

*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, 7 September, 1972.*

## New South Wales



ANNO VICESIMO PRIMO

## ELIZABETHÆ II REGINÆ

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Act No.     , 1972.

An Act to make further provision with respect to applications for certain leases; to permit leases held for business purposes to be converted into conditional purchases; to remove the condition of residence from special leases and conditional purchases; to make further provision with respect to the determination of the rental of certain leases; for these and other purposes to amend the Western Lands Act, 1901; and for purposes connected therewith.

BE

*Western Lands (Amendment).*

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

1. This Act may be cited as the "Western Lands Short title. (Amendment) Act, 1972".

2. The Western Lands Act, 1901, is amended—

Amendment  
of Act No.  
70, 1901.

10 (a) by omitting from the long title the words "a board, Long  
to be called the Western Land Board" and by title.  
inserting instead the words "a Western Lands  
Commissioner";

(b) by omitting from section 18G (1A) (a) the words Sec. 18G.  
"of this Act" where thirdly occurring; (Trans-  
fers.)

15 (c) by omitting from section 18JJ (2) the words "of Sec. 18JJ.  
eighteen years" and by inserting instead the words (Compet-  
"of the age of eighteen years"; enency of  
minors to  
acquire or  
hold.)

20 (d) by omitting from section 18K the words "of the Sec. 18K.  
eighteen years" wherever occurring and by (Compet-  
inserting instead the words "of the age of eighteen enency of  
minor to  
contract  
otherwise  
than with  
Crown.)

(e) by omitting from section 21 the words "(the Sec. 21.  
provision of section nineteen to the contrary (Increased  
rentals in  
certain  
cases.)

25 (f) by omitting section 22; Sec. 22.  
(Special  
values.)

(g)

*Western Lands (Amendment).*

- (g) by inserting next after section 26 (2) the following new subsection :—
- (2A) Notwithstanding paragraph (a) of subsection (5) of section 9, an applicant before a local land board shall not be represented by a barrister or a solicitor, or by a person qualified to apply for admission as a barrister or as a solicitor, or by a land agent registered under the Land Agents Act, 1927.
- (h) by omitting from section 28A the words “—the provisions of section nineteen of this Act to the contrary notwithstanding—”;
- (i) (i) by omitting section 28BB (1) and by inserting instead the following subsection :—
- (1) The holder of a lease—
- (a) for the purpose of agriculture or mixed farming, or a similar purpose; or
- (b) for residence, business purposes, motel purposes or similar purposes,
- which is not liable to forfeiture may apply to convert the lease (as to the whole or any part of the land comprised in the lease) into a conditional purchase.
- (ii) by omitting from section 28BB (2) (b) the words “such lease” and by inserting instead the words “a lease referred to in paragraph (a) of subsection (1)”;
- (iii) by omitting section 28BB (6) and by inserting instead the following subsection :—
- (6) The conditional purchase shall be subject to any special conditions which the Minister on the recommendation of the local land board may impose.
- (iv)

Sec. 26.

(Applications for leases of land set apart exclusively.)

Sec. 28A.

(Special leases may be granted.)

Sec. 28BB.

(Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

*Western Lands (Amendment).*

- (iv) by inserting in section 28BB (8) after the word "fifty-six," the words "173A to 173H (inclusive),";
- 5 (v) by omitting from section 28BB (8) the figures "175A, 176A," where firstly occurring;
- (vi) by omitting from section 28BB (8) the words ", together with subsection two of section two hundred and fifty-nine";
- 10 (vii) by omitting from section 28BB (8) the words "In the application of sections fifty-four, 175A, 176A and 194B of the Crown Lands Consolidation Act, 1913, to conditional purchases as aforesaid the amendments effected to those sections by section nine of the Crown Lands and Other Acts (Amendment) Act, 15 1970, shall be deemed not to have been made.";
- (j) by omitting from section 31 (2) the word "Colonial"; Sec. 31.  
(Determination of value of improvements.)
- 20 (k) by omitting section 40 and by inserting instead the following section :— Sec. 40.  
(Determination of rentals.)
- 25 40. (1) Where a lease is surrendered under section 37 and a lease of land to which the surrendered lease related is granted under section 39 after the commencement of the Western Lands (Amendment) Act, 1972, the rental in respect of the lease so granted— Determination of rentals of portions after subdivision.
- 30 (a) shall, in the case of a lease referred to in section 43, be determined by the local land board in respect of the first ten years of the term of the lease;
- (b)

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*Western Lands (Amendment).*

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5 (b) shall, in any other case, be determined by the Commissioner in respect of the residue of the period for which it had last been determined in respect of the surrendered lease; and

(c) shall, in all cases, be redetermined by the local land board—

10 (i) in respect of each period of ten years that succeeds the period for which it was determined under paragraph (a) or (b), as the case may be; or

15 (ii) in respect of the residue of the term if, at the expiration of a period referred to in paragraph (a) or (b), or in subparagraph (i), the unexpired term of the lease is less than fifteen years.

