CROWN LANDS AND OTHER ACTS (AMENDMENT) BILL

Schedule of Amendments referred to in Legislative Council's Message of 15 *October,* 1975

No. 1.—Page 2, clause 2, lines 13 and 14. *Omit* "(ii), (f), (h), (i), (j), (p), (q), (u), (v), (w), (x) and (y)" *insert* **", (f), (h), (i), (j), (p), (q), (v), (w), (x), (y) and (z)".**

No. 2.—Page 27, clause 6. *After* line 12 *insert*—

(12) Where any lands referred to in subsection (2) or (3) have been sold subject to a condition for or in relation to the erection of a dwelling on the lands, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to those lands if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any lands referred to in subsection (2) if any condition subject to which the lands were sold remains to be complied with; or

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

No. 3.—Page 29, clause 6. *After* line 19 *insert*—

(12) Where any land referred to in subsection (2) or (3) has been sold subject to a condition for or in relation to the erection of a dwelling on the land, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to that land if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any land referred to in subsection (2) if any condition subject to which the land was sold remains to be complied with; or

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

No. 4.—Page 31, clause 6. *After* line 20 *insert*—

(12) Where any land referred to in subsection (2) or (3) has been sold subject to a condition for or in relation to the erection of a dwelling on the land, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to that land if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any land referred to in subsection (2) if any condition subject to which the land was sold remains to be complied with; or

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

No. 5.—Pages 34, 35 and 36, clause 9, line 16 on page 34 to line 4 on page 36. *Omit* all words on these lines.

No. 6.—Page 39, clause 9. *After* line 7 *insert*—

Sec. 136G. (Restriction upon right to hold a week-end lease.) **(r) by omitting section 136G (1);**

No. 7.—Page 53, clause 9, line 29. *Omit* "(y)" *insert* **"(z)".**

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.*

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 16 *September,* 1975.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, October, 1975.

New South Wales

ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1975.

An Act relating to the grant of easements over Crown lands and certain other lands; to make further provisions respecting local land boards and the sale of Crown lands by auction or tender; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Western Lands Act, 1901, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924, the Closer Settlement and Public Reserves Fund Act, 1970, and the Crown Lands and Other Acts (Reserves) Amendment Act, 1974; and for purposes connected therewith.

BE

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NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1975".

Commencement.

2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act.

(2) The several provisions of sections 4, 5, 6, 7 and 9 (a) (ii), (d) ~~(ii), (f), (h), (i), (j), (p), (q), (u), (v), (w), (x) and (y),~~ **(f), (h), (i), (j), (p), (q), (v), (w), (x), (y) and (z)** shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 8 shall be deemed to have commenced on 23rd March, 1964.

(4) Section 13 shall be deemed to have commenced on 1st June, 1974.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—AMENDMENT OF ACTS—*ss.* 4–13.

PART III.—SAVINGS AND TRANSITIONAL PROVISIONS—*ss.* 14–16.

PART

PART II.

AMENDMENT OF ACTS.

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

(a) by inserting after the matter relating to Part VA in section 1 (b) the following matter :— Sec. 1 (b). (Division into Parts.)

PART VB.—EASEMENTS—*section* 136L.

(b) by inserting after Part VA the following Part :— Part VB.

PART VB.

EASEMENTS.

136L. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder", in relation to any lands, means the person who is registered in the books of the Department of Lands or the Western Lands Commissioner as the holder of those lands and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed

"prescribed lands" means lands vested in Her Majesty, except—

(a) lands lawfully contracted to be granted in fee simple under this or any other Act;

(b) lands subject to the provisions of the Real Property Act, 1900;

(c) lands comprised in a lease in perpetuity granted under this or any other Act, other than the Western Lands Act, 1901;

(d) lands comprised in a homestead selection; and

(e) lands reserved as, or as part of, a state recreation area under section 37B.

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed lands; and

(b) at any time that any lands having the benefit of an easement so granted are vested in Her Majesty—release the easement benefiting those lands.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed lands—that any holder of the lands at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the lands having the benefit of the easement at the time of the approval has consented to the release.

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to lands notwithstanding that, at the time the easement is granted, those lands are vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that lands having the benefit of the easement or lands having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(2) The Closer Settlement Act, 1904, is amended by inserting after Part IV the following Part :— Amendment of Act No. 37, 1904.

PART IVA. Part IVA.

EASEMENTS.

39A. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder",

"holder", in relation to any land, means the person who is registered in the books of the Department of Lands as the holder of that land and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed land" means land acquired under the Closer Settlement Acts, except—

(a) land lawfully contracted to be granted in fee simple;

(b) land subject to the provisions of the Real Property Act, 1900; and

(c) land comprised in a lease in perpetuity (whether under this or any other Act).

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed land; and

(b) at any time that any land having the benefit of an easement so granted is vested in Her Majesty

—release the easement benefiting that land.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed land—that any holder of the land at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the land having the benefit of the easement at the time of the approval has consented to the release.

(4)

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to land notwithstanding that, at the time the easement is granted, that land is vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that land having the benefit of the easement or land having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(3) The Closer Settlement and Public Reserves Fund Act, 1970, is amended by inserting after section 5 (g1) the following paragraph :— Amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(g2) any moneys directed by the Minister to be paid into the Closer Settlement and Public Reserves Fund out of compensation paid pursuant to a condition imposed under section 136L of the Crown Lands Consolidation Act, 1913, or section 39A of the Closer Settlement Act, 1904.

5. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 11 (1) the words ", and shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown"; Sec. 11. (Local land boards.)

(ii) by inserting in section 11 (1) before the words "Any member other than" the following words :—

One of the members of a local land board shall be appointed by the Governor under and subject to the Public Service Act, 1902, and shall be chairman of the board, and any other members of the board shall be appointed by the Minister.

(iii) by omitting from section 11 (1) the following words :—

One of such members shall be the chairman, who shall be paid such salary as Parliament may sanction.

(iv) by omitting from section 11 (1) the following words :—

Every other member of the local land board shall be paid such fee for each sitting as may be prescribed.

and by inserting instead the following words :—

A member of a local land board, other than the chairman, shall be entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member.

(v) by inserting in section 11 (1) after the words "and the Governor" the words ", in the case of the chairman, or the Minister, in the case of a member other than the chairman,";

(vi) by omitting from section 11 (2) the word "Governor" and by inserting instead the word "Minister";

(vii) by omitting from section 11 (3) the words "by the Governor" where firstly occurring;

(b) (i) by inserting in section 12 after the word "one" the word "other"; Sec. 12. (Decisions of board.)

(ii) by omitting from section 12 the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court :" and by inserting instead the following words :—

A decision supported by a majority of the votes cast by the members of the local land board shall be the decision of the board. The board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(iii) by omitting from section 12 the words "Provided, however, that the" and by inserting instead the word "The";

(iv) by omitting from section 12 the words "or adjudication";

(v) by inserting at the end of section 12 the following subsections :—

(2) Subject to subsection (4), when a local land board reaches a decision, each member shall give a written statement of the reasons

assigned

assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3) The decision of a local land board given under subsection (1) in open court shall be accompanied by each statement required to be given under subsection (2).

(4) Subsection (2) does not apply in relation to any prescribed class of decisions or to a chairman when acting on behalf of a local land board.

(5) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

(c) by omitting from section 13A the words "by the Governor"; Sec. 13A. (Member of one land board may act on the board of another district.)

(d) (i) by omitting from section 20 (1) the words "decision or recommendation" and by inserting instead the words "adjudication, decision, determination, award, report or recommendation"; Sec. 20. (References by Minister to Land and Valuation Court generally.)

(ii) by omitting from section 20 (2) the words "report or recommendation" wherever occurring and by inserting instead the word "decision";

(iii) by omitting from section 20 (2) the words "to the Minister, whether in pursuance of a reference under section seventeen or otherwise";

(iv) by inserting after section 20 (2) the following subsection :—

(3) In subsection (2), "decision" means adjudication, decision, determination, award, report or recommendation.

(2) The Western Lands Act, 1901, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from section 9 (3) (a) (ii) the word "Governor" and by inserting instead the word "Minister"; Sec. 9. (Power to establish administrative districts.)

(b) by omitting from section 9 (3) (e) the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court:" and by inserting instead the following words :—

The local land board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(c) by omitting from section 9 (3) (e) the words "Provided, however, that the" and by inserting instead the word "The";

(d) by omitting from section 9 (3) (e) the words "or adjudication";

(e) by inserting after section 9 (3) the following subsections :—

(3A) Subject to subsection (3C), when a local land board reaches a decision, each member shall give a written statement of the reasons assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3B) The decision of a local land board given under subsection (3) (e) shall be accompanied by each statement required to be given under subsection (3A).

(3C) Subsection (3A) does not apply in relation to any prescribed class of decisions or to an Assistant Commissioner when acting on behalf of a local land board.

(f) by omitting from section 9 (4) the words "paid such fee for each sitting as may be prescribed" and by inserting instead the words "entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member";

(g)

(g) by omitting from section 9 (4) the word "Governor" and by inserting instead the word "Minister";

(h) by omitting from section 9 (6) (b) the word "determination" wherever occurring and by inserting instead the word "decision";

(i) by inserting after section 9 (6) the following subsection :—

(7) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

6. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from the matter relating to Part IV in section 1 (b) the words "AUCTION SALES — AFTER-AUCTION PURCHASES — TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES—AFTER-AUCTION AND AFTER-TENDER PURCHASES"; Sec. 1 (b). (Division into Parts.)

(ii) by omitting from the matter relating to Division 13 of Part VIII in section 1 (b) the matter "274A" and by inserting instead the matter "274B";

(b)

(b) by omitting from the heading to Part IV the words "AUCTION SALES—AFTER-AUCTION PURCHASES —TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES —AFTER-AUCTION AND AFTER-TENDER PURCHASES"; Heading to Part IV.

(c) by omitting section 63 and the short heading thereto and by inserting instead the following sections and short headings thereto :— Secs. 63, 63A.

Auction purchases.

63. (1) The Minister may, by notification published in the Gazette, authorise the sale by auction of any Crown lands specified in the notification. Auction purchases.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by public auction at such places (whether within or outside the land district in which the lands are situated), at such times and subject to such terms and conditions as the Minister determines and specifies in the notification.

Tender purchases.

63A. (1) The Minister may, by notification published in the Gazette, authorise the sale by tender of any Crown lands specified in the notification. Tender purchases.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by tender subject to such terms and conditions as the Minister determines and specifies in the notification.

(3) A notification under subsection (1) shall specify the period during which, and the manner in which, tenders must be lodged.

(4) The Minister may, subject to section 64D, accept any tender or may decide to accept none of the tenders.

(d) by omitting section 64 and the short heading thereto and by inserting instead the following section and short heading thereto :— Sec. 64.

After-auction and after-tender purchases.

64. (1) Where Crown lands have been offered for sale by auction but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-auction purchase") of those lands after the auction was held. After-auction and after-tender purchases.

(2) Where Crown lands have been offered for sale by tender but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-tender purchase") of those lands after the expiration of the period during which tenders must have been lodged.

(3) An applicant for an after-auction purchase or after-tender purchase shall—

(a) lodge with his application a deposit in accordance with the terms and conditions specified in the notification published under section 63 or 63A in respect of the lands applied for; and

(b) if the Minister approves the application, pay the balance of the purchase price in accordance with those terms and conditions.

(e) (i) by omitting the short heading to section 64A and by inserting instead the following short heading :— Sec. 64A. (Conditions relating to number of lots.)

Auction, tender, after-auction and after-tender purchases: conditions relating to number of lots.

(ii) by omitting from section 64A the words "by public auction at a Government auction sale, or is granted as an after-auction purchase in pursuance of section sixty-four of this Act" and by inserting instead the words "under this Part by auction or tender or by way of after-auction purchase or after-tender purchase";

(iii) by omitting from section 64A the words "auction sale or the approval of the Minister to the after-auction purchase" and by inserting instead the word "sale";

(iv) by omitting from section 64A the words "For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.";

(v) by inserting at the end of section 64A the following subsections :—

(2) For the purposes of this section—

(a) a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person; and

(b) the reference to the date of the sale is a reference—

(i) in the case of an auction purchase under this Part—to the date of the auction;

(ii) in the case of a tender purchase under this Part—to the date of acceptance of the tender by the Minister; or

(iii) in the case of an after-auction purchase or after-tender purchase—to the date of the approval of the application for the purchase.

(3) Nothing in this section affects the generality of section 63 (2) or 63A (2).

(f) by omitting section 64B and the short heading thereto; Sec. 64B. (Sales by tender.)

(g)

(g) by inserting before the short heading to section 65 the following sections and short headings thereto :— Secs. 64C–64F.

Auction, tender, after-auction and after-tender purchases: terms and conditions generally.

Terms and conditions generally.

64C. (1) Every sale of lands by way of after-auction purchase or after-tender purchase shall be upon the terms and conditions specified in the notification published under section 63 or 63A in respect of those lands, except in so far as those terms and conditions are not applicable to or in relation to the after-auction purchase or after-tender purchase, as the case may be.

(2) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may relate to—

(a) lands to which the notification does not relate as well as to Crown lands to which it relates;

(b) the reclamation and improvement of any Crown lands;

(c) subject to any other law for the time being in force, the use to be made of the lands to which the notification relates, including the subdivision thereof and the erection of dwellings, shops or other buildings thereon; and

(d) the provision of amenities, roads and bridges to serve the lands to which the notification relates.

(3) If a purchaser under section 63, 63A or 64 fails to comply with any term or condition applicable to the sale, or if any money payable to the Crown in accordance with any such term or condition remains unpaid for the period of three months after the day when it falls due, the Minister may declare the purchase to have lapsed, and all money paid in respect of the purchase shall thereupon become forfeited.

(4) Notwithstanding subsection (3), the Minister may authorise the receipt of any money payable after the expiration of the period referred to therein and may waive compliance with any term or condition or grant an extension of time within which a purchaser may comply therewith.

(5) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may authorise deferred payments of the purchase price.

(6) Deferred payments referred to in subsection (5) shall bear interest—

(a) in the case of an auction purchase or tender purchase—at the rate which, at the date of the publication of the notification under section 63 or 63A relating to the purchase, is the prescribed rate; or

(b) in the case of an after-auction purchase or after-tender purchase—at the rate which, at the date of the approval of the application for the purchase, is the prescribed rate.

(7) The prescribed rate for the purposes of subsection (6) is eight per centum per annum or, where some other rate is prescribed, that other rate.

Auction, tender, after-auction and after-tender purchases: upset prices.

Upset prices.

64D. (1) The Minister may, by instrument in writing—

(a) determine the upset price for any Crown lands; and

(b) vary the upset price for those lands, but not during the currency of a contract for the sale of those lands.

(2) A notification shall not be published under section 63 or 63A in respect of any lands unless the upset price has been determined for those lands.

