, be six dollars or, where some other amount is prescribed, such other amount.

Amendment
of Act No.
37, 1904.

(3) The Closer Settlement Act, 1904, is amended—

Sec. 39.
(Permits to
occupy.)

- (a) by omitting from section thirty-nine the word “fit:” and by inserting in lieu thereof the words “fit. Where the rent per annum in respect of a permit to occupy in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.

Where any such permit to occupy is granted after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the minimum rent per annum payable in respect thereof shall not be less than six dollars or, where some other amount is prescribed, such other amount per annum, unless at the time of granting that permit the Minister otherwise determines. Without limiting his discretion the Minister may so determine in any case where he considers that hardship would be caused by fixing a rent per annum of an amount equivalent to the minimum rent per annum currently prescribed in pursuance of this section.”;

Sec. 46.
(Enclosure
of roads.)

- (b) by omitting from section forty-six the words “four dollars” wherever occurring and by inserting in lieu thereof the words “six dollars or, where some other amount is prescribed, such other amount”.

(4)

Crown Lands and Other Acts (Amendment).

(4) The Closer Settlement Amendment (Conversion) Amendment of Act No. 38, 1943, is amended—

- (a) by omitting from the matter relating to Part V in subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter "15B"; Sec. 1. (Short title, commencement and division into Parts.)
- (b) by inserting at the end of subsection three of section 2A the following proviso :— Sec. 2A. (Conversion of settlement purchases taken up on or after 15th December, 1937.)
 Provided that the rent shall be—
 (a) the amount as above prescribed, or
 (b) six dollars per annum or, where some other amount is prescribed, such other amount per annum,
 whichever is the greater.
- (c) by inserting in subsection one of section three after the words "so determined" where secondly occurring the following proviso :— Sec. 3. (Annual rent.)
 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (d) by inserting at the end of section 3A the following proviso :— Sec. 3A. (Certain debts to Crown may be taken into account for purposes of calculating annual rent.)
 Provided further that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (e) by inserting at the end of subsection five of section five the following proviso :— Sec. 5. (Reduction of rent.)
 Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

(f)

Crown Lands and Other Acts (Amendment).

Sec. 9. (Closer settlement leases.) (f) by omitting from paragraph (a) of subsection two of section nine the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

Sec. 15. (Forfeiture of leases subject to securities held by Rural Bank.) (g) by inserting at the end of paragraph (b) of section fifteen the following proviso :—

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

New secs. 15A and 15B. (h) by inserting next after section fifteen the following new sections :—

Operation of increased rentals. 15A. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes next payable after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Regulations re rents. 15B. The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of the Closer Settlement Acts may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

Crown Lands and Other Acts (Amendment).

(5) The Returned Soldiers Settlement Act, 1916, is amended— Amendment of Act No. 21, 1916.

(a) by inserting next after subsection ten of section four the following new subsection :— Sec. 4.

(11) The rent of any holding by way of lease (before or after grant) under this section, other than a lease within an irrigation area, shall, notwithstanding anything in this or any other Act, be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. (Special provision for settlement of discharged soldiers.)

(b) by inserting next after subsection one of section six the following new subsection :— Sec. 6. (Regulations.)

(1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

(c) by inserting next after section twenty-three the following new sections and short headings :— New secs. 24 and 25.

Minimum rent for road or watercourse enclosures.

24. Where in respect of any permission to enclose a road or watercourse under this Act subsisting at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent Minimum rent for road or watercourse enclosures.

is

Crown Lands and Other Acts (Amendment).

is less than six dollars per annum such rent shall be increased to six dollars per annum and where some other amount per annum is prescribed shall be such other amount per annum.

Minimum rents.

Minimum
rents.

25. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Amendment
of Act No.
31, 1924.

(6) The Prickly-pear Act, 1924, is amended—

Sec. 15.
(Existing
holdings.)

(a) by omitting from subsection (3A) of section fifteen the words "four dollars per annum." and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

Sec. 17.
(Leasing
infested
land.)

(b) (i) by omitting from section seventeen the words "(not being less than four dollars per annum)";

(ii)

Crown Lands and Other Acts (Amendment).

- (ii) by inserting in the same section after the word "determine" where firstly occurring the following proviso :—

Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (c) (i) by omitting from section eighteen the words Sec. 18.
 "(not being less than four dollars per (Leasing of commons and reserves.)
 annum)";
- (ii) by omitting from the same section the words "Any rent received in respect of any such lease shall be paid into the Consolidated Revenue Fund" and by inserting in lieu thereof the words ": Provided that the rent shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (d) by omitting from subsection two of section twenty Sec. 20.
 the words "four dollars per annum." and by (Leases.)
 inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum :

Provided further that where before the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, the rent as so reduced is less than six dollars the rent shall be increased to six dollars and where after such commencement some other amount than six dollars per annum is prescribed the rent shall not be reduced to less than that other amount.";

- (e) by omitting from subsection five of section 21A the Sec. 21A.
 words "four dollars" wherever occurring and and by (Extension of term to lease in perpetuity.)
 inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

(f)

Crown Lands and Other Acts (Amendment).

Sec. 21B.
(Sub-
division of
leases.)

- (f) by omitting from subsection three of section 21B the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

New sec.
21D.

- (g) by inserting next after section 21C the following new section :—

Minimum
rents.

21D. Any increase in rent effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971.

Sec. 34.
(Regula-
tions.)

- (h) by inserting next after subsection one of section thirty-four the following new subsection :—

(1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rent pursuant to any such prescription shall take effect from the prescribed date.

Crown Lands and Other Acts (Amendment).

(7) The Finances Adjustment Act, 1932, is amended by omitting from subsection (3A) of section three the words "section five of the Crown Lands and Other Acts (Amendment) Act, 1970" and by inserting in lieu thereof the words "the Crown Lands and Other Acts (Amendment) Act, 1971".

Amendment
of Act No.
27, 1932.
Sec. 3.
(Interest.)

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 8th October, 1971.*