20 (2) The total amount of the rentals determined under paragraph (b) of subsection (1) in respect of land to which a lease surrendered under section 37 related shall not, unless a lease of part of that land is a lease referred to in section 43, exceed the rental that would have been payable in respect of the surrendered lease had it not been  
25 surrendered.

(3) The provisions of—

(a) subsection (3) of section 19B; and

(b) section 19D,

30 apply to and in respect of a lease granted under section 39 that is not a lease referred to in section 43.

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*Western Lands (Amendment).*

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- 5 (l) by omitting from section 43 the words "of this Act : The rentals of such leases shall be determined by the local land board, and shall not be subject to the provisions of section nineteen of this Act" and by inserting instead the words "of this Act";
- 10 (m) (i) by inserting in section 44 (1) after the words "such freehold portions" the words "and, in each case, the value of any existing improvements";
- (ii) by omitting from section 44 (4) (a) the word "Colonial";
- (iii) by omitting from section 44 (4) (b) the word "Colonial".
- 15 3. Where, immediately before the commencement of this Act, a lease granted under section 28A or a conditional purchase referred to in section 28BB was subject to a condition of residence it ceases, on and from that commencement, to be subject to the condition and is not liable to cancellation or
- 20 forfeiture for a breach, or for non-performance, of the condition before that commencement.

Sec. 43.  
(Special leases.)

Sec. 44.  
(Power to withdraw.)

Removal of residence condition attaching to certain holdings.

(mirrored) ...

... (mirrored) ...

... (mirrored) ...

... (mirrored) ...

... (mirrored) ...

... (mirrored) ...

... (mirrored) ...

... (mirrored) ...

... (mirrored) ...

The House of Representatives is the House of Representatives and the Senate is the Senate of the United States. The House of Representatives is composed of members elected by the people of each State and the District of Columbia. The Senate is composed of members elected by the legislatures of each State and the District of Columbia.

I. T. N. VIDLER  
Chief of the Legislative Assembly

Legislative Assembly Chamber  
October 7, 1972

of the House of Representatives  
is hereby notified that the  
Legislative Assembly Chamber  
has been closed for the  
purpose of conducting the  
business of the House of  
Representatives and for  
purposes connected  
therewith.

END



No. , 1972.

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## A BILL

To make further provision with respect to applications for certain leases; to permit leases held for business purposes to be converted into conditional purchases; to remove the condition of residence from special leases and conditional purchases; to make further provision with respect to the determination of the rental of certain leases; for these and other purposes to amend the Western Lands Act, 1901; and for purposes connected therewith.

[MR LEWIS—5 September, 1972.]

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BE

*Western Lands (Amendment).*

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

1. This Act may be cited as the "Western Lands Short title. (Amendment) Act, 1972".

2. The Western Lands Act, 1901, is amended—

Amendment  
of Act No.  
70, 1901.

- 10 (a) by omitting from the long title the words "a board, (Long title.) to be called the Western Land Board" and by inserting instead the words "a Western Lands Commissioner";
- (b) by omitting from section 18G (1A) (a) the words "of this Act" where thirdly occurring; Sec. 18G. (Transfers.)
- 15 (c) by omitting from section 18JJ (2) the words "of eighteen years" and by inserting instead the words "of the age of eighteen years"; Sec. 18JJ. (Competency of minors to acquire or hold.)
- 20 (d) by omitting from section 18K the words "of the eighteen years" wherever occurring and by inserting instead the words "of the age of eighteen years"; Sec. 18k. (Competency of minor to contract otherwise than with Crown.)
- (e) by omitting from section 21 the words "(the provision of section nineteen to the contrary notwithstanding)"; Sec. 21. (Increased rentals in certain cases.)
- 25 (f) by omitting section 22; Sec. 22. (Special values.)
- (g)

*Western Lands (Amendment).*

- (g) by inserting next after section 26 (2) the following new subsection :—
- (2A) Notwithstanding paragraph (a) of subsection (5) of section 9, an applicant before a local land board shall not be represented by a barrister or a solicitor, or by a person qualified to apply for admission as a barrister or as a solicitor, or by a land agent registered under the Land Agents Act, 1927.
- (h) by omitting from section 28A the words “—the provisions of section nineteen of this Act to the contrary notwithstanding—”;
- (i) (i) by omitting section 28BB (1) and by inserting instead the following subsection :—
- (1) The holder of a lease—
- (a) for the purpose of agriculture or mixed farming, or a similar purpose; or
- (b) for residence, business purposes, motel purposes or similar purposes,
- which is not liable to forfeiture may apply to convert the lease (as to the whole or any part of the land comprised in the lease) into a conditional purchase.
- (ii) by omitting from section 28BB (2) (b) the words “such lease” and by inserting instead the words “a lease referred to in paragraph (a) of subsection (1)”;
- (iii) by omitting section 28BB (6) and by inserting instead the following subsection :—
- (6) The conditional purchase shall be subject to any special conditions which the Minister on the recommendation of the local land board may impose.

Sec. 26.

(Applica-  
tions for  
leases of  
land set  
apart ex-  
clusively.)