(3) Lands shall not be sold under section 63 or 63A for less than the upset price for those lands.

(4) Lands shall not be sold under section 64 except at the upset price for those lands.

(5) Lands shall not be sold under section 64 unless the upset price for the lands was stated in—

(a) the notification published under section 63 or 63A in respect of those lands; or

(b) another notification published in the Gazette before the application for the purchase was lodged.

Auction,

Auction, tender, after-auction and after-tender purchases: improvements.

64E. (1) The Minister shall, when determining or varying the upset price under section 64D for any Crown lands containing improvements, ensure that the upset price includes the capital value of the improvements. Improvements.

(2) Notwithstanding Division 8 of Part VIII, the capital value of improvements shall, for the purposes of this section, be such amount as the Minister determines.

(3) Where Crown lands containing private improvements, or containing improvements that are the subject of tenant-right, are the subject of a notification under section 63 or 63A, the capital value of those improvements shall be stated in the notification.

(4) Where Crown lands containing improvements referred to in subsection (3) are sold under section 63, 63A or 64, any payments received by the Crown and made by or on behalf of the purchaser on account of those improvements shall be paid to the owner of the improvements or the person having the tenant-right, as the case may be.

(5) Where it becomes necessary, for the purposes of subsection (4), to apportion the capital value of improvements between two or more persons, the apportionment shall be effected in such manner as the Minister determines.

(6) Division 8 of Part VIII does not apply to or in relation to a person in his capacity as a purchaser of Crown lands sold under section 63, 63A or 64.

(7)

(7) In this section—

"capital value", in relation to improvements, has the meaning ascribed to the expression "capital value of improvements" in section 213;

"improvements" has the meaning ascribed to the expression "improvements" in section 213;

"private improvements" means improvements that are not the property of the Crown, as referred to in Division 8 of Part VIII;

"tenant-right" means tenant-right under Division 8 of Part VIII.

Auction, tender, after-auction and after-tender purchases: miscellaneous provisions.

Miscellaneous provisions.

64F. (1) Notwithstanding any other provisions of this Act (subsection (2) and Part IIIA excepted) or the Forestry Act, 1916, a notification under section 63 or 63A has the effect of revoking any classified areas, reserves under this Act or timber reserves under the Forestry Act, 1916, or parts of any such areas, reserves or timber reserves, within the boundaries of the lands to which the notification relates, unless the contrary is expressly declared by the terms of the notification.

(2) The revocation of a timber reserve is not effected by virtue of subsection (1) unless the consent thereto of the Minister administering the Forestry Act, 1916, has been obtained.

(3) The Governor may execute, in connection with a sale of lands under section 63, 63A or 64, such grants as he may consider necessary.

(4)

(4) The Minister may, by notification published in the Gazette, amend or revoke a notification under section 63 or 63A, but not after any of the lands to which the notification relates are sold.

(h) by omitting from section 65 the words "—being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales—"; Sec. 65. (Rescission of reservation of water frontage.)

(i) by omitting from section 66 (1) the words "being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales"; Sec. 66. (Miscellaneous special purchases.)

(j) by omitting from the matter relating to Division 13 in the heading to Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Part VIII.

(k) by omitting from the heading to Division 13 of Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Division 13 of Part VIII.

(l) by inserting after section 274A the following section and short heading thereto :— Sec. 274B.

Transfer of lands previously sold by auction, tender, after-auction or after-tender purchase.

274B. (1) Where any lands— Transfer of lands sold by auction, tender, after-auction or after-tender purchase.

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase; and

(b) are not the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (2), be transferred.

(2)

(2) Any lands referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any lands—

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase;

(b) were so sold subject to a condition for or in relation to the erection of a dwelling on the lands; and

(c) are the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any lands or any part thereof if the Minister has certified, in the prescribed form, that those lands may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9)

(9) This section has effect notwithstanding any conditions applicable to the lands concerned, but does not authorise the transfer of lands in contravention of a condition of the kind referred to in section 64A.

(10) The Governor may execute, in connection with lands transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to lands sold before, as well as after, the commencement of this section, and subsection (3) applies only to lands sold after that commencement.

(12) Where any lands referred to in subsection (2) or (3) have been sold subject to a condition for or in relation to the erection of a dwelling on the lands, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to those lands if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any lands referred to in subsection (2) if any condition subject to which the lands were sold remains to be complied with; or

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

(2) The Closer Settlement (Amendment) Act, 1909, is amended— Amendment of Act No. 21, 1909.

(a) by inserting after section 21A the following section :— Sec. 21B.

21B. (1) Where any land— Transfer of land sold by auction or tender.

(a) has been sold by auction or tender under section 21 (6) ; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold by auction or tender under section 21 (6) ;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land ; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6)

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(12) Where any land referred to in subsection (2) or (3) has been sold subject to a condition for or in relation to the erection of a dwelling on the land, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to that land if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any land referred to in subsection (2) if any condition subject to which the land was sold remains to be complied with; or

(b)

(b). limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

(b) by omitting from section 22 (3) the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919, as amended by subsequent Acts". Sec. 22. (Sale of certain land for special purposes.)

(3) The Closer Settlement (Amendment) Act, 1914, is amended by inserting after section 4 the following section :— Amendment of Act No. 7, 1914.

Sec. 4A. Transfer of land sold by after-auction sale.

4A. (1) Where any land—

(a) has been sold under section 4; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold under section 4;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5)

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(12) Where any land referred to in subsection (2) or (3) has been sold subject to a condition for or in relation to the erection of a dwelling on the land, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to that land if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any land referred to in subsection (2) if any condition subject to which the land was sold remains to be complied with; or

(b)

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

7. (1) The Crown Lands Consolidation Act, 1913, is further amended by omitting from section 180 the words "in the Eastern or Central Division". Further amendment of Act No. 7, 1913. Sec. 180. (Deferring of payments.)

(2) The Western Lands Act, 1901, is further amended by omitting from section 20 the words "or the Crown Lands Acts". Further amendment of Act No. 70, 1901. Sec. 20. (Power to defer rent.)

8. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 235 (4) the word "covenant" and by inserting instead the word "condition"; Sec. 235. (Reservations in Crown grants.)

(ii) by inserting at the end of section 235 (4) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b) (i) by omitting from section 235c the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 235c. (Subsidence: protection from claims.)

(ii)

(ii) by inserting at the end of section 235c the following paragraph :—

A condition attached to a sale or lease or permissive occupancy or homestead selection in accordance with this section has effect according to its tenor.

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

(a) (i) by omitting from section 22 (3) the word "covenant" and by inserting instead the word "condition"; Sec. 22. (Crown grants—reservations.)

(ii) by inserting at the end of section 22 (3) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b) (i) by omitting from section 23 the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 23. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 23 the following paragraph :—

A condition attached to a sale or lease in accordance with this section has effect according to its tenor.

9. The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by inserting after the definition of "Suburban holding" in section 5 (1) the following definition :— Sec. 5. (Interpretation of terms.)

"Under Secretary" means the person for the time being holding office or acting as the Under Secretary of the Department of Lands.

(ii) by inserting after the definition of "Vacant land" in section 5 (1) the following definition :—

"Vacant public lands" means Crown lands or lands granted, reserved or dedicated for public purposes, but does not include lands held under any lease or license from the Crown or the trustees of any such lands.

(b) by inserting in section 10 after the words "the Governor may" the words ", under and subject to the Public Service Act, 1902,"; Sec. 10. (Appointment of district staff of officers.)

(c) by omitting from section 18 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary"; Sec. 18. (Questions of lapse voidance or forfeiture.)

(d) (i) by inserting after section 59 (2D) the following subsections :— Sec. 59. (Special areas and conditional purchases therein.)

(2E) The Minister may, in a notification under subsection (1) or (2), declare that, in respect of the lands, or any part of the lands, set apart which are subject to a condition requiring the erection of a dwelling thereon, priority and preference shall be given to applications by persons who are married at the date of their applications.

(2F) If two or more applications are received in pursuance of a notification referred to in subsection (2E) in which a declaration under that subsection is made, the local land board, in dealing with those applications—

(a) shall first deal with—

(i) the blocks to which the declaration relates; and

~~(ii)~~

(ii) all applications (if any) made by persons who (whether or not their spouses applied with them jointly) are married at the date of their applications,

disregarding all other blocks and all applications made by other persons; and

(b) if any blocks remain to be disposed of after paragraph (a) has been complied with (whether or not some or all of those blocks are blocks to which the declaration relates)—shall then deal with—

(i) those remaining blocks; and

(ii) the other applications (if any), together with such of the applications (if any) dealt with under paragraph (a) as were not confirmed disallowed or withdrawn,

disregarding the blocks disposed of under paragraph (a) and such of the applications (if any) dealt with under that paragraph as were confirmed, disallowed or withdrawn.

(2G) For the purposes of subsection (2F)—

(a) a man and a woman married by a subsisting marriage, whether monogamous or polygamous, shall if the marriage is lawful and binding in the place where it was solemnised be regarded as married; and

~~(b)~~

(b) a husband and wife living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be not married.

~~(ii)~~ **(d)** by inserting after section 59 (3c) the following subsection :—

(3cA) For the purposes of subsection (3c), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(e) (i) by omitting from section 62 (2) the words ", and shall not be less than at the rate of $39.50 per hectare for town lands, or $12.35 per hectare for suburban or other lands, or $12.35 for any area less than 1 hectare"; Sec. 62. (Improvement purchase within goldfield or mineral field.)

(ii) by omitting from section 62 (3) the words ", and for the purposes of this section improvements of value equal to the respective minimum prices aforesaid shall be sufficient";

(f) by omitting from paragraph (b) of the proviso to section 65 the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 65. (Rescission of reservation of water frontage.)

(g) by inserting in section 66 (2) (b) after the word "or" where firstly occurring the words "to or"; Sec. 66. (Miscellaneous special purchases.)

(h) by omitting from section 68 (4) the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 68. (Reclamation and purchase of land.)

(i) (i) by omitting from section 69A the word "Governor" and by inserting instead the word "Minister"; Sec. 69A. (Commonwealth, sale or lease of land to.)

(ii) by omitting from section 69A the words "and be deemed always to have had power";

(iii) by omitting from section 69A the words "grants, other assurances and instruments" and by inserting instead the words "instruments (other than grants of lands so sold)";

(iv) by inserting at the end of section 69A the following subsection :—

(2) The Governor may execute, in connection with a sale of lands under subsection (1), such grants as may be considered necessary.

(j) (i) by omitting from section 74 (1) the words "for four consecutive weeks and not less than four times" and by inserting instead the word "and"; Sec. 74. (Special leases for wharfs and jetties.)

(ii) by inserting in section 74 (1) after the words "if any," the words "not less than four weeks";

(iii) by inserting after section 74 (3) the following subsection :—

(4) At any time before the expiration of the four weeks mentioned in subsection (1), any person feeling aggrieved may lodge a complaint setting forth objections against the issue of a lease under this section, and those objections shall be duly heard and determined before the lease is issued.

(k)

(k) by omitting from section 75A (4) the words "land the subject of any such application is wholly or in part within a travelling stock reserve camping reserve or water reserve, or" and by inserting instead the words "whole or part of the land the subject of any such application"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(l) (i) by omitting section 75B (4); Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from section 75B (12) the word "four,";

(m) by omitting section 81 (4); Sec. 81. (Purchase of residential lease.)

(n) by omitting section 93 (5); Sec. 93. (Homestead grant.)

(o) by omitting section 123 (3); Sec. 123. (Homestead farm: inquiry by board and issue of grant.)

(p) by inserting after section 125 (1B) the following subsection :— Sec. 125. (Suburban holding application, how made and dealt with.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(q) by inserting after section 136B (1B) the following subsection :— Sec. 136B. (Applications for week-end leases.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(r) by omitting section 136G (1); **Sec. 136G. (Restriction upon right to hold a week-end lease.)**

~~(r)~~ **(s)** by omitting from section 166 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary"; Sec. 166. (Appraisements by local land boards.)

~~(s)~~ **(t)** by omitting from section 190 (4) the words "land is wholly or in part within a travelling stock reserve camping reserve or water reserve, or is land" and by inserting instead the words "whole or part of the land is"; Sec. 190. (Conversion of special lease.)

~~(t)~~ **(u)** by inserting after section 217 the following section and short heading thereto :— Sec. 217A.

Capital or rental value of Crown improvements on certain special leases let by tender.

217A. (1) Where the Minister calls, by notification published in the Gazette, for tenders for the lease under section 75 of any Crown lands containing improvements which are the property of the Crown, the Minister may, by the notification, require any person lodging a tender for the lease to state in the tender an amount which he is prepared Capital or rental value of Crown improvements: certain special leases let by tender.

to

to pay for the annual rent or purchase price of the improvements and, if that person states an amount for the purchase price, to state the term over which the purchase price is to be paid.

(2) Where a tender which states an amount for the annual rent or purchase price of improvements, as required under subsection (1), is accepted by the Minister—

(a) the annual rent, or the purchase price and the term over which the purchase price is to be paid, shall be as stated in the tender;

(b) the purchase price (if any) of the improvements shall bear interest at the rate fixed by the Minister and specified in the notification calling for tenders; and

(c) sections 215 (1) and 216 (1) do not apply to or in respect of the improvements.

(3) A person who is paying an annual rent for improvements tendered in accordance with subsection (1) may, at any time after acceptance of his tender, apply to the Minister to pay the capital value of the improvements instead of the rent as tendered, and if the Minister approves the application the capital value of the improvements shall be determined in accordance with section 215 and payable in accordance with section 216.

(4) Where a person who is paying an annual rent for improvements tendered in accordance with subsection (1) applies under section 190 to convert the holding on which the improvements are situated, he shall become liable to pay the capital value of the improvements as an incoming tenant of the tenure into which the conversion is made.

(5) A tender referred to in this section shall not be accepted if the person lodging the tender states as the term over which the purchase price of the

the improvements is to be paid a period that exceeds the maximum period specified in that behalf in the notification or, where the maximum term is not so specified, that exceeds the term of the lease.

(6) A lease referred to in this section shall be liable to be forfeited if the improvements are not maintained in a reasonably good condition during the currency of the lease, but the lessee shall not be compelled to make good any damage caused by fire, flood or other inevitable accident.

~~(u)~~ **(v)** (i) by inserting in the short heading to section 231 after the word *"leases"* the words *"or purchases"*; **Sec. 231. (Surrender of leases or purchases.)**

(ii) by inserting in section 231 after the word "lease" where firstly occurring the words "or purchase";

(iii) by inserting in section 231 after the word "Act" the words ", other than a lease or purchase of land within an irrigation area,";

(iv) by inserting in section 231 after the word "lease" where secondly occurring the words "or purchase under this Act of land";

(v) by inserting at the end of section 231 the following subsection :—

(2) A surrender under this section does not operate to extinguish any debt to the Crown relating to the lease or purchase surrendered, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

~~(v)~~

~~(v)~~ **(w)** by inserting after section 233 (1) the following subsection :— Sec. 233. (Withdrawal from lease or license.)

(1A) A withdrawal under this section does not operate to extinguish any debt to the Crown relating to the lands withdrawn, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

~~(w)~~ **(x)** by inserting after section 244 the following sections and short headings thereto :— Secs. 244A, 244B.

Evidence—Certificate as to status of lands.

244A. (1) A certificate signed by the Under Secretary certifying— Under Secretary's certificate as to status of lands to be evidence.

(a) that any lands described or referred to in the certificate were Crown lands within the meaning of this Act at any time or during any period specified in the certificate;

(b) that any lands so described or referred to were granted, reserved or dedicated for any public purpose on a day so specified and that the grant, reservation or dedication remained in force as at a time or during a period so specified; or

(c) that any lands so described or referred to were not the subject of a lease or license at any time or during any period so specified,

is admissible in any legal proceedings (whether under this Act or otherwise) and shall be prima facie evidence of the matters so certified.

(2) Where the court before which any legal proceedings are brought is satisfied that the proceedings were brought wholly or partly for the purpose of determining title to land, a certificate under subsection (1) is not admissible in those proceedings.

(3)

(3) Nothing in this section authorises a court to determine any matter that, had this section not been enacted, it would not have been authorised to determine.

Evidence—Certificate as to authorised persons.

Under Secretary's certificate as to authorisation of a person.

244B. A certificate signed by the Under Secretary certifying that a person specified in the certificate was, at a time or during a period so specified, an authorised person within the meaning of section 254C or 254D is admissible in any proceedings under this Act and shall be prima facie evidence of the matters so certified.

~~(x)~~ **(y)** by omitting section 254 and the short heading thereto and by inserting instead the following sections and short headings thereto :— Secs. 254–254D.

Offences on Crown lands or dedicated lands.

Offences on Crown lands or dedicated lands.

254. (1) In this section—

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c)

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) A person shall not, without lawful authority—

(a) reside on any public lands;

(b) erect any structure on any public lands;

(c) depasture stock on any public lands;

(d) drive stock on any public lands;

(e) clear, dig up or cultivate any public lands;

(f) enclose any public lands (other than a road or watercourse);

(g) fail to pay any rent due and payable in respect of the actual enclosure of any public lands comprised in a road or watercourse;

(h) remove, or cause to be removed, from any public lands, or cut, dig up, disturb, displace, stack, heap or in any other way interfere with, any tree, timber, turf, stone, clay, shells, earth, sand, gravel or any thing of whatever kind, whether growing on or in, or being in, on or under or forming part of, any public lands; or

(i) deposit or cause to be deposited, or leave or cause to be left, on any public lands—

(i) any rubbish, litter, refuse, dead animal, filth or other similar matter or

(ii) any matter of a prescribed class or description, whether or not of a kind referred to in subparagraph (i),

except in a place or receptacle provided for the purpose.

Penalty : $100 for the first offence, $200 for the second offence and $1,000 for any subsequent offence.

(3) The Minister may cause a notice to be served on a person prohibiting him from making use, without lawful authority, of any structure erected on any public lands.

(4) A person on whom a notice is served under subsection (3) shall not, without lawful authority, make use of a structure to which the notice relates after the expiration of the period specified in the notice.

Penalty : $200.

(5) In addition to any penalty imposed for an offence arising under this section, a person guilty of the offence is liable to pay such sum by way of compensation as the court before which the person is convicted may order.

(6) Any sum ordered to be paid under subsection (5) shall be paid by the offender to the clerk of the court, to be by him paid to the Under Secretary.

(7) Any order under subsection (5) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

(8) Where any proceedings are taken against a person for an offence arising under this section and the court before which the proceedings are brought is not satisfied that he is guilty of the offence, but is satisfied that he is guilty of an attempt to commit the offence, the court may acquit him of the offence charged and find him guilty of attempting to commit the offence, and he is liable to the same penalty as if he had been found guilty of the offence.

(9) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to a reserve within the meaning of section 37M, or of any by-laws applying to such a reserve, but a person is not liable to be punished twice for an act or omission that constitutes an offence both under this section and any other such provision.

(10) By-laws applying to a reserve within the meaning of section 37M may contain provisions having the effect of authorising any act or omission that would, but for the by-laws and this subsection, constitute an offence arising under this section, but nothing in this subsection authorises the making of by-laws that could not be made if this section were not in force.

(11) In proceedings for an offence arising under this section, the defendant has the onus of proving lawful authority in relation to the act or omission giving rise to the alleged offence.

Removal of unauthorised structures from Crown lands or dedicated lands.

254A. (1) In this section— Removal of unauthorised structures from Crown lands or dedicated lands.

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) The Minister may cause or authorise any structure erected without lawful authority on public lands to be removed, together with the contents of the structure.

(3) If a notice requiring any person who claims to have authority to erect, maintain or use a structure erected on any public lands, or any part of the structure, or any person who claims any interest in the structure, to deliver to the Minister a statement in writing signed by that person stating by what authority he erected or is entitled to

maintain

maintain or use the structure or part or by what authority he claims any interest in the structure, is—

(a) displayed for a period of one month on or adjacent to the structure; or

(b) published in a local newspaper or such other newspaper (if any) as the Minister may determine,

any person who, within one month after the expiration of that period or within one month after publication of that notice, fails to deliver such a statement to the Minister shall have no claim against the Minister or any other person removing the structure or contents in accordance with subsection (2).

(4) The Minister may at his option cause or authorise any structure or part thereof or the contents thereof removed in accordance with subsection (2) to be destroyed or sold, or stored (and, if stored, then destroyed or sold), or may sell the structure or contents on condition that it or they be removed, and may recover in any court of competent jurisdiction the expenses incurred in the removal, destruction, sale or storage of the structure or part thereof or the contents thereof from the person who—

(a) erected the structure or caused it to be erected; or

(b) has made use of the structure after—

(i) if a notice was served on him under section 254 (3) in respect of the structure—the expiration of the period specified in the notice; or

(ii) if a notice was displayed under subsection (3) in respect of the structure—the expiration of the period of one month for which it was so displayed,

or both.

(5) Subsection (4) (b) (ii) does not apply in relation to a person unless it is established that he knew of, or ought reasonably to have known of, the notice.

Vehicles on vacant public lands.

Vehicles on vacant public lands.

254B. (1) In this section, "vehicle" includes—

(a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

(b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(c) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed.

(2) The Minister may give such directions as to the bringing of vehicles into, and the use and parking of vehicles in, any vacant public lands as he thinks fit, and any such direction—

(a) may be limited as to time, place or subject-matter; and

(b) may be varied or revoked by the Minister.

(3) A direction given pursuant to subsection (2) shall have effect only while there is erected or displayed upon or near, or marked upon, the lands to which the direction relates a sign that is notice of the direction.

(4) The direction appearing upon a sign that is erected or displayed upon or near, or marked upon, any vacant public lands with the authority of the Minister shall be deemed to be a direction, for the time being in force, given pursuant to subsection (2) in relation to those lands, and the sign shall, for the purposes of subsection (3), be deemed to be notice of that direction.

(5) A person shall not contravene or fail to comply with a direction having effect under this section.

Penalty : $200.

(6) A person shall not interfere with, alter or remove any sign erected or displayed with the authority of the Minister upon or near, or marked with that authority upon, any vacant public lands.

Penalty : $200.

(7) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to vehicles on vacant public lands, or any by-laws applying to any vacant public lands.

(8) An allegation, in an information in respect of an offence arising under this section, that a sign was erected, displayed or marked with the authority of the Minister or his delegate, or that a sign was interfered with, altered or removed without the authority of the Minister or his delegate, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

Impounding of animals.

Impounding.

254C. (1) In this section, "authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section.

(2) For the purposes of—

(a) the Impounding Act, 1898, sections 44, 45 and 46 excepted; and

(b) Part XVIII of the Local Government Act, 1919, sections 438 and 439 excepted,

the Minister shall be deemed to be the occupant of vacant public lands.

(3) An authorised person may exercise any power conferred on the Minister by virtue of this section.

(4) An authorised person may, on behalf of the Minister, take proceedings in any court of competent jurisdiction for the trespass committed on the vacant public lands by animals impounded by virtue of this section.

(5) For the purposes of subsection (4), the Minister shall be deemed to be in exclusive possession of vacant public lands.

(6) Nothing in this section prevents the laying of any information for an offence arising under section 254 or affects any proceedings for such an offence.

Requirement to state name and address.

254D. (1) In this section— Requirement to state name and address.

"authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c)

(c) any person authorised by the Minister for the purposes of this section;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled wholly or partly by volatile spirit, steam, gas, oil or electricity.

(2) An authorised person may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(3) An authorised person may require the driver of a motor vehicle on vacant public lands to produce his driver's licence and to state his full name and his place of abode.

(4) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (2) or (3); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection: $200.

~~(y)~~ **(z)** (i) by omitting from section 255A the words "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951," and by inserting instead the words "section 9 ~~(y)~~ **(z)** of the Crown Lands and Other Acts (Amendment) Act, 1975,";

Sec. 255A. (Authorised person for purposes of sec. 254C, 254D or 255.)

(ii)

(ii) by omitting from section 255A the words "as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act" and by inserting instead the words "by the Minister as provided by section 254C, 254D or 255";

~~(z)~~ **(aa)** by omitting from section 274A the words "to a qualified person". Sec. 274A. (Transfer of week-end leases.)

10. The Prickly-pear Act, 1924, is amended— Amendment of Act No. 31, 1924.

(a) (i) by omitting from section 9 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 9. (Duty of all owners and occupiers of land free from pear.)

(ii) by omitting from section 9 the words "one hundred dollars" and by inserting instead the matter "$200";

(b) (i) by omitting from section 11 (4) the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 11. (Infested lands.)

(ii) by omitting from section 11 (4) the words "one hundred dollars" and by inserting instead the matter "$200";

(iii) by omitting from section 11 (4) the word "second" and by inserting instead the word "subsequent";

(c) by omitting from section 29 the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 29. (Penalty where not otherwise provided.)

(d) by omitting from section 31 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 31. (Penalty for impersonating the Commissioner or an inspector, etc.)

(e) by omitting from section 32 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 32. (Penalty for hindering work, etc.)

(f) by omitting from section 34 (2) the words "twenty dollars" and by inserting instead the matter "$100". Sec. 34. (Regulations.)

11. The Closer Settlement Amendment (Conversion) Act, 1943, is amended by omitting section 12 (2). Amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

12. The Closer Settlement and Public Reserves Fund Act, 1970, is further amended by inserting after section 5 (h) the following paragraph :— Further amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(i) any other moneys that have been received by or on behalf of the State or the Minister for the purchase or acquisition of land for a public reserve, or for the maintenance, improvement or development of a public reserve, and whose payment into the Closer Settlement and Public Reserves Fund has been approved by the Treasurer.

13. The Crown Lands and Other Acts (Reserves) Amendment Act, 1974, is amended by omitting from section 10 (a) the words "after the words 'of this Act,' where secondly occurring" and by inserting instead the words "before the word 'and' ". Amendment of Act No. 37, 1974. Sec. 10. (Amendment of Act No. 41, 1919.)

PART

PART III.

SAVINGS AND TRANSITIONAL PROVISIONS.

Local land boards.

14. (1) A person holding office under section 11 of the Crown Lands Consolidation Act, 1913, immediately before the commencement of section 5 (1), as—

(a) the chairman of a local land board—shall be deemed to have been appointed as such by the Governor; or

(b) a member of a local land board, other than the chairman—shall be deemed to have been appointed as such by the Minister,

under section 11 of that Act, as amended by section 5 (1).

(2) A person holding office under section 9 of the Western Lands Act, 1901, immediately before the commencement of section 5 (2), as an appointed member of a local land board shall be deemed to have been appointed as such under section 9 of that Act, as amended by section 5 (2).

(3) A reference in section 20 (2) and (3) of the Crown Lands Consolidation Act, 1913, as amended by section 5 (1) (d), to a decision made by a local land board or chairman or special land board includes a reference to a decision made by such a board or chairman before, as well as after, the commencement of section 5 (1) (d).

Auction sales, etc.

15. (1) Lands sold before the commencement of section 6 (1)—

(a) by auction under section 63 of the Crown Lands Consolidation Act, 1913, shall be deemed to have been sold by auction under section 63 of that Act, as amended by section 6 (1);

(b)

(b) by tender under section 64B of that Act shall be deemed to have been sold by tender under section 63A of that Act, as amended by section 6 (1); or

(c) by way of after-auction purchase under section 64 of that Act shall be deemed to have been sold by way of after-auction purchase under section 64 of that Act, as amended by section 6 (1),

and any term or condition (including a term or condition of the kind referred to in section 64A of that Act) applicable to those lands immediately before that commencement continues in force accordingly.

(2) A notification published under section 63 (1) of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1), shall be deemed to be a notification published under section 63 of that Act, as amended by section 6 (1).

(3) An application for an after-auction purchase made under section 64 of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1) and pending immediately before that commencement, shall be deemed to be an application for an after-auction purchase made under section 64 of that Act, as amended by section 6 (1).

(4) Notwithstanding anything in this section, the rate at which interest is payable on deferred payments of the purchase price in respect of lands referred to in subsection (1), or lands sold in consequence of a notification referred to in subsection (2), is the rate at which interest would have been payable had section 6 (1) not been enacted.

Deferment of payments.

16. Anything done, before the commencement of section 7, under section 20 of the Western Lands Act, 1901, in relation to rent or other moneys due under the Crown Lands Acts shall be deemed to have been done under section 180 of the Crown Lands Consolidation Act, 1913, as amended by section 7 (1).

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

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.*

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 16 *September,* 1975.

New South Wales

ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1975.

An Act relating to the grant of easements over Crown lands and certain other lands; to make further provisions respecting local land boards and the sale of Crown lands by auction or tender; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Western Lands Act, 1901, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924, the Closer Settlement and Public Reserves Fund Act, 1970, and the Crown Lands and Other Acts (Reserves) Amendment Act, 1974; and for purposes connected therewith.

BE

95295 397—A

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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1975".

Commencement.

2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act.

(2) The several provisions of sections 4, 5, 6, 7 and 9 (a) (ii), (d) (ii), (f), (h), (i), (j), (p), (q), (u), (v), (w), (x) and (y) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 8 shall be deemed to have commenced on 23rd March, 1964.

(4) Section 13 shall be deemed to have commenced on 1st June, 1974.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—AMENDMENT OF ACTS—*ss.* 4–13.

PART III.—SAVINGS AND TRANSITIONAL PROVISIONS—*ss.* 14–16.

PART

PART II.