Sec. 28A.

(Special  
leases may  
be granted.)

Sec. 28BB.

(Applica-  
tion for  
conversion  
of leases  
after com-  
mencement  
of Western  
Lands  
(Amend-  
ment) Act,  
1949.)

(iv)

*Western Lands (Amendment).*

- (iv) by inserting in section 28BB (8) after the word "fifty-six," the words "173A to 173H (inclusive).";
- 5 (v) by omitting from section 28BB (8) the figures "175A, 176A," where firstly occurring;
- (vi) by omitting from section 28BB (8) the words " , together with subsection two of section two hundred and fifty-nine";
- 10 (vii) by omitting from section 28BB (8) the words "In the application of sections fifty-four, 175A, 176A and 194B of the Crown Lands Consolidation Act, 1913, to conditional purchases as aforesaid the amendments effected to those sections by section nine of the Crown Lands and Other Acts (Amendment) Act, 15 1970, shall be deemed not to have been made.";
- (j) by omitting from section 31 (2) the word "Colonial"; Sec. 31.  
(Determination of value of improvements.)
- 20 (k) by omitting section 40 and by inserting instead the following section :— Sec. 40.  
(Determination of rentals.)
- 25 40. (1) Where a lease is surrendered under section 37 and a lease of land to which the surrendered lease related is granted under section 39 after the commencement of the Western Lands (Amendment) Act, 1972, the rental in respect of the lease so granted— Determination of rentals of portions after subdivision.
- 30 (a) shall, in the case of a lease referred to in section 43, be determined by the local land board in respect of the first ten years of the term of the lease;
- (b)

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*Western Lands (Amendment).*

---

5 (b) shall, in any other case, be determined by the Commissioner in respect of the residue of the period for which it had last been determined in respect of the surrendered lease; and

(c) shall, in all cases, be redetermined by the local land board—

10 (i) in respect of each period of ten years that succeeds the period for which it was determined under paragraph (a) or (b), as the case may be; or

15 (ii) in respect of the residue of the term if, at the expiration of a period referred to in paragraph (a) or (b), or in subparagraph (i), the unexpired term of the lease is less than fifteen years.

20 (2) The total amount of the rentals determined under paragraph (b) of subsection (1) in respect of land to which a lease surrendered under section 37 related shall not, unless a lease of part of that land is a lease referred to in section 43, exceed the rental that would have been payable in  
25 respect of the surrendered lease had it not been surrendered.

(3) The provisions of—

(a) subsection (3) of section 19B; and

(b) section 19D,

30 apply to and in respect of a lease granted under section 39 that is not a lease referred to in section 43.

(1)

*Western Lands (Amendment).*

- 5 (l) by omitting from section 43 the words "of this Act: The rentals of such leases shall be determined by the local land board, and shall not be subject to the provisions of section nineteen of this Act" and by inserting instead the words "of this Act";
- 10 (m) (i) by inserting in section 44 (1) after the words "such freehold portions" the words "and, in each case, the value of any existing improvements";
- (ii) by omitting from section 44 (4) (a) the word "Colonial";
- (iii) by omitting from section 44 (4) (b) the word "Colonial".
- 15 3. Where, immediately before the commencement of this Act, a lease granted under section 28A or a conditional purchase referred to in section 28BB was subject to a condition of residence it ceases, on and from that commencement, to be subject to the condition and is not liable to cancellation or
- 20 forfeiture for a breach, or for non-performance, of the condition before that commencement.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

[5c]

(1) The amount of the award shall be determined by the court in its discretion, taking into account the nature and extent of the injury, the age and health of the injured party, and the ability of the injured party to earn a living.

(2) The award shall be paid in lump sum.

(3) The award shall be paid to the injured party or to his estate.

(4) The award shall be paid to the injured party or to his estate.

(5) The award shall be paid to the injured party or to his estate.

(6) The award shall be paid to the injured party or to his estate.

(7) The award shall be paid to the injured party or to his estate.

(8) The award shall be paid to the injured party or to his estate.

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(16) The award shall be paid to the injured party or to his estate.

(17) The award shall be paid to the injured party or to his estate.

(18) The award shall be paid to the injured party or to his estate.

(19) The award shall be paid to the injured party or to his estate.

(20) The award shall be paid to the injured party or to his estate.