AMENDMENT OF ACTS.

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

(a) by inserting after the matter relating to Part VA in section 1 (b) the following matter :— Sec. 1 (b). (Division into Parts.)

PART VB.—EASEMENTS—*section* 136L.

(b) by inserting after Part VA the following Part :— Part VB.

PART VB.

EASEMENTS.

136L. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder", in relation to any lands, means the person who is registered in the books of the Department of Lands or the Western Lands Commissioner as the holder of those lands and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed

"prescribed lands" means lands vested in Her Majesty, except—

(a) lands lawfully contracted to be granted in fee simple under this or any other Act;

(b) lands subject to the provisions of the Real Property Act, 1900;

(c) lands comprised in a lease in perpetuity granted under this or any other Act, other than the Western Lands Act, 1901;

(d) lands comprised in a homestead selection; and

(e) lands reserved as, or as part of, a state recreation area under section 37B.

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed lands; and

(b) at any time that any lands having the benefit of an easement so granted are vested in Her Majesty—release the easement benefiting those lands.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed lands—that any holder of the lands at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the lands having the benefit of the easement at the time of the approval has consented to the release.

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to lands notwithstanding that, at the time the easement is granted, those lands are vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that lands having the benefit of the easement or lands having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(2) The Closer Settlement Act, 1904, is amended by inserting after Part IV the following Part :— Amendment of Act No. 37, 1904.

PART IVA. Part IVA.

EASEMENTS.

39A. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder",

"holder", in relation to any land, means the person who is registered in the books of the Department of Lands as the holder of that land and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed land" means land acquired under the Closer Settlement Acts, except—

(a) land lawfully contracted to be granted in fee simple;

(b) land subject to the provisions of the Real Property Act, 1900; and

(c) land comprised in a lease in perpetuity (whether under this or any other Act).

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed land; and

(b) at any time that any land having the benefit of an easement so granted is vested in Her Majesty —release the easement benefiting that land.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed land—that any holder of the land at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the land having the benefit of the easement at the time of the approval has consented to the release.

(4)

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to land notwithstanding that, at the time the easement is granted, that land is vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that land having the benefit of the easement or land having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(3) The Closer Settlement and Public Reserves Fund Act, 1970, is amended by inserting after section 5 (g1) the following paragraph :— Amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(g2) any moneys directed by the Minister to be paid into the Closer Settlement and Public Reserves Fund out of compensation paid pursuant to a condition imposed under section 136L of the Crown Lands Consolidation Act, 1913, or section 39A of the Closer Settlement Act, 1904.

5. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 11 (1) the words ", and shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown"; Sec. 11. (Local land boards.)

(ii) by inserting in section 11 (1) before the words "Any member other than" the following words :—

One of the members of a local land board shall be appointed by the Governor under and subject to the Public Service Act, 1902, and shall be chairman of the board, and any other members of the board shall be appointed by the Minister.

(iii) by omitting from section 11 (1) the following words :—

One of such members shall be the chairman, who shall be paid such salary as Parliament may sanction.

(iv) by omitting from section 11 (1) the following words :—

Every other member of the local land board shall be paid such fee for each sitting as may be prescribed.

and by inserting instead the following words :—

A member of a local land board, other than the chairman, shall be entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member.

(v) by inserting in section 11 (1) after the words "and the Governor" the words ", in the case of the chairman, or the Minister, in the case of a member other than the chairman,";

(vi) by omitting from section 11 (2) the word "Governor" and by inserting instead the word "Minister";

(vii) by omitting from section 11 (3) the words "by the Governor" where firstly occurring;

(b) (i) by inserting in section 12 after the word "one" the word "other"; Sec. 12. (Decisions of board.)

(ii) by omitting from section 12 the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court :" and by inserting instead the following words :—

A decision supported by a majority of the votes cast by the members of the local land board shall be the decision of the board. The board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(iii) by omitting from section 12 the words "Provided, however, that the" and by inserting instead the word "The";

(iv) by omitting from section 12 the words "or adjudication";

(v) by inserting at the end of section 12 the following subsections :—

(2) Subject to subsection (4), when a local land board reaches a decision, each member shall give a written statement of the reasons

assigned

assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3) The decision of a local land board given under subsection (1) in open court shall be accompanied by each statement required to be given under subsection (2).

(4) Subsection (2) does not apply in relation to any prescribed class of decisions or to a chairman when acting on behalf of a local land board.

(5) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

(c) by omitting from section 13A the words "by the Governor"; Sec. 13A. (Member of one land board may act on the board of another district.)

(d) (i) by omitting from section 20 (1) the words "decision or recommendation" and by inserting instead the words "adjudication, decision, determination, award, report or recommendation"; Sec. 20. (References by Minister to Land and Valuation Court generally.)

(ii) by omitting from section 20 (2) the words "report or recommendation" wherever occurring and by inserting instead the word "decision";

(iii) by omitting from section 20 (2) the words "to the Minister, whether in pursuance of a reference under section seventeen or otherwise";

(iv) by inserting after section 20 (2) the following subsection :—

(3) In subsection (2), "decision" means adjudication, decision, determination, award, report or recommendation.

(2) The Western Lands Act, 1901, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from section 9 (3) (a) (ii) the word "Governor" and by inserting instead the word "Minister"; Sec. 9. (Power to establish administrative districts.)

(b) by omitting from section 9 (3) (e) the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court:" and by inserting instead the following words :—

The local land board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(c) by omitting from section 9 (3) (e) the words "Provided, however, that the" and by inserting instead the word "The";

(d) by omitting from section 9 (3) (e) the words "or adjudication";

(e) by inserting after section 9 (3) the following subsections :—

(3A) Subject to subsection (3C), when a local land board reaches a decision, each member shall give a written statement of the reasons assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3B) The decision of a local land board given under subsection (3) (e) shall be accompanied by each statement required to be given under subsection (3A).

(3C) Subsection (3A) does not apply in relation to any prescribed class of decisions or to an Assistant Commissioner when acting on behalf of a local land board.

(f) by omitting from section 9 (4) the words "paid such fee for each sitting as may be prescribed" and by inserting instead the words "entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member";

(g)

(g) by omitting from section 9 (4) the word "Governor" and by inserting instead the word "Minister";

(h) by omitting from section 9 (6) (b) the word "determination" wherever occurring and by inserting instead the word "decision";

(i) by inserting after section 9 (6) the following subsection :—

(7) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

6. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from the matter relating to Part IV in section 1 (b) the words "AUCTION SALES — AFTER-AUCTION PURCHASES — TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES—AFTER-AUCTION AND AFTER-TENDER PURCHASES"; Sec. 1 (b). (Division into Parts.)

(ii) by omitting from the matter relating to Division 13 of Part VIII in section 1 (b) the matter "274A" and by inserting instead the matter "274B";

(b)

(b) by omitting from the heading to Part IV the words "AUCTION SALES—AFTER-AUCTION PURCHASES —TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES —AFTER-AUCTION AND AFTER-TENDER PURCHASES"; Heading to Part IV.

(c) by omitting section 63 and the short heading thereto and by inserting instead the following sections and short headings thereto :— Secs. 63, 63A.

Auction purchases.

63. (1) The Minister may, by notification published in the Gazette, authorise the sale by auction of any Crown lands specified in the notification. Auction purchases.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by public auction at such places (whether within or outside the land district in which the lands are situated), at such times and subject to such terms and conditions as the Minister determines and specifies in the notification.

Tender purchases.

63A. (1) The Minister may, by notification published in the Gazette, authorise the sale by tender of any Crown lands specified in the notification. Tender purchases.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by tender subject to such terms and conditions as the Minister determines and specifies in the notification.

(3) A notification under subsection (1) shall specify the period during which, and the manner in which, tenders must be lodged.

(4) The Minister may, subject to section 64D, accept any tender or may decide to accept none of the tenders.

(d) by omitting section 64 and the short heading thereto and by inserting instead the following section and short heading thereto :— Sec. 64.

After-auction and after-tender purchases.

64. (1) Where Crown lands have been offered for sale by auction but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-auction purchase") of those lands after the auction was held. After-auction and after-tender purchases.

(2) Where Crown lands have been offered for sale by tender but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-tender purchase") of those lands after the expiration of the period during which tenders must have been lodged.

(3) An applicant for an after-auction purchase or after-tender purchase shall—

(a) lodge with his application a deposit in accordance with the terms and conditions specified in the notification published under section 63 or 63A in respect of the lands applied for; and

(b) if the Minister approves the application, pay the balance of the purchase price in accordance with those terms and conditions.

(e) (i) by omitting the short heading to section 64A and by inserting instead the following short heading :— Sec. 64A. (Conditions relating to number of lots.)

Auction, tender, after-auction and after-tender purchases: conditions relating to number of lots.

(ii) by omitting from section 64A the words "by public auction at a Government auction sale, or is granted as an after-auction purchase in pursuance of section sixty-four of this Act" and by inserting instead the words "under this Part by auction or tender or by way of after-auction purchase or after-tender purchase";

(iii) by omitting from section 64A the words "auction sale or the approval of the Minister to the after-auction purchase" and by inserting instead the word "sale";

(iv) by omitting from section 64A the words "For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.";

(v)

(v) by inserting at the end of section 64A the following subsections :—

(2) For the purposes of this section—

(a) a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person; and

(b) the reference to the date of the sale is a reference—

(i) in the case of an auction purchase under this Part—to the date of the auction;

(ii) in the case of a tender purchase under this Part—to the date of acceptance of the tender by the Minister; or

(iii) in the case of an after-auction purchase or after-tender purchase—to the date of the approval of the application for the purchase.

(3) Nothing in this section affects the generality of section 63 (2) or 63A (2).

(f) by omitting section 64B and the short heading thereto; Sec. 64B. (Sales by tender.)

(g)

(g) by inserting before the short heading to section 65 the following sections and short headings thereto :— Secs. 64C–64F.

Auction, tender, after-auction and after-tender purchases: terms and conditions generally.

Terms and conditions generally.

64C. (1) Every sale of lands by way of after-auction purchase or after-tender purchase shall be upon the terms and conditions specified in the notification published under section 63 or 63A in respect of those lands, except in so far as those terms and conditions are not applicable to or in relation to the after-auction purchase or after-tender purchase, as the case may be.

(2) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may relate to—

(a) lands to which the notification does not relate as well as to Crown lands to which it relates;

(b) the reclamation and improvement of any Crown lands;

(c) subject to any other law for the time being in force, the use to be made of the lands to which the notification relates, including the subdivision thereof and the erection of dwellings, shops or other buildings thereon; and

(d) the provision of amenities, roads and bridges to serve the lands to which the notification relates.

(3) If a purchaser under section 63, 63A or 64 fails to comply with any term or condition applicable to the sale, or if any money payable to the Crown in accordance with any such term or condition remains unpaid for the period of three months after the day when it falls due, the Minister may declare the purchase to have lapsed, and all money paid in respect of the purchase shall thereupon become forfeited.

(4) Notwithstanding subsection (3), the Minister may authorise the receipt of any money payable after the expiration of the period referred to therein and may waive compliance with any term or condition or grant an extension of time within which a purchaser may comply therewith.

(5) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may authorise deferred payments of the purchase price.

(6) Deferred payments referred to in subsection (5) shall bear interest—

(a) in the case of an auction purchase or tender purchase—at the rate which, at the date of the publication of the notification under section 63 or 63A relating to the purchase, is the prescribed rate; or

(b) in the case of an after-auction purchase or after-tender purchase—at the rate which, at the date of the approval of the application for the purchase, is the prescribed rate.

(7) The prescribed rate for the purposes of subsection (6) is eight per centum per annum or, where some other rate is prescribed, that other rate.

Auction,

Auction, tender, after-auction and after-tender purchases: upset prices.

Upset prices.

64D. (1) The Minister may, by instrument in writing—

(a) determine the upset price for any Crown lands; and

(b) vary the upset price for those lands, but not during the currency of a contract for the sale of those lands.

(2) A notification shall not be published under section 63 or 63A in respect of any lands unless the upset price has been determined for those lands.

(3) Lands shall not be sold under section 63 or 63A for less than the upset price for those lands.

(4) Lands shall not be sold under section 64 except at the upset price for those lands.

(5) Lands shall not be sold under section 64 unless the upset price for the lands was stated in—

(a) the notification published under section 63 or 63A in respect of those lands; or

(b) another notification published in the Gazette before the application for the purchase was lodged.

Auction,

Auction, tender, after-auction and after-tender purchases: improvements.

64E. (1) The Minister shall, when determining or varying the upset price under section 64D for any Crown lands containing improvements, ensure that the upset price includes the capital value of the improvements. Improvements.

(2) Notwithstanding Division 8 of Part VIII, the capital value of improvements shall, for the purposes of this section, be such amount as the Minister determines.

(3) Where Crown lands containing private improvements, or containing improvements that are the subject of tenant-right, are the subject of a notification under section 63 or 63A, the capital value of those improvements shall be stated in the notification.

(4) Where Crown lands containing improvements referred to in subsection (3) are sold under section 63, 63A or 64, any payments received by the Crown and made by or on behalf of the purchaser on account of those improvements shall be paid to the owner of the improvements or the person having the tenant-right, as the case may be.

(5) Where it becomes necessary, for the purposes of subsection (4), to apportion the capital value of improvements between two or more persons, the apportionment shall be effected in such manner as the Minister determines.

(6) Division 8 of Part VIII does not apply to or in relation to a person in his capacity as a purchaser of Crown lands sold under section 63, 63A or 64.

(7) In this section—

"capital value", in relation to improvements, has the meaning ascribed to the expression "capital value of improvements" in section 213;

"improvements" has the meaning ascribed to the expression "improvements" in section 213;

"private improvements" means improvements that are not the property of the Crown, as referred to in Division 8 of Part VIII;

"tenant-right" means tenant-right under Division 8 of Part VIII.

Auction, tender, after-auction and after-tender purchases: miscellaneous provisions.

64F. (1) Notwithstanding any other provisions of this Act (subsection (2) and Part IIIA excepted) or the Forestry Act, 1916, a notification under section 63 or 63A has the effect of revoking any classified areas, reserves under this Act or timber reserves under the Forestry Act, 1916, or parts of any such areas, reserves or timber reserves, within the boundaries of the lands to which the notification relates, unless the contrary is expressly declared by the terms of the notification. Miscellaneous provisions.

(2) The revocation of a timber reserve is not effected by virtue of subsection (1) unless the consent thereto of the Minister administering the Forestry Act, 1916, has been obtained.

(3) The Governor may execute, in connection with a sale of lands under section 63, 63A or 64, such grants as he may consider necessary.

(4)

(4) The Minister may, by notification published in the Gazette, amend or revoke a notification under section 63 or 63A, but not after any of the lands to which the notification relates are sold.