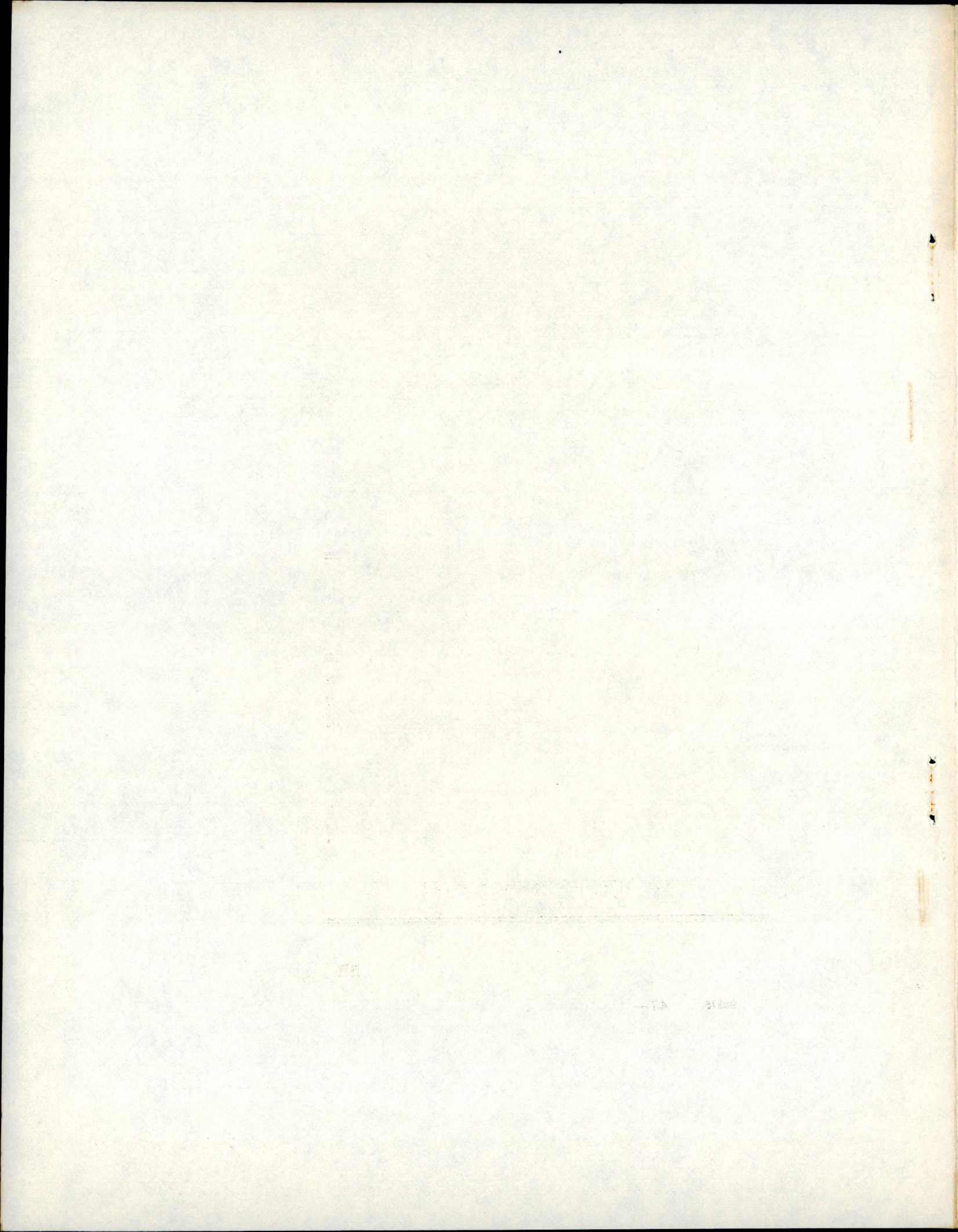
(21) The award shall be paid to the injured party or to his estate.

(22) The award shall be paid to the injured party or to his estate.

(23) The award shall be paid to the injured party or to his estate.

(24) The award shall be paid to the injured party or to his estate.

(25) The award shall be paid to the injured party or to his estate.





## WESTERN LANDS (AMENDMENT) BILL, 1972

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### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that representations to a local land board on behalf of an applicant for certain additional leases be made only by the applicant in person or, in the case of a corporation, by a director who satisfies the local land board he was not appointed as a director for the purpose of making the representations;
- (b) to permit a lease held for motel or business purposes to be converted to a conditional purchase;
- (c) to remove the condition of residence from special leases and conditional purchases;
- (d) to make further provision for the determination of the rental of leases and special leases of portions into which a lease has been subdivided;
- (e) to provide, in the event of the withdrawal or acquisition of certain land for settlement, for the payment of the value of existing improvements on that land;
- (f) to make other provisions of an ancillary or consequential character.



No. , 1972.

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# A BILL

To make further provision with respect to applications for certain leases; to permit leases held for business purposes to be converted into conditional purchases; to remove the condition of residence from special leases and conditional purchases; to make further provision with respect to the determination of the rental of certain leases; for these and other purposes to amend the Western Lands Act, 1901; and for purposes connected therewith.

[MR LEWIS—5 September, 1972.]