(h) by omitting from section 65 the words "—being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales—"; Sec. 65. (Rescission of reservation of water frontage.)

(i) by omitting from section 66 (1) the words "being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales"; Sec. 66. (Miscellaneous special purchases.)

(j) by omitting from the matter relating to Division 13 in the heading to Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Part VIII.

(k) by omitting from the heading to Division 13 of Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Division 13 of Part VIII.

(l) by inserting after section 274A the following section and short heading thereto :— Sec. 274B.

Transfer of lands previously sold by auction, tender, after-auction or after-tender purchase.

Transfer of lands sold by auction, tender, after-auction or after-tender purchase.

274B. (1) Where any lands—

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase; and

(b) are not the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (2), be transferred.

(2)

(2) Any lands referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any lands—

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase;

(b) were so sold subject to a condition for or in relation to the erection of a dwelling on the lands; and

(c) are the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any lands or any part thereof if the Minister has certified, in the prescribed form, that those lands may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the lands concerned, but does not authorise the transfer of lands in contravention of a condition of the kind referred to in section 64A.

(10) The Governor may execute, in connection with lands transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to lands sold before, as well as after, the commencement of this section, and subsection (3) applies only to lands sold after that commencement.

(2) The Closer Settlement (Amendment) Act, 1909, is amended— Amendment of Act No. 21, 1909.

(a) by inserting after section 21A the following section :— Sec. 21B.

21B. (1) Where any land— Transfer of land sold by auction or tender.

(a) has been sold by auction or tender under section 21 (6); and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold by auction or tender under section 21 (6);

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land; and

(c)

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(b) by omitting from section 22 (3) the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919, as amended by subsequent Acts". Sec. 22. (Sale of certain land for special purposes.)

(3) The Closer Settlement (Amendment) Act, 1914, is amended by inserting after section 4 the following section :— Amendment of Act No. 7, 1914.

Sec. 4A.

4A. (1) Where any land— Transfer of land sold by after-auction sale.

(a) has been sold under section 4; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold under section 4;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5)

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

7. (1) The Crown Lands Consolidation Act, 1913, is further amended by omitting from section 180 the words "in the Eastern or Central Division". Further amendment of Act No. 7, 1913. Sec. 180. (Deferring of payments.)

(2) The Western Lands Act, 1901, is further amended by omitting from section 20 the words "or the Crown Lands Acts". Further amendment of Act No. 70, 1901. Sec. 20. (Power to defer rent.)

8.

8. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 235 (4) the word "covenant" and by inserting instead the word "condition"; Sec. 235. (Reservations in Crown grants.)

(ii) by inserting at the end of section 235 (4) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b) (i) by omitting from section 235C the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 235C. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 235C the following paragraph :—

A condition attached to a sale or lease or permissive occupancy or homestead selection in accordance with this section has effect according to its tenor.

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

(a) (i) by omitting from section 22 (3) the word "covenant" and by inserting instead the word "condition"; Sec. 22. (Crown grants—reservations.)

(ii) by inserting at the end of section 22 (3) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b)

(b) (i) by omitting from section 23 the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 23. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 23 the following paragraph :—

A condition attached to a sale or lease in accordance with this section has effect according to its tenor.

9. The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by inserting after the definition of "Suburban holding" in section 5 (1) the following definition :— Sec. 5. (Interpretation of terms.)

"Under Secretary" means the person for the time being holding office or acting as the Under Secretary of the Department of Lands.

(ii) by inserting after the definition of "Vacant land" in section 5 (1) the following definition :—

"Vacant public lands" means Crown lands or lands granted, reserved or dedicated for public purposes, but does not include lands held under any lease or license from the Crown or the trustees of any such lands.

(b) by inserting in section 10 after the words "the Governor may" the words ", under and subject to the Public Service Act, 1902,"; Sec. 10. (Appointment of district staff of officers.)

(c) by omitting from section 18 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary"; Sec. 18. (Questions of lapse voidance or forfeiture.)

(d)

(d) (i) by inserting after section 59 (2D) the following subsections :— Sec. 59. (Special areas and conditional purchases therein.)

(2E) The Minister may, in a notification under subsection (1) or (2), declare that, in respect of the lands, or any part of the lands, set apart which are subject to a condition requiring the erection of a dwelling thereon, priority and preference shall be given to applications by persons who are married at the date of their applications.

(2F) If two or more applications are received in pursuance of a notification referred to in subsection (2E) in which a declaration under that subsection is made, the local land board, in dealing with those applications—

(a) shall first deal with—

(i) the blocks to which the declaration relates; and

(ii) all applications (if any) made by persons who (whether or not their spouses applied with them jointly) are married at the date of their applications,

disregarding all other blocks and all applications made by other persons; and

(b) if any blocks remain to be disposed of after paragraph (a) has been complied with (whether or not some or all of

those blocks are blocks to which the declaration relates)—shall then deal with—

(i) those remaining blocks; and

(ii) the other applications (if any), together with such of the applications (if any) dealt with under paragraph (a) as were not confirmed, disallowed or withdrawn,

disregarding the blocks disposed of under paragraph (a) and such of the applications (if any) dealt with under that paragraph as were confirmed, disallowed or withdrawn.

(2G) For the purposes of subsection (2F)—

(a) a man and a woman married by a subsisting marriage, whether monogamous or polygamous, shall if the marriage is lawful and binding in the place where it was solemnised be regarded as married; and

(b) a husband and wife living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be not married.

(ii) by inserting after section 59 (3C) the following subsection :—

(3CA) For the purposes of subsection (3C), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(e) (i) by omitting from section 62 (2) the words ", and shall not be less than at the rate of $39.50 per hectare for town lands, or $12.35 per hectare for suburban or other lands, or $12.35 for any area less than 1 hectare"; Sec. 62. (Improvement purchase within goldfield or mineral field.)

(ii) by omitting from section 62 (3) the words ", and for the purposes of this section improvements of value equal to the respective minimum prices aforesaid shall be sufficient";

(f) by omitting from paragraph (b) of the proviso to section 65 the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 65. (Rescission of reservation of water frontage.)

(g) by inserting in section 66 (2) (b) after the word "or" where firstly occurring the words "to or"; Sec. 66. (Miscellaneous special purchases.)

(h) by omitting from section 68 (4) the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 68. (Reclamation and purchase of land.)

(i) (i) by omitting from section 69A the word "Governor" and by inserting instead the word "Minister"; Sec. 69A. (Commonwealth, sale or lease of land to.)

(ii) by omitting from section 69A the words "and be deemed always to have had power";

(iii) by omitting from section 69A the words "grants, other assurances and instruments" and by inserting instead the words "instruments (other than grants of lands so sold)";

(iv) by inserting at the end of section 69A the following subsection :—

(2) The Governor may execute, in connection with a sale of lands under subsection (1), such grants as may be considered necessary.

(j) (i) by omitting from section 74 (1) the words "for four consecutive weeks and not less than four times" and by inserting instead the word "and"; Sec. 74. (Special leases for wharfs and jetties.)

(ii) by inserting in section 74 (1) after the words "if any," the words "not less than four weeks";

(iii) by inserting after section 74 (3) the following subsection :—

(4) At any time before the expiration of the four weeks mentioned in subsection (1), any person feeling aggrieved may lodge a complaint setting forth objections against the issue of a lease under this section, and those objections shall be duly heard and determined before the lease is issued.

(k) by omitting from section 75A (4) the words "land the subject of any such application is wholly or in part within a travelling stock reserve camping reserve or water reserve, or" and by inserting instead the words "whole or part of the land the subject of any such application"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(l) (i) by omitting section 75B (4); Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from section 75B (12) the word "four,";

(m)

(m) by omitting section 81 (4); Sec. 81. (Purchase of residential lease.)

(n) by omitting section 93 (5); Sec. 93. (Homestead grant.)

(o) by omitting section 123 (3); Sec. 123. (Homestead farm: inquiry by board and issue of grant.)

(p) by inserting after section 125 (1B) the following subsection :— Sec. 125. (Suburban holding application, how made and dealt with.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(q) by inserting after section 136B (1B) the following subsection :— Sec. 136B. (Applications for week-end leases.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(r) by omitting from section 166 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary"; Sec. 166. (Appraisements by local land boards.)

(s)

(s) by omitting from section 190 (4) the words "land is wholly or in part within a travelling stock reserve camping reserve or water reserve, or is land" and by inserting instead the words "whole or part of the land is"; Sec. 190. (Conversion of special lease.)

(t) by inserting after section 217 the following section and short heading thereto :— Sec. 217A.

Capital or rental value of Crown improvements on certain special leases let by tender.

217A. (1) Where the Minister calls, by notification published in the Gazette, for tenders for the lease under section 75 of any Crown lands containing improvements which are the property of the Crown, the Minister may, by the notification, require any person lodging a tender for the lease to state in the tender an amount which he is prepared to pay for the annual rent or purchase price of the improvements and, if that person states an amount for the purchase price, to state the term over which the purchase price is to be paid. Capital or rental value of Crown improvements: certain special leases let by tender.

(2) Where a tender which states an amount for the annual rent or purchase price of improvements, as required under subsection (1), is accepted by the Minister—

(a) the annual rent, or the purchase price and the term over which the purchase price is to be paid, shall be as stated in the tender;

(b) the purchase price (if any) of the improvements shall bear interest at the rate fixed by the Minister and specified in the notification calling for tenders; and

(c) sections 215 (1) and 216 (1) do not apply to or in respect of the improvements.

(3)

(3) A person who is paying an annual rent for improvements tendered in accordance with subsection (1) may, at any time after acceptance of his tender, apply to the Minister to pay the capital value of the improvements instead of the rent as tendered, and if the Minister approves the application the capital value of the improvements shall be determined in accordance with section 215 and payable in accordance with section 216.

(4) Where a person who is paying an annual rent for improvements tendered in accordance with subsection (1) applies under section 190 to convert the holding on which the improvements are situated, he shall become liable to pay the capital value of the improvements as an incoming tenant of the tenure into which the conversion is made.

(5) A tender referred to in this section shall not be accepted if the person lodging the tender states as the term over which the purchase price of the improvements is to be paid a period that exceeds the maximum period specified in that behalf in the notification or, where the maximum term is not so specified, that exceeds the term of the lease.

(6) A lease referred to in this section shall be liable to be forfeited if the improvements are not maintained in a reasonably good condition during the currency of the lease, but the lessee shall not be compelled to make good any damage caused by fire, flood or other inevitable accident.

(u) (i) by inserting in the short heading to section 231 after the word *"leases"* the words *"or purchases"*; Sec. 231. (Surrender of leases or purchases.)

(ii)

(ii) by inserting in section 231 after the word "lease" where firstly occurring the words "or purchase";

(iii) by inserting in section 231 after the word "Act" the words ", other than a lease or purchase of land within an irrigation area,";

(iv) by inserting in section 231 after the word "lease" where secondly occurring the words "or purchase under this Act of land";

(v) by inserting at the end of section 231 the following subsection :—

(2) A surrender under this section does not operate to extinguish any debt to the Crown relating to the lease or purchase surrendered, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(v) by inserting after section 233 (1) the following subsection :— Sec. 233. (Withdrawal from lease or license.)

(1A) A withdrawal under this section does not operate to extinguish any debt to the Crown relating to the lands withdrawn, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(w) by inserting after section 244 the following sections and short headings thereto :— Secs. 244A, 244B.

Evidence—Certificate as to status of lands.

Under Secretary's certificate as to status of lands to be evidence.

244A. (1) A certificate signed by the Under Secretary certifying—

(a) that any lands described or referred to in the certificate were Crown lands within the meaning of this Act at any time or during any period specified in the certificate;

(b) that any lands so described or referred to were granted, reserved or dedicated for any public purpose on a day so specified and that the grant, reservation or dedication remained in force as at a time or during a period so specified; or

(c) that any lands so described or referred to were not the subject of a lease or license at any time or during any period so specified,

is admissible in any legal proceedings (whether under this Act or otherwise) and shall be prima facie evidence of the matters so certified.

(2) Where the court before which any legal proceedings are brought is satisfied that the proceedings were brought wholly or partly for the purpose of determining title to land, a certificate under subsection (1) is not admissible in those proceedings.

(3)

(3) Nothing in this section authorises a court to determine any matter that, had this section not been enacted, it would not have been authorised to determine.

Evidence—Certificate as to authorised persons.

Under Secretary's certificate as to authorisation of a person.

244B. A certificate signed by the Under Secretary certifying that a person specified in the certificate was, at a time or during a period so specified, an authorised person within the meaning of section 254C or 254D is admissible in any proceedings under this Act and shall be prima facie evidence of the matters so certified.

Secs. 254–254D.

(x) by omitting section 254 and the short heading thereto and by inserting instead the following sections and short headings thereto :—

Offences on Crown lands or dedicated lands.

Offences on Crown lands or dedicated lands.

254. (1) In this section—

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c)

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) A person shall not, without lawful authority—

(a) reside on any public lands;

(b) erect any structure on any public lands;

(c) depasture stock on any public lands;

(d) drive stock on any public lands;

(e) clear, dig up or cultivate any public lands;

(f) enclose any public lands (other than a road or watercourse);

(g) fail to pay any rent due and payable in respect of the actual enclosure of any public lands comprised in a road or watercourse;

(h) remove, or cause to be removed, from any public lands, or cut, dig up, disturb, displace, stack, heap or in any other way interfere with, any tree, timber, turf, stone, clay, shells, earth, sand, gravel or any thing of whatever kind, whether growing on or in, or being in, on or under or forming part of, any public lands; or

(i) deposit or cause to be deposited, or leave or cause to be left, on any public lands—

(i) any rubbish, litter, refuse, dead animal, filth or other similar matter; or

(ii) any matter of a prescribed class or description, whether or not of a kind referred to in subparagraph (i),

except in a place or receptacle provided for the purpose.

Penalty : $100 for the first offence, $200 for the second offence and $1,000 for any subsequent offence.

(3) The Minister may cause a notice to be served on a person prohibiting him from making use, without lawful authority, of any structure erected on any public lands.

(4) A person on whom a notice is served under subsection (3) shall not, without lawful authority, make use of a structure to which the notice relates after the expiration of the period specified in the notice.

Penalty : $200.

(5) In addition to any penalty imposed for an offence arising under this section, a person guilty of the offence is liable to pay such sum by way of compensation as the court before which the person is convicted may order.

(6) Any sum ordered to be paid under subsection (5) shall be paid by the offender to the clerk of the court, to be by him paid to the Under Secretary.

(7) Any order under subsection (5) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

(8) Where any proceedings are taken against a person for an offence arising under this section and the court before which the proceedings are brought is not satisfied that he is guilty of the offence, but is satisfied that he is guilty of an attempt to commit the offence, the court may acquit him of the offence charged and find him guilty of attempting to commit the offence, and he is liable to the same penalty as if he had been found guilty of the offence.

(9) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to a reserve within the meaning of section 37M, or of any by-laws applying to such a reserve, but a person is not liable to be punished twice for an act or omission that constitutes an offence both under this section and any other such provision.

(10) By-laws applying to a reserve within the meaning of section 37M may contain provisions having the effect of authorising any act or omission that would, but for the by-laws and this subsection, constitute an offence arising under this section, but nothing in this subsection authorises the making of by-laws that could not be made if this section were not in force.

(11) In proceedings for an offence arising under this section, the defendant has the onus of proving lawful authority in relation to the act or omission giving rise to the alleged offence.

Removal

Removal of unauthorised structures from Crown lands or dedicated lands.

254A. (1) In this section—

Removal of unauthorised structures from Crown lands or dedicated lands.

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) The Minister may cause or authorise any structure erected without lawful authority on public lands to be removed, together with the contents of the structure.

(3) If a notice requiring any person who claims to have authority to erect, maintain or use a structure erected on any public lands, or any part of the structure, or any person who claims any interest in the structure, to deliver to the Minister a statement in writing signed by that person stating by what authority he erected or is entitled to

maintain or use the structure or part or by what authority he claims any interest in the structure, is—

(a) displayed for a period of one month on or adjacent to the structure; or

(b) published in a local newspaper or such other newspaper (if any) as the Minister may determine,

any person who, within one month after the expiration of that period or within one month after publication of that notice, fails to deliver such a statement to the Minister shall have no claim against the Minister or any other person removing the structure or contents in accordance with subsection (2).

(4) The Minister may at his option cause or authorise any structure or part thereof or the contents thereof removed in accordance with subsection (2) to be destroyed or sold, or stored (and, if stored, then destroyed or sold), or may sell the structure or contents on condition that it or they be removed, and may recover in any court of competent jurisdiction the expenses incurred in the removal, destruction, sale or storage of the structure or part thereof or the contents thereof from the person who—

(a) erected the structure or caused it to be erected; or

(b) has made use of the structure after—

(i) if a notice was served on him under section 254 (3) in respect of the structure—the expiration of the period specified in the notice; or

(ii) if a notice was displayed under sub-section (3) in respect of the structure—the expiration of the period of one month for which it was so displayed,

or both.

(5) Subsection (4) (b) (ii) does not apply in relation to a person unless it is established that he knew of, or ought reasonably to have known of, the notice.

Vehicles on vacant public lands.

Vehicles on vacant public lands.

254B. (1) In this section, "vehicle" includes—

(a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

(b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(c) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed.

(2)

(2) The Minister may give such directions as to the bringing of vehicles into, and the use and parking of vehicles in, any vacant public lands as he thinks fit, and any such direction—

(a) may be limited as to time, place or subject-matter; and

(b) may be varied or revoked by the Minister.

(3) A direction given pursuant to subsection (2) shall have effect only while there is erected or displayed upon or near, or marked upon, the lands to which the direction relates a sign that is notice of the direction.

(4) The direction appearing upon a sign that is erected or displayed upon or near, or marked upon, any vacant public lands with the authority of the Minister shall be deemed to be a direction, for the time being in force, given pursuant to subsection (2) in relation to those lands, and the sign shall, for the purposes of subsection (3), be deemed to be notice of that direction.

(5) A person shall not contravene or fail to comply with a direction having effect under this section.

Penalty : $200.

(6) A person shall not interfere with, alter or remove any sign erected or displayed with the authority of the Minister upon or near, or marked with that authority upon, any vacant public lands.

Penalty : $200.

(7) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to vehicles on vacant public lands, or any by-laws applying to any vacant public lands.

(8) An allegation, in an information in respect of an offence arising under this section, that a sign was erected, displayed or marked with the authority of the Minister or his delegate, or that a sign was interfered with, altered or removed without the authority of the Minister or his delegate, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

Impounding of animals.

Impounding.

254C. (1) In this section, "authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section.

(2) For the purposes of—

(a) the Impounding Act, 1898, sections 44, 45 and 46 excepted; and

(b) Part XVIII of the Local Government Act, 1919, sections 438 and 439 excepted,

the Minister shall be deemed to be the occupant of vacant public lands.

(3) An authorised person may exercise any power conferred on the Minister by virtue of this section.

(4) An authorised person may, on behalf of the Minister, take proceedings in any court of competent jurisdiction for the trespass committed on the vacant public lands by animals impounded by virtue of this section.

(5) For the purposes of subsection (4), the Minister shall be deemed to be in exclusive possession of vacant public lands.

(6) Nothing in this section prevents the laying of any information for an offence arising under section 254 or affects any proceedings for such an offence.

Requirement to state name and address.

Requirement to state name and address.

254D. (1) In this section—

"authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled wholly or partly by volatile spirit, steam, gas, oil or electricity.

(2) An authorised person may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(3) An authorised person may require the driver of a motor vehicle on vacant public lands to produce his driver's licence and to state his full name and his place of abode.

(4) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (2) or (3); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection : $200.

(y) (i) by omitting from section 255A the words "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951," and by inserting instead the words "section 9 (y) of the Crown Lands and Other Acts (Amendment) Act, 1975,"; Sec. 255A. (Authorised person for purposes of sec. 254C, 254D or 255.)

(ii)

(ii) by omitting from section 255A the words "as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act" and by inserting instead the words "by the Minister as provided by section 254C, 254D or 255";

(z) by omitting from section 274A the words "to a qualified person". Sec. 274A. (Transfer of week-end leases.)

10. The Prickly-pear Act, 1924, is amended— Amendment of Act No. 31, 1924.

(a) (i) by omitting from section 9 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 9. (Duty of all owners and occupiers of land free from pear.)

(ii) by omitting from section 9 the words "one hundred dollars" and by inserting instead the matter "$200";

(b) (i) by omitting from section 11 (4) the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 11. (Infested lands.)

(ii) by omitting from section 11 (4) the words "one hundred dollars" and by inserting instead the matter "$200";

(iii) by omitting from section 11 (4) the word "second" and by inserting instead the word "subsequent";

(c) by omitting from section 29 the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 29. (Penalty where not otherwise provided.)

(d) by omitting from section 31 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 31. (Penalty for impersonating the Commissioner or an inspector, etc.)

(e) by omitting from section 32 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 32. (Penalty for hindering work, etc.)

(f) by omitting from section 34 (2) the words "twenty dollars" and by inserting instead the matter "$100". Sec. 34. (Regulations.)

11. The Closer Settlement Amendment (Conversion) Act, 1943, is amended by omitting section 12 (2). Amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

12. The Closer Settlement and Public Reserves Fund Act, 1970, is further amended by inserting after section 5 (h) the following paragraph :— Further amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(i) any other moneys that have been received by or on behalf of the State or the Minister for the purchase or acquisition of land for a public reserve, or for the maintenance, improvement or development of a public reserve, and whose payment into the Closer Settlement and Public Reserves Fund has been approved by the Treasurer.

13. The Crown Lands and Other Acts (Reserves) Amendment Act, 1974, is amended by omitting from section 10 (a) the words "after the words 'of this Act,' where secondly occurring" and by inserting instead the words "before the word 'and' ". Amendment of Act No. 37, 1974. Sec. 10. (Amendment of Act No. 41, 1919.)

PART

PART III.

SAVINGS AND TRANSITIONAL PROVISIONS.

Local land boards.

14. (1) A person holding office under section 11 of the Crown Lands Consolidation Act, 1913, immediately before the commencement of section 5 (1), as—

(a) the chairman of a local land board—shall be deemed to have been appointed as such by the Governor; or

(b) a member of a local land board, other than the chairman—shall be deemed to have been appointed as such by the Minister,

under section 11 of that Act, as amended by section 5 (1).

(2) A person holding office under section 9 of the Western Lands Act, 1901, immediately before the commencement of section 5 (2), as an appointed member of a local land board shall be deemed to have been appointed as such under section 9 of that Act, as amended by section 5 (2).

(3) A reference in section 20 (2) and (3) of the Crown Lands Consolidation Act, 1913, as amended by section 5 (1) (d), to a decision made by a local land board or chairman or special land board includes a reference to a decision made by such a board or chairman before, as well as after, the commencement of section 5 (1) (d).

Auction sales, etc.

15. (1) Lands sold before the commencement of section 6 (1)—

(a) by auction under section 63 of the Crown Lands Consolidation Act, 1913, shall be deemed to have been sold by auction under section 63 of that Act, as amended by section 6 (1);

(b)

(b) by tender under section 64B of that Act shall be deemed to have been sold by tender under section 63A of that Act, as amended by section 6 (1); or

(c) by way of after-auction purchase under section 64 of that Act shall be deemed to have been sold by way of after-auction purchase under section 64 of that Act, as amended by section 6 (1),

and any term or condition (including a term or condition of the kind referred to in section 64A of that Act) applicable to those lands immediately before that commencement continues in force accordingly.

(2) A notification published under section 63 (1) of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1), shall be deemed to be a notification published under section 63 of that Act, as amended by section 6 (1).

(3) An application for an after-auction purchase made under section 64 of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1) and pending immediately before that commencement, shall be deemed to be an application for an after-auction purchase made under section 64 of that Act, as amended by section 6 (1).

(4) Notwithstanding anything in this section, the rate at which interest is payable on deferred payments of the purchase price in respect of lands referred to in subsection (1), or lands sold in consequence of a notification referred to in subsection (2), is the rate at which interest would have been payable had section 6 (1) not been enacted.

16. Anything done, before the commencement of section 7, under section 20 of the Western Lands Act, 1901, in relation to rent or other moneys due under the Crown Lands Acts shall be deemed to have been done under section 180 of the Crown Lands Consolidation Act, 1913, as amended by section 7 (1). Deferment of payments.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[64c]

No. , 1975.

A BILL

Relating to the grant of easements over Crown lands and certain other lands; to make further provisions respecting local land boards and the sale of Crown lands by auction or tender; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Western Lands Act, 1901, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924, the Closer Settlement and Public Reserves Fund Act, 1970, and the Crown Lands and Other Acts (Reserves) Amendment Act, 1974; and for purposes connected therewith.

[MR MASON—2 *September*, 1975.]

BE

95295 397—A

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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1975".

Commencement.

2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act.

(2) The several provisions of sections 4, 5, 6, 7 and 9 (a) (ii), (d) (ii), (f), (h), (i), (j), (p), (q), (u), (v), (w), (x) and (y) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 8 shall be deemed to have commenced on 23rd March, 1964.

(4) Section 13 shall be deemed to have commenced on 1st June, 1974.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—AMENDMENT OF ACTS—*ss.* 4–13.

PART III.—SAVINGS AND TRANSITIONAL PROVISIONS—*ss.* 14–16.

PART

PART II.

AMENDMENT OF ACTS.

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

(a) by inserting after the matter relating to Part VA in section 1 (b) the following matter :— Sec. 1 (b). (Division into Parts.)

PART VB.—EASEMENTS—*section* 136L.

(b) by inserting after Part VA the following Part :— Part VB.

PART VB.

EASEMENTS.

136L. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder", in relation to any lands, means the person who is registered in the books of the Department of Lands or the Western Lands Commissioner as the holder of those lands and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed

"prescribed lands" means lands vested in Her Majesty, except—

(a) lands lawfully contracted to be granted in fee simple under this or any other Act;

(b) lands subject to the provisions of the Real Property Act, 1900;

(c) lands comprised in a lease in perpetuity granted under this or any other Act, other than the Western Lands Act, 1901;

(d) lands comprised in a homestead selection; and

(e) lands reserved as, or as part of, a state recreation area under section 37B.

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed lands; and

(b) at any time that any lands having the benefit of an easement so granted are vested in Her Majesty—release the easement benefiting those lands.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed lands—that any holder of the lands at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the lands having the benefit of the easement at the time of the approval has consented to the release.

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to lands notwithstanding that, at the time the easement is granted, those lands are vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that lands having the benefit of the easement or lands having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(2) The Closer Settlement Act, 1904, is amended by inserting after Part IV the following Part :— **Amendment of Act No. 37, 1904. Part IVA.**

PART IVA.

EASEMENTS.

Easements.

39A. (1) In this section—

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder",

"holder", in relation to any land, means the person who is registered in the books of the Department of Lands as the holder of that land and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed land" means land acquired under the Closer Settlement Acts, except—

(a) land lawfully contracted to be granted in fee simple;

(b) land subject to the provisions of the Real Property Act, 1900; and

(c) land comprised in a lease in perpetuity (whether under this or any other Act).

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed land; and

(b) at any time that any land having the benefit of an easement so granted is vested in Her Majesty —release the easement benefiting that land.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed land—that any holder of the land at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the land having the benefit of the easement at the time of the approval has consented to the release.

(4)

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to land notwithstanding that, at the time the easement is granted, that land is vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that land having the benefit of the easement or land having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(3) The Closer Settlement and Public Reserves Fund Act, 1970, is amended by inserting after section 5 (g1) the following paragraph :— Amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(g2) any moneys directed by the Minister to be paid into the Closer Settlement and Public Reserves Fund out of compensation paid pursuant to a condition imposed under section 136L of the Crown Lands Consolidation Act, 1913, or section 39A of the Closer Settlement Act, 1904.

5. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 11 (1) the words ", and shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown"; Sec. 11. (Local land boards.)

(ii) by inserting in section 11 (1) before the words "Any member other than" the following words :—

One of the members of a local land board shall be appointed by the Governor under and subject to the Public Service Act, 1902, and shall be chairman of the board, and any other members of the board shall be appointed by the Minister.

(iii) by omitting from section 11 (1) the following words :—

One of such members shall be the chairman, who shall be paid such salary as Parliament may sanction.

(iv) by omitting from section 11 (1) the following words :—

Every other member of the local land board shall be paid such fee for each sitting as may be prescribed.

and by inserting instead the following words :—

A member of a local land board, other than the chairman, shall be entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member.

(v) by inserting in section 11 (1) after the words "and the Governor" the words ", in the case of the chairman, or the Minister, in the case of a member other than the chairman,";

(vi) by omitting from section 11 (2) the word "Governor" and by inserting instead the word "Minister";

(vii) by omitting from section 11 (3) the words "by the Governor" where firstly occurring;

(b) (i) by inserting in section 12 after the word "one" the word "other"; Sec. 12. (Decisions of board.)

(ii) by omitting from section 12 the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court :" and by inserting instead the following words :—

A decision supported by a majority of the votes cast by the members of the local land board shall be the decision of the board. The board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(iii) by omitting from section 12 the words "Provided, however, that the" and by inserting instead the word "The";

(iv) by omitting from section 12 the words "or adjudication";

(v) by inserting at the end of section 12 the following subsections :—

(2) Subject to subsection (4), when a local land board reaches a decision, each member shall give a written statement of the reasons

assigned

assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3) The decision of a local land board given under subsection (1) in open court shall be accompanied by each statement required to be given under subsection (2).