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BE

*Western Lands (Amendment).*

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

1. This Act may be cited as the "Western Lands Short title. (Amendment) Act, 1972".
2. The Western Lands Act, 1901, is amended—
 

		Amendment of Act No. 70, 1901.
10	(a) by omitting from the long title the words "a board, to be called the Western Land Board" and by inserting instead the words "a Western Lands Commissioner";	(Long title.)
	(b) by omitting from section 18G (1A) (a) the words "of this Act" where thirdly occurring;	Sec. 18g. (Transfers.)
15	(c) by omitting from section 18JJ (2) the words "of eighteen years" and by inserting instead the words "of the age of eighteen years";	Sec. 18JJ. (Competency of minors to acquire or hold.)
20	(d) by omitting from section 18K the words "of the eighteen years" wherever occurring and by inserting instead the words "of the age of eighteen years";	Sec. 18k. (Competency of minor to contract otherwise than with Crown.)
	(e) by omitting from section 21 the words "(the provision of section nineteen to the contrary notwithstanding)";	Sec. 21. (Increased rentals in certain cases.)
25	(f) by omitting section 22;	Sec. 22. (Special values.)
	(g)	

*Western Lands (Amendment).*

- (g) by inserting next after section 26 (2) the following new subsection :—
- Sec. 26.  
(Applica-  
tions for  
leases of  
land set  
apart ex-  
clusively.)
- 5 (2A) Notwithstanding paragraph (a) of subsection (5) of section 9, an applicant before a local land board shall not be represented by a barrister or a solicitor, or by a person qualified to apply for admission as a barrister or as a solicitor, or by a land agent registered under the Land Agents Act, 1927.
- 10 (h) by omitting from section 28A the words “—the provisions of section nineteen of this Act to the contrary notwithstanding—”;
- Sec. 28A.  
(Special  
leases may  
be granted.)
- (i) (i) by omitting section 28BB (1) and by inserting instead the following subsection :—
- Sec. 28BB.  
(Applica-  
tion for  
conversion  
of leases  
after com-  
mencement  
of Western  
Lands  
(Amend-  
ment) Act,  
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- 15 (1) The holder of a lease—
- (a) for the purpose of agriculture or mixed farming, or a similar purpose; or
- (b) for residence, business purposes, motel purposes or similar purposes,
- 20 which is not liable to forfeiture may apply to convert the lease (as to the whole or any part of the land comprised in the lease) into a conditional purchase.
- 25 (ii) by omitting from section 28BB (2) (b) the words “such lease” and by inserting instead the words “a lease referred to in paragraph (a) of subsection (1)”;
- 30 (iii) by omitting section 28BB (6) and by inserting instead the following subsection :—
- (6) The conditional purchase shall be subject to any special conditions which the Minister on the recommendation of the local land board may impose.
- (iv)

*Western Lands (Amendment).*

- (iv) by inserting in section 28BB (8) after the word "fifty-six," the words "173A to 173H (inclusive),";
- 5 (v) by omitting from section 28BB (8) the figures "175A, 176A," where firstly occurring;
- (vi) by omitting from section 28BB (8) the words ", together with subsection two of section two hundred and fifty-nine";
- 10 (vii) by omitting from section 28BB (8) the words "In the application of sections fifty-four, 175A, 176A and 194B of the Crown Lands Consolidation Act, 1913, to conditional purchases as aforesaid the amendments effected to those sections by section nine of the Crown Lands and Other Acts (Amendment) Act, 1970, shall be deemed not to have been made.";
- 15

(j) by omitting from section 31 (2) the word "Colonial";

Sec. 31.  
(Determination of value of improvements.)

20 (k) by omitting section 40 and by inserting instead the following section :—

Sec. 40.  
(Determination of rentals.)

25 40. (1) Where a lease is surrendered under section 37 and a lease of land to which the surrendered lease related is granted under section 39 after the commencement of the Western Lands (Amendment) Act, 1972, the rental in respect of the lease so granted—

Determination of rentals of portions after subdivision.

30 (a) shall, in the case of a lease referred to in section 43, be determined by the local land board in respect of the first ten years of the term of the lease;

(b)

*Western Lands (Amendment).*

5 (b) shall, in any other case, be determined by the Commissioner in respect of the residue of the period for which it had last been determined in respect of the surrendered lease; and

(c) shall, in all cases, be redetermined by the local land board—

10 (i) in respect of each period of ten years that succeeds the period for which it was determined under paragraph (a) or (b), as the case may be; or

15 (ii) in respect of the residue of the term if, at the expiration of a period referred to in paragraph (a) or (b), or in subparagraph (i), the unexpired term of the lease is less than fifteen years.

20 (2) The total amount of the rentals determined under paragraph (b) of subsection (1) in respect of land to which a lease surrendered under section 37 related shall not, unless a lease of part of that land is a lease referred to in section 43, exceed the rental that would have been payable in respect of the surrendered lease had it not been  
25 surrendered.

(3) The provisions of—

(a) subsection (3) of section 19B; and

(b) section 19D,

30 apply to and in respect of a lease granted under section 39 that is not a lease referred to in section 43.