(4) Subsection (2) does not apply in relation to any prescribed class of decisions or to a chairman when acting on behalf of a local land board.

(5) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

(c) by omitting from section 13A the words "by the Governor"; Sec. 13A. (Member of one land board may act on the board of another district.)

(d) (i) by omitting from section 20 (1) the words "decision or recommendation" and by inserting instead the words "adjudication, decision, determination, award, report or recommendation"; Sec. 20. (References by Minister to Land and Valuation Court generally.)

(ii) by omitting from section 20 (2) the words "report or recommendation" wherever occurring and by inserting instead the word "decision";

(iii) by omitting from section 20 (2) the words "to the Minister, whether in pursuance of a reference under section seventeen or otherwise";

(iv) by inserting after section 20 (2) the following subsection :—

(3) In subsection (2), "decision" means adjudication, decision, determination, award, report or recommendation.

(2) The Western Lands Act, 1901, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from section 9 (3) (a) (ii) the word "Governor" and by inserting instead the word "Minister"; Sec. 9. (Power to establish administrative districts.)

(b) by omitting from section 9 (3) (e) the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court:" and by inserting instead the following words :—

The local land board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(c) by omitting from section 9 (3) (e) the words "Provided, however, that the" and by inserting instead the word "The";

(d) by omitting from section 9 (3) (e) the words "or adjudication";

(e) by inserting after section 9 (3) the following subsections :—

(3A) Subject to subsection (3C), when a local land board reaches a decision, each member shall give a written statement of the reasons assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3B) The decision of a local land board given under subsection (3) (e) shall be accompanied by each statement required to be given under subsection (3A).

(3C) Subsection (3A) does not apply in relation to any prescribed class of decisions or to an Assistant Commissioner when acting on behalf of a local land board.

(f) by omitting from section 9 (4) the words "paid such fee for each sitting as may be prescribed" and by inserting instead the words "entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member";

(g) by omitting from section 9 (4) the word "Governor" and by inserting instead the word "Minister";

(h) by omitting from section 9 (6) (b) the word "determination" wherever occurring and by inserting instead the word "decision";

(i) by inserting after section 9 (6) the following subsection :—

(7) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

6. (1) The Crown Lands Consolidation Act, 1913, is further amended— **Further amendment of Act No. 7, 1913.**

(a) (i) by omitting from the matter relating to Part IV in section 1 (b) the words "AUCTION SALES — AFTER-AUCTION PURCHASES — TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES—AFTER-AUCTION AND AFTER-TENDER PURCHASES"; **Sec. 1 (b). (Division into Parts.)**

(ii) by omitting from the matter relating to Division 13 of Part VIII in section 1 (b) the matter "274A" and by inserting instead the matter "274B";

(b)

(b) by omitting from the heading to Part IV the words "AUCTION SALES—AFTER-AUCTION PURCHASES —TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES —AFTER-AUCTION AND AFTER-TENDER PURCHASES"; Heading to Part IV.

(c) by omitting section 63 and the short heading thereto and by inserting instead the following sections and short headings thereto :— Secs. 63, 63A.

Auction purchases.

63. (1) The Minister may, by notification published in the Gazette, authorise the sale by auction of any Crown lands specified in the notification. Auction purchases.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by public auction at such places (whether within or outside the land district in which the lands are situated), at such times and subject to such terms and conditions as the Minister determines and specifies in the notification.

Tender purchases.

63A. (1) The Minister may, by notification published in the Gazette, authorise the sale by tender of any Crown lands specified in the notification. Tender purchases.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by tender subject to such terms and conditions as the Minister determines and specifies in the notification.

(3) A notification under subsection (1) shall specify the period during which, and the manner in which, tenders must be lodged.

(4) The Minister may, subject to section 64D, accept any tender or may decide to accept none of the tenders.

(d) by omitting section 64 and the short heading thereto and by inserting instead the following section and short heading thereto :— Sec. 64.

After-auction and after-tender purchases.

64. (1) Where Crown lands have been offered for sale by auction but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-auction purchase") of those lands after the auction was held. After-auction and after-tender purchases.

(2) Where Crown lands have been offered for sale by tender but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-tender purchase") of those lands after the expiration of the period during which tenders must have been lodged.

(3) An applicant for an after-auction purchase or after-tender purchase shall—

(a) lodge with his application a deposit in accordance with the terms and conditions specified in the notification published under section 63 or 63A in respect of the lands applied for; and

(b) if the Minister approves the application, pay the balance of the purchase price in accordance with those terms and conditions.

(e) (i) by omitting the short heading to section 64A and by inserting instead the following short heading :— Sec. 64A. (Conditions relating to number of lots.)

Auction, tender, after-auction and after-tender purchases: conditions relating to number of lots.

(ii) by omitting from section 64A the words "by public auction at a Government auction sale, or is granted as an after-auction purchase in pursuance of section sixty-four of this Act" and by inserting instead the words "under this Part by auction or tender or by way of after-auction purchase or after-tender purchase";

(iii) by omitting from section 64A the words "auction sale or the approval of the Minister to the after-auction purchase" and by inserting instead the word "sale";

(iv) by omitting from section 64A the words "For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.";

(v)

(v) by inserting at the end of section 64A the following subsections :—

(2) For the purposes of this section—

(a) a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person; and

(b) the reference to the date of the sale is a reference—

(i) in the case of an auction purchase under this Part—to the date of the auction;

(ii) in the case of a tender purchase under this Part—to the date of acceptance of the tender by the Minister; or

(iii) in the case of an after-auction purchase or after-tender purchase—to the date of the approval of the application for the purchase.

(3) Nothing in this section affects the generality of section 63 (2) or 63A (2).

(f) by omitting section 64B and the short heading thereto; Sec. 64B. (Sales by tender.)

(g)

(g) by inserting before the short heading to section 65 the following sections and short headings thereto :— Secs. 64C–64F.

Auction, tender, after-auction and after-tender purchases: terms and conditions generally.

64C. (1) Every sale of lands by way of after-auction purchase or after-tender purchase shall be upon the terms and conditions specified in the notification published under section 63 or 63A in respect of those lands, except in so far as those terms and conditions are not applicable to or in relation to the after-auction purchase or after-tender purchase, as the case may be. Terms and conditions generally.

(2) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may relate to—

(a) lands to which the notification does not relate as well as to Crown lands to which it relates;

(b) the reclamation and improvement of any Crown lands;

(c) subject to any other law for the time being in force, the use to be made of the lands to which the notification relates, including the subdivision thereof and the erection of dwellings, shops or other buildings thereon; and

(d) the provision of amenities, roads and bridges to serve the lands to which the notification relates.

(3) If a purchaser under section 63, 63A or 64 fails to comply with any term or condition applicable to the sale, or if any money payable to the Crown in accordance with any such term or condition remains unpaid for the period of three months after the day when it falls due, the Minister may declare the purchase to have lapsed, and all money paid in respect of the purchase shall thereupon become forfeited.

(4) Notwithstanding subsection (3), the Minister may authorise the receipt of any money payable after the expiration of the period referred to therein and may waive compliance with any term or condition or grant an extension of time within which a purchaser may comply therewith.

(5) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may authorise deferred payments of the purchase price.

(6) Deferred payments referred to in subsection (5) shall bear interest—

(a) in the case of an auction purchase or tender purchase—at the rate which, at the date of the publication of the notification under section 63 or 63A relating to the purchase, is the prescribed rate; or

(b) in the case of an after-auction purchase or after-tender purchase—at the rate which, at the date of the approval of the application for the purchase, is the prescribed rate.

(7) The prescribed rate for the purposes of subsection (6) is eight per centum per annum or, where some other rate is prescribed, that other rate.

Auction, tender, after-auction and after-tender purchases: upset prices.

64D. (1) The Minister may, by instrument in writing— Upset prices.

(a) determine the upset price for any Crown lands; and

(b) vary the upset price for those lands, but not during the currency of a contract for the sale of those lands.

(2) A notification shall not be published under section 63 or 63A in respect of any lands unless the upset price has been determined for those lands.

(3) Lands shall not be sold under section 63 or 63A for less than the upset price for those lands.

(4) Lands shall not be sold under section 64 except at the upset price for those lands.

(5) Lands shall not be sold under section 64 unless the upset price for the lands was stated in—

(a) the notification published under section 63 or 63A in respect of those lands; or

(b) another notification published in the Gazette before the application for the purchase was lodged.

Auction,

Auction, tender, after-auction and after-tender purchases: improvements.

64E. (1) The Minister shall, when determining or varying the upset price under section 64D for any Crown lands containing improvements, ensure that the upset price includes the capital value of the improvements. Improvements.

(2) Notwithstanding Division 8 of Part VIII, the capital value of improvements shall, for the purposes of this section, be such amount as the Minister determines.

(3) Where Crown lands containing private improvements, or containing improvements that are the subject of tenant-right, are the subject of a notification under section 63 or 63A, the capital value of those improvements shall be stated in the notification.

(4) Where Crown lands containing improvements referred to in subsection (3) are sold under section 63, 63A or 64, any payments received by the Crown and made by or on behalf of the purchaser on account of those improvements shall be paid to the owner of the improvements or the person having the tenant-right, as the case may be.

(5) Where it becomes necessary, for the purposes of subsection (4), to apportion the capital value of improvements between two or more persons, the apportionment shall be effected in such manner as the Minister determines.

(6) Division 8 of Part VIII does not apply to or in relation to a person in his capacity as a purchaser of Crown lands sold under section 63, 63A or 64.

(7)

(7) In this section—

"capital value", in relation to improvements, has the meaning ascribed to the expression "capital value of improvements" in section 213;

"improvements" has the meaning ascribed to the expression "improvements" in section 213;

"private improvements" means improvements that are not the property of the Crown, as referred to in Division 8 of Part VIII;

"tenant-right" means tenant-right under Division 8 of Part VIII.

Auction, tender, after-auction and after-tender purchases: miscellaneous provisions.

Miscellaneous provisions.

64F. (1) Notwithstanding any other provisions of this Act (subsection (2) and Part IIIA excepted) or the Forestry Act, 1916, a notification under section 63 or 63A has the effect of revoking any classified areas, reserves under this Act or timber reserves under the Forestry Act, 1916, or parts of any such areas, reserves or timber reserves, within the boundaries of the lands to which the notification relates, unless the contrary is expressly declared by the terms of the notification.

(2) The revocation of a timber reserve is not effected by virtue of subsection (1) unless the consent thereto of the Minister administering the Forestry Act, 1916, has been obtained.

(3) The Governor may execute, in connection with a sale of lands under section 63, 63A or 64, such grants as he may consider necessary.

(4)

(4) The Minister may, by notification published in the Gazette, amend or revoke a notification under section 63 or 63A, but not after any of the lands to which the notification relates are sold.

(h) by omitting from section 65 the words "—being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales—"; Sec. 65. (Rescission of reservation of water frontage.)

(i) by omitting from section 66 (1) the words "being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales"; Sec. 66. (Miscellaneous special purchases.)

(j) by omitting from the matter relating to Division 13 in the heading to Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Part VIII.

(k) by omitting from the heading to Division 13 of Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Division 13 of Part VIII.

(l) by inserting after section 274A the following section and short heading thereto :— Sec. 274B.

Transfer of lands previously sold by auction, tender, after-auction or after-tender purchase.

Transfer of lands sold by auction, tender, after-auction or after-tender purchase.

274B. (1) Where any lands—

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase; and

(b) are not the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (2), be transferred.

(2) Any lands referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any lands—

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase;

(b) were so sold subject to a condition for or in relation to the erection of a dwelling on the lands; and

(c) are the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any lands or any part thereof if the Minister has certified, in the prescribed form, that those lands may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the lands concerned, but does not authorise the transfer of lands in contravention of a condition of the kind referred to in section 64A.

(10) The Governor may execute, in connection with lands transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to lands sold before, as well as after, the commencement of this section, and subsection (3) applies only to lands sold after that commencement.

(2) The Closer Settlement (Amendment) Act, 1909, is amended— Amendment of Act No. 21, 1909.

(a) by inserting after section 21A the following section :— Sec. 21B.

21B. (1) Where any land— Transfer of land sold by auction or tender.

(a) has been sold by auction or tender under section 21 (6) ; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold by auction or tender under section 21 (6) ;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land ; and

(c)

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(b) by omitting from section 22 (3) the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919, as amended by subsequent Acts". Sec. 22. (Sale of certain land for special purposes.)

(3) The Closer Settlement (Amendment) Act, 1914, is amended by inserting after section 4 the following section :— Amendment of Act No. 7, 1914.

Sec. 4A.

4A. (1) Where any land— Transfer of land sold by after-auction sale.

(a) has been sold under section 4; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold under section 4;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5)

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

7. (1) The Crown Lands Consolidation Act, 1913, is further amended by omitting from section 180 the words "in the Eastern or Central Division". Further amendment of Act No. 7, 1913. Sec. 180. (Deferring of payments.)

(2) The Western Lands Act, 1901, is further amended by omitting from section 20 the words "or the Crown Lands Acts". Further amendment of Act No. 70, 1901. Sec. 20. (Power to defer rent.)

8.

8. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 235 (4) the word "covenant" and by inserting instead the word "condition"; Sec. 235. (Reservations in Crown grants.)

(ii) by inserting at the end of section 235 (4) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b) (i) by omitting from section 235C the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 235C. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 235C the following paragraph :—

A condition attached to a sale or lease or permissive occupancy or homestead selection in accordance with this section has effect according to its tenor.

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

(a) (i) by omitting from section 22 (3) the word "covenant" and by inserting instead the word "condition"; Sec. 22. (Crown grants—reservations.)

(ii) by inserting at the end of section 22 (3) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b)

(b) (i) by omitting from section 23 the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 23. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 23 the following paragraph :—

A condition attached to a sale or lease in accordance with this section has effect according to its tenor.

9. The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by inserting after the definition of "Suburban holding" in section 5 (1) the following definition :— Sec. 5. (Interpretation of terms.)

"Under Secretary" means the person for the time being holding office or acting as the Under Secretary of the Department of Lands.

(ii) by inserting after the definition of "Vacant land" in section 5 (1) the following definition :—

"Vacant public lands" means Crown lands or lands granted, reserved or dedicated for public purposes, but does not include lands held under any lease or license from the Crown or the trustees of any such lands.

(b) by inserting in section 10 after the words "the Governor may" the words ", under and subject to the Public Service Act, 1902,"; Sec. 10. (Appointment of district staff of officers.)

(c) by omitting from section 18 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary"; Sec. 18. (Questions of lapse voidance or forfeiture.)

(d)

(d) (i) by inserting after section 59 (2D) the following subsections :— Sec. 59. (Special areas and conditional purchases therein.)

(2E) The Minister may, in a notification under subsection (1) or (2), declare that, in respect of the lands, or any part of the lands, set apart which are subject to a condition requiring the erection of a dwelling thereon, priority and preference shall be given to applications by persons who are married at the date of their applications.

(2F) If two or more applications are received in pursuance of a notification referred to in subsection (2E) in which a declaration under that subsection is made, the local land board, in dealing with those applications—

(a) shall first deal with—

(i) the blocks to which the declaration relates; and

(ii) all applications (if any) made by persons who (whether or not their spouses applied with them jointly) are married at the date of their applications,

disregarding all other blocks and all applications made by other persons: and

(b) if any blocks remain to be disposed of after paragraph (a) has been complied with (whether or not some or all of

those blocks are blocks to which the declaration relates)—shall then deal with—

(i) those remaining blocks; and

(ii) the other applications (if any), together with such of the applications (if any) dealt with under paragraph (a) as were not confirmed, disallowed or withdrawn,

disregarding the blocks disposed of under paragraph (a) and such of the applications (if any) dealt with under that paragraph as were confirmed, disallowed or withdrawn.

(2G) For the purposes of subsection (2F)—

(a) a man and a woman married by a subsisting marriage, whether monogamous or polygamous, shall if the marriage is lawful and binding in the place where it was solemnised be regarded as married; and

(b) a husband and wife living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be not married.

(ii) by inserting after section 59 (3C) the following subsection :—

(3CA) For the purposes of subsection (3C), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(e)

(e) (i) by omitting from section 62 (2) the words ", and shall not be less than at the rate of $39.50 per hectare for town lands, or $12.35 per hectare for suburban or other lands, or $12.35 for any area less than 1 hectare"; Sec. 62. (Improvement purchase within goldfield or mineral field.)

(ii) by omitting from section 62 (3) the words ", and for the purposes of this section improvements of value equal to the respective minimum prices aforesaid shall be sufficient";

(f) by omitting from paragraph (b) of the proviso to section 65 the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 65. (Rescission of reservation of water frontage.)

(g) by inserting in section 66 (2) (b) after the word "or" where firstly occurring the words "to or"; Sec. 66. (Miscellaneous special purchases.)

(h) by omitting from section 68 (4) the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 68. (Reclamation and purchase of land.)

(i) (i) by omitting from section 69A the word "Governor" and by inserting instead the word "Minister"; Sec. 69A. (Commonwealth, sale or lease of land to.)

(ii) by omitting from section 69A the words "and be deemed always to have had power";

(iii) by omitting from section 69A the words "grants, other assurances and instruments" and by inserting instead the words "instruments (other than grants of lands so sold)";

(iv) by inserting at the end of section 69A the following subsection :—

(2) The Governor may execute, in connection with a sale of lands under subsection (1), such grants as may be considered necessary.

(j) (i) by omitting from section 74 (1) the words "for four consecutive weeks and not less than four times" and by inserting instead the word "and"; Sec. 74. (Special leases for wharfs and jetties.)

(ii) by inserting in section 74 (1) after the words "if any," the words "not less than four weeks";

(iii) by inserting after section 74 (3) the following subsection :—

(4) At any time before the expiration of the four weeks mentioned in subsection (1), any person feeling aggrieved may lodge a complaint setting forth objections against the issue of a lease under this section, and those objections shall be duly heard and determined before the lease is issued.

(k) by omitting from section 75A (4) the words "land the subject of any such application is wholly or in part within a travelling stock reserve camping reserve or water reserve, or" and by inserting instead the words "whole or part of the land the subject of any such application"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(l) (i) by omitting section 75B (4); Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from section 75B (12) the word "four,";

(m)

(m) by omitting section 81 (4); Sec. 81. (Purchase of residential lease.)

(n) by omitting section 93 (5); Sec. 93. (Homestead grant.)

(o) by omitting section 123 (3); Sec. 123. (Homestead farm: inquiry by board and issue of grant.)

(p) by inserting after section 125 (1B) the following subsection :— Sec. 125. (Suburban holding application, how made and dealt with.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(q) by inserting after section 136B (1B) the following subsection :— Sec. 136B. (Applications for week-end leases.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(r) by omitting from section 166 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary"; Sec. 166. (Appraisements by local land boards.)

(s) by omitting from section 190 (4) the words "land is wholly or in part within a travelling stock reserve camping reserve or water reserve, or is land" and by inserting instead the words "whole or part of the land is"; Sec. 190. (Conversion of special lease.)

(t) by inserting after section 217 the following section and short heading thereto :— Sec. 217A.

Capital or rental value of Crown improvements on certain special leases let by tender.

Capital or rental value of Crown improvements: certain special leases let by tender.

217A. (1) Where the Minister calls, by notification published in the Gazette, for tenders for the lease under section 75 of any Crown lands containing improvements which are the property of the Crown, the Minister may, by the notification, require any person lodging a tender for the lease to state in the tender an amount which he is prepared to pay for the annual rent or purchase price of the improvements and, if that person states an amount for the purchase price, to state the term over which the purchase price is to be paid.

(2) Where a tender which states an amount for the annual rent or purchase price of improvements, as required under subsection (1), is accepted by the Minister—

(a) the annual rent, or the purchase price and the term over which the purchase price is to be paid, shall be as stated in the tender;

(b) the purchase price (if any) of the improvements shall bear interest at the rate fixed by the Minister and specified in the notification calling for tenders; and

(c) sections 215 (1) and 216 (1) do not apply to or in respect of the improvements.

(3)

(3) A person who is paying an annual rent for improvements tendered in accordance with subsection (1) may, at any time after acceptance of his tender, apply to the Minister to pay the capital value of the improvements instead of the rent as tendered, and if the Minister approves the application the capital value of the improvements shall be determined in accordance with section 215 and payable in accordance with section 216.

(4) Where a person who is paying an annual rent for improvements tendered in accordance with subsection (1) applies under section 190 to convert the holding on which the improvements are situated, he shall become liable to pay the capital value of the improvements as an incoming tenant of the tenure into which the conversion is made.

(5) A tender referred to in this section shall not be accepted if the person lodging the tender states as the term over which the purchase price of the improvements is to be paid a period that exceeds the maximum period specified in that behalf in the notification or, where the maximum term is not so specified, that exceeds the term of the lease.

(6) A lease referred to in this section shall be liable to be forfeited if the improvements are not maintained in a reasonably good condition during the currency of the lease, but the lessee shall not be compelled to make good any damage caused by fire, flood or other inevitable accident.

(u) (i) by inserting in the short heading to section 231 after the word *"leases"* the words *"or purchases"*; Sec. 231. (Surrender of leases or purchases.)

(ii)

(ii) by inserting in section 231 after the word "lease" where firstly occurring the words "or purchase";

(iii) by inserting in section 231 after the word "Act" the words ", other than a lease or purchase of land within an irrigation area,";

(iv) by inserting in section 231 after the word "lease" where secondly occurring the words "or purchase under this Act of land";

(v) by inserting at the end of section 231 the following subsection :—

(2) A surrender under this section does not operate to extinguish any debt to the Crown relating to the lease or purchase surrendered, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(v) by inserting after section 233 (1) the following subsection :— Sec. 233. (Withdrawal from lease or license.)

(1A) A withdrawal under this section does not operate to extinguish any debt to the Crown relating to the lands withdrawn, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(w) by inserting after section 244 the following sections and short headings thereto :— Secs. 244A, 244B.

Evidence—Certificate as to status of lands.

Under Secretary's certificate as to status of lands to be evidence.

244A. (1) A certificate signed by the Under Secretary certifying—

(a) that any lands described or referred to in the certificate were Crown lands within the meaning of this Act at any time or during any period specified in the certificate;

(b) that any lands so described or referred to were granted, reserved or dedicated for any public purpose on a day so specified and that the grant, reservation or dedication remained in force as at a time or during a period so specified; or

(c) that any lands so described or referred to were not the subject of a lease or license at any time or during any period so specified,

is admissible in any legal proceedings (whether under this Act or otherwise) and shall be prima facie evidence of the matters so certified.

(2) Where the court before which any legal proceedings are brought is satisfied that the proceedings were brought wholly or partly for the purpose of determining title to land, a certificate under subsection (1) is not admissible in those proceedings.

(3) Nothing in this section authorises a court to determine any matter that, had this section not been enacted, it would not have been authorised to determine.

Evidence—Certificate as to authorised persons.

Under Secretary's certificate as to authorisation of a person.

244B. A certificate signed by the Under Secretary certifying that a person specified in the certificate was, at a time or during a period so specified, an authorised person within the meaning of section 254C or 254D is admissible in any proceedings under this Act and shall be prima facie evidence of the matters so certified.

Secs. 254–254D.

(x) by omitting section 254 and the short heading thereto and by inserting instead the following sections and short headings thereto :—

Offences on Crown lands or dedicated lands.

Offences on Crown lands or dedicated lands.

254. (1) In this section—

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c)

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) A person shall not, without lawful authority—

(a) reside on any public lands;

(b) erect any structure on any public lands;

(c) depasture stock on any public lands;

(d) drive stock on any public lands;

(e) clear, dig up or cultivate any public lands;

(f) enclose any public lands (other than a road or watercourse);

(g) fail to pay any rent due and payable in respect of the actual enclosure of any public lands comprised in a road or watercourse;

(h) remove, or cause to be removed, from any public lands, or cut, dig up, disturb, displace, stack, heap or in any other way interfere with, any tree, timber, turf, stone, clay, shells, earth, sand, gravel or any thing of whatever kind, whether growing on or in, or being in, on or under or forming part of, any public lands; or

(i) deposit or cause to be deposited, or leave or cause to be left, on any public lands—

(i) any rubbish, litter, refuse, dead animal, filth or other similar matter; or

(ii) any matter of a prescribed class or description, whether or not of a kind referred to in subparagraph (i),

except in a place or receptacle provided for the purpose.

Penalty : $100 for the first offence, $200 for the second offence and $1,000 for any subsequent offence.

(3) The Minister may cause a notice to be served on a person prohibiting him from making use, without lawful authority, of any structure erected on any public lands.

(4) A person on whom a notice is served under subsection (3) shall not, without lawful authority, make use of a structure to which the notice relates after the expiration of the period specified in the notice.

Penalty : $200.

(5) In addition to any penalty imposed for an offence arising under this section, a person guilty of the offence is liable to pay such sum by way of compensation as the court before which the person is convicted may order.

(6) Any sum ordered to be paid under subsection (5) shall be paid by the offender to the clerk of the court, to be by him paid to the Under Secretary.

(7) Any order under subsection (5) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

(8) Where any proceedings are taken against a person for an offence arising under this section and the court before which the proceedings are brought is not satisfied that he is guilty of the offence, but is satisfied that he is guilty of an attempt to commit the offence, the court may acquit him of the offence charged and find him guilty of attempting to commit the offence, and he is liable to the same penalty as if he had been found guilty of the offence.

(9) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to a reserve within the meaning of section 37M, or of any by-laws applying to such a reserve, but a person is not liable to be punished twice for an act or omission that constitutes an offence both under this section and any other such provision.

(10) By-laws applying to a reserve within the meaning of section 37M may contain provisions having the effect of authorising any act or omission that would, but for the by-laws and this subsection, constitute an offence arising under this section, but nothing in this subsection authorises the making of by-laws that could not be made if this section were not in force.

(11) In proceedings for an offence arising under this section, the defendant has the onus of proving lawful authority in relation to the act or omission giving rise to the alleged offence.

Removal

Removal of unauthorised structures from Crown lands or dedicated lands.

254A. (1) In this section— Removal of unauthorised structures from Crown lands or dedicated lands.

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) The Minister may cause or authorise any structure erected without lawful authority on public lands to be removed, together with the contents of the structure.

(3) If a notice requiring any person who claims to have authority to erect, maintain or use a structure erected on any public lands, or any part of the structure, or any person who claims any interest in the structure, to deliver to the Minister a statement in writing signed by that person stating by what authority he erected or is entitled to

maintain

maintain or use the structure or part or by what authority he claims any interest in the structure, is—

(a) displayed for a period of one month on or adjacent to the structure; or

(b) published in a local newspaper or such other newspaper (if any) as the Minister may determine,

any person who, within one month after the expiration of that period or within one month after publication of that notice, fails to deliver such a statement to the Minister shall have no claim against the Minister or any other person removing the structure or contents in accordance with subsection (2).

(4) The Minister may at his option cause or authorise any structure or part thereof or the contents thereof removed in accordance with subsection (2) to be destroyed or sold, or stored (and, if stored, then destroyed or sold), or may sell the structure or contents on condition that it or they be removed, and may recover in any court of competent jurisdiction the expenses incurred in the removal, destruction, sale or storage of the structure or part thereof or the contents thereof from the person who—

(a) erected the structure or caused it to be erected; or

(b) has made use of the structure after—

(i) if a notice was served on him under section 254 (3) in respect of the structure—the expiration of the period specified in the notice; or

(ii) if a notice was displayed under sub-section (3) in respect of the structure—the expiration of the period of one month for which it was so displayed,

or both.

(5) Subsection (4) (b) (ii) does not apply in relation to a person unless it is established that he knew of, or ought reasonably to have known of, the notice.

Vehicles on vacant public lands.

Vehicles on vacant public lands.

254B. (1) In this section, "vehicle" includes—

(a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

(b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(c) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed.

(2)

(2) The Minister may give such directions as to the bringing of vehicles into, and the use and parking of vehicles in, any vacant public lands as he thinks fit, and any such direction—

(a) may be limited as to time, place or subject-matter; and

(b) may be varied or revoked by the Minister.

(3) A direction given pursuant to subsection (2) shall have effect only while there is erected or displayed upon or near, or marked upon, the lands to which the direction relates a sign that is notice of the direction.

(4) The direction appearing upon a sign that is erected or displayed upon or near, or marked upon, any vacant public lands with the authority of the Minister shall be deemed to be a direction, for the time being in force, given pursuant to subsection (2) in relation to those lands, and the sign shall, for the purposes of subsection (3), be deemed to be notice of that direction.

(5) A person shall not contravene or fail to comply with a direction having effect under this section.

Penalty : $200.

(6) A person shall not interfere with, alter or remove any sign erected or displayed with the authority of the Minister upon or near, or marked with that authority upon, any vacant public lands.

Penalty : $200.

(7) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to vehicles on vacant public lands, or any by-laws applying to any vacant public lands.

(8) An allegation, in an information in respect of an offence arising under this section, that a sign was erected, displayed or marked with the authority of the Minister or his delegate, or that a sign was interfered with, altered or removed without the authority of the Minister or his delegate, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

Impounding of animals.

Impounding.

254C. (1) In this section, "authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section.

(2) For the purposes of—

(a) the Impounding Act, 1898, sections 44, 45 and 46 excepted; and

(b)

(b) Part XVIII of the Local Government