(1)

*Western Lands (Amendment).*

- 5 (l) by omitting from section 43 the words "of this Act: The rentals of such leases shall be determined by the local land board, and shall not be subject to the provisions of section nineteen of this Act" and by inserting instead the words "of this Act"; Sec. 43. (Special leases.)
- 10 (m) (i) by inserting in section 44 (1) after the words "such freehold portions" the words "and, in each case, the value of any existing improvements"; Sec. 44. (Power to withdraw.)
- (ii) by omitting from section 44 (4) (a) the word "Colonial";
- (iii) by omitting from section 44 (4) (b) the word "Colonial".
- 15 3. Where, immediately before the commencement of this Act, a lease granted under section 28A or a conditional purchase referred to in section 28BB was subject to a condition of residence it ceases, on and from that commencement, to be subject to the condition and is not liable to cancellation or
- 20 forfeiture for a breach, or for non-performance, of the condition before that commencement. Removal of residence condition attaching to certain holdings.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972



Water Laws (Amendment)

(1) by amending laws relating to the water of the State  
Act: The water of the State shall be used for the  
purpose of the water laws and shall be used  
subject to the provisions of the water laws  
Act: and by amending laws relating to the water of the State

(2) (a)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

(i)

(j)



*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, 10 October, 1972.*

## New South Wales



ANNO VICESIMO PRIMO

# ELIZABETHÆ II REGINÆ

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**Act No. 55, 1972.**

An Act to make further provision with respect to applications for certain leases; to permit leases held for business purposes to be converted into conditional purchases; to remove the condition of residence from special leases and conditional purchases; to make further provision with respect to the determination of the rental of certain leases; for these and other purposes to amend the Western Lands Act, 1901; and for purposes connected therewith. [Assented to, 17th October, 1972.]

BE

*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.*

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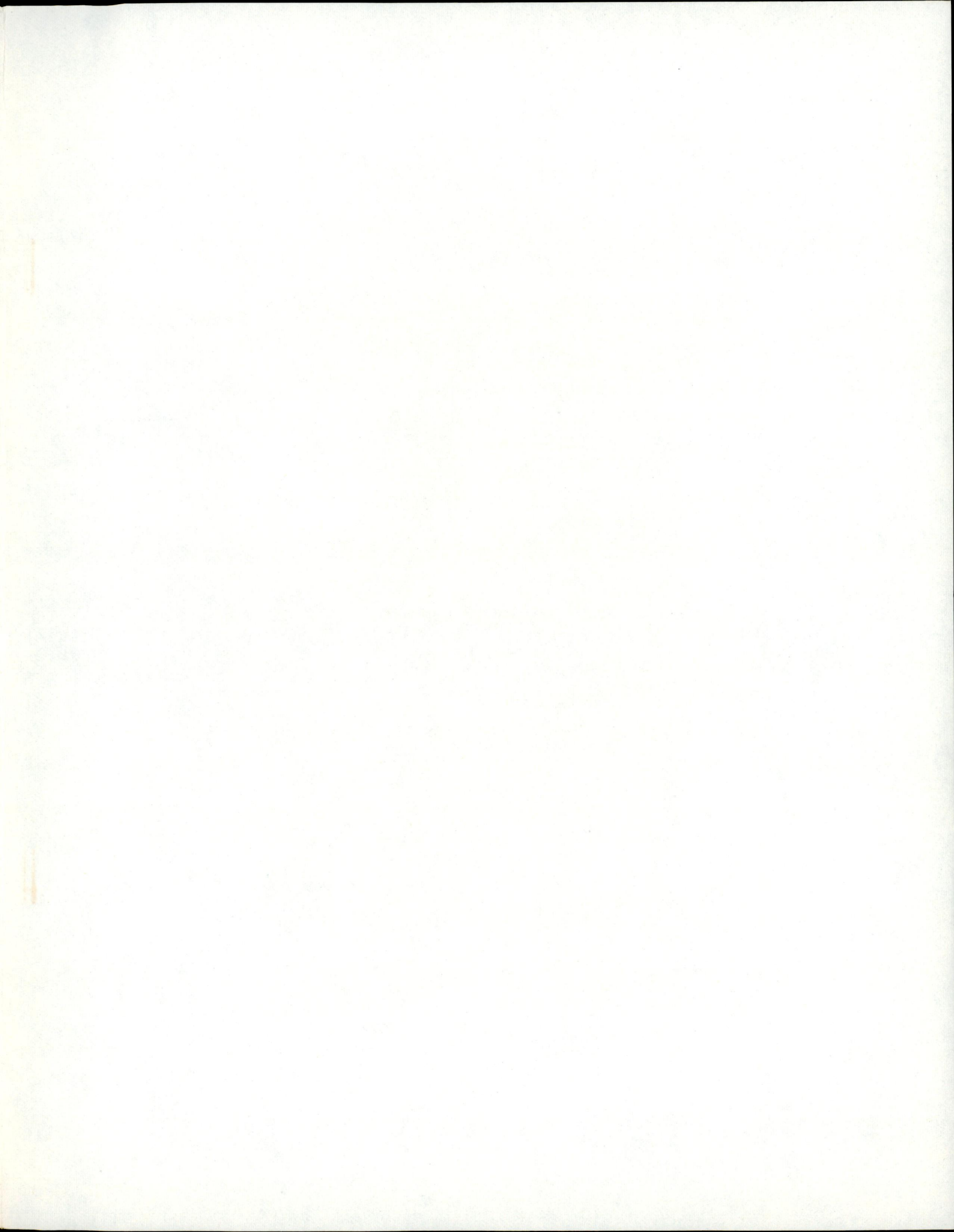
*Western Lands (Amendment).*

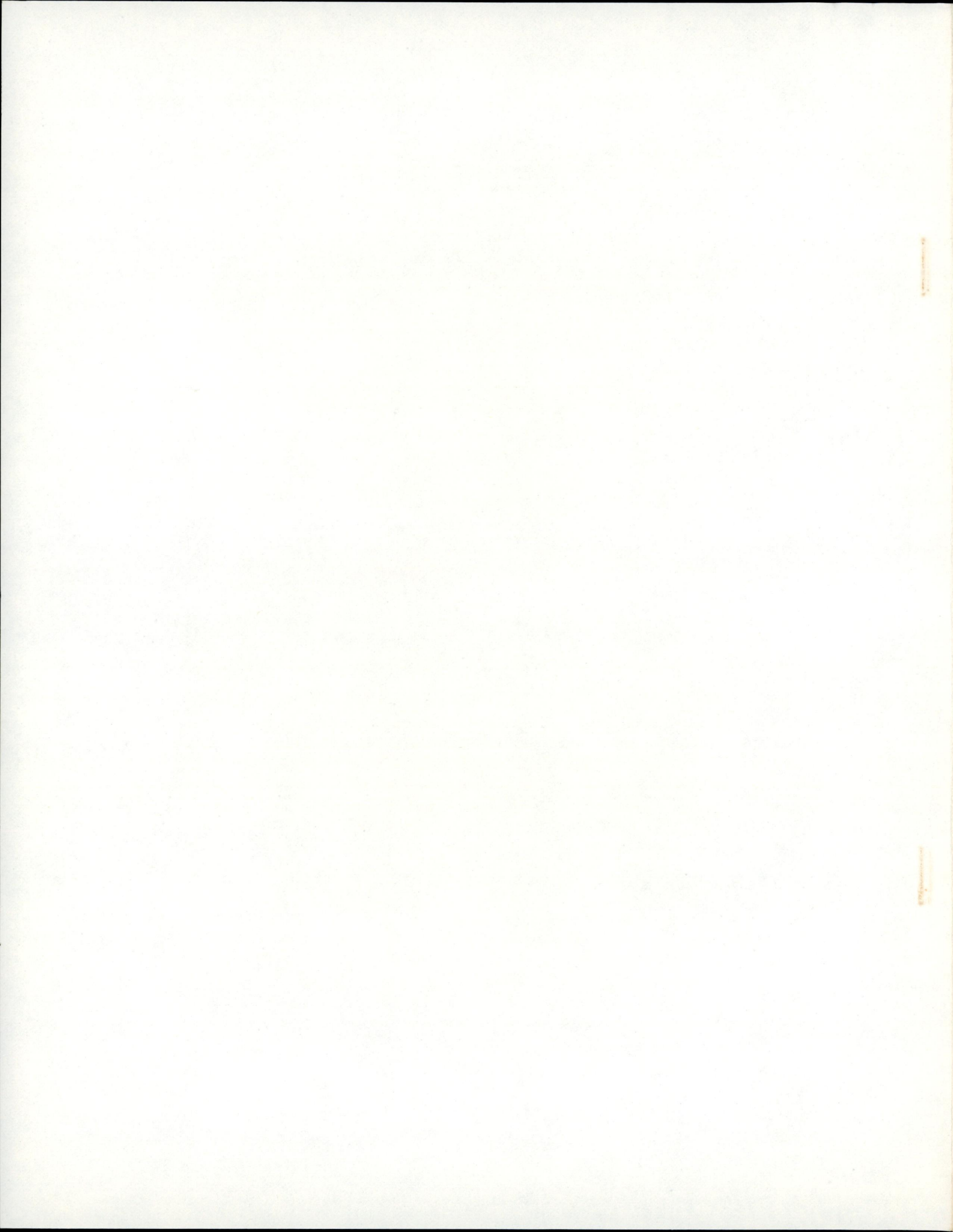

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, a follows :—

- Short title.     **1.** This Act may be cited as the "Western Lands (Amendment) Act, 1972".
- Amendment of Act No. 70, 1901.     **2.** The Western Lands Act, 1901, is amended—
- Long title.             (a) by omitting from the long title the words "a board, to be called the Western Land Board" and by inserting instead the words "a Western Lands Commissioner";
- Sec. 18G. (Transfers.)     (b) by omitting from section 18G (1A) (a) the words "of this Act" where thirdly occurring;
- Sec. 18JJ. (Competency of minors to acquire or hold.)     (c) by omitting from section 18JJ (2) the words "of eighteen years" and by inserting instead the words "of the age of eighteen years";
- Sec. 18K. (Competency of minor to contract otherwise than with Crown.)     (d) by omitting from section 18K the words "of the eighteen years" wherever occurring and by inserting instead the words "of the age of eighteen years";
- Sec. 21. (Increased rentals in certain cases.)     (e) by omitting from section 21 the words "(the provision of section nineteen to the contrary notwithstanding)";
- Sec. 22. (Special values.)     (f) by omitting section 22;

(g)





*Western Lands (Amendment).*

- (g) by inserting next after section 26 (2) the following new subsection :—
- Sec. 26.  
(Applications for leases of land set apart exclusively.)
- (2A) Notwithstanding paragraph (a) of subsection (5) of section 9, an applicant before a local land board shall not be represented by a barrister or a solicitor, or by a person qualified to apply for admission as a barrister or as a solicitor, or by a land agent registered under the Land Agents Act, 1927.
- (h) by omitting from section 28A the words “—the provisions of section nineteen of this Act to the contrary notwithstanding—”;
- Sec. 28A.  
(Special leases may be granted.)
- (i) (i) by omitting section 28BB (1) and by inserting instead the following subsection :—
- Sec. 28BB.  
(Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)
- (1) The holder of a lease—
- (a) for the purpose of agriculture or mixed farming, or a similar purpose; or
- (b) for residence, business purposes, motel purposes or similar purposes,
- which is not liable to forfeiture may apply to convert the lease (as to the whole or any part of the land comprised in the lease) into a conditional purchase.
- (ii) by omitting from section 28BB (2) (b) the words “such lease” and by inserting instead the words “a lease referred to in paragraph (a) of subsection (1)”;
- (iii) by omitting section 28BB (6) and by inserting instead the following subsection :—
- (6) The conditional purchase shall be subject to any special conditions which the Minister on the recommendation of the local land board may impose.
- (iv)

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*Western Lands (Amendment).*


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- (iv) by inserting in section 28BB (8) after the word "fifty-six," the words "173A to 173H (inclusive),";
- (v) by omitting from section 28BB (8) the figures "175A, 176A," where firstly occurring;
- (vi) by omitting from section 28BB (8) the words "together with subsection two of section two hundred and fifty-nine";
- (vii) by omitting from section 28BB (8) the words "In the application of sections fifty-four, 175A, 176A and 194B of the Crown Lands Consolidation Act, 1913, to conditional purchases as aforesaid the amendments effected to those sections by section nine of the Crown Lands and Other Acts (Amendment) Act, 1970, shall be deemed not to have been made.";

Sec. 31.  
(Determination  
of value of  
improvements.)

- (j) by omitting from section 31 (2) the word "Colonial";

Sec. 40.  
(Determination  
of rentals.)

- (k) by omitting section 40 and by inserting instead the following section :—

Determination of  
rentals of  
portions  
after sub-  
division.

40. (1) Where a lease is surrendered under section 37 and a lease of land to which the surrendered lease related is granted under section 39 after the commencement of the Western Lands (Amendment) Act, 1972, the rental in respect of the lease so granted—

- (a) shall, in the case of a lease referred to in section 43, be determined by the local land board in respect of the first ten years of the term of the lease;

(b)



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*Western Lands (Amendment).*

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- (b) shall, in any other case, be determined by the Commissioner in respect of the residue of the period for which it had last been determined in respect of the surrendered lease; and
- (c) shall, in all cases, be redetermined by the local land board—
  - (i) in respect of each period of ten years that succeeds the period for which it was determined under paragraph (a) or (b), as the case may be; or
  - (ii) in respect of the residue of the term if, at the expiration of a period referred to in paragraph (a) or (b), or in subparagraph (i), the unexpired term of the lease is less than fifteen years.

(2) The total amount of the rentals determined under paragraph (b) of subsection (1) in respect of land to which a lease surrendered under section 37 related shall not, unless a lease of part of that land is a lease referred to in section 43, exceed the rental that would have been payable in respect of the surrendered lease had it not been surrendered.

(3) The provisions of—

- (a) subsection (3) of section 19B; and
- (b) section 19D,

apply to and in respect of a lease granted under section 39 that is not a lease referred to in section 43.

(1)

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*Western Lands (Amendment).*


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Sec. 43.  
(Special  
leases.)

- (l) by omitting from section 43 the words "of this Act: The rentals of such leases shall be determined by the local land board, and shall not be subject to the provisions of section nineteen of this Act" and by inserting instead the words "of this Act";

Sec. 44.  
(Power to  
withdraw.)

- (m) (i) by inserting in section 44 (1) after the words "such freehold portions" the words "and, in each case, the value of any existing improvements";
- (ii) by omitting from section 44 (4) (a) the word "Colonial";
- (iii) by omitting from section 44 (4) (b) the word "Colonial".

Removal of  
residence  
condition  
attaching  
to certain  
holdings.

3. Where, immediately before the commencement of this Act, a lease granted under section 28A or a conditional purchase referred to in section 28BB was subject to a condition of residence it ceases, on and from that commencement, to be subject to the condition and is not liable to cancellation or forfeiture for a breach, or for non-performance, of the condition before that commencement.

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

A. R. CUTLER,  
Governor.

*Government House,  
Sydney, 17th October, 1972.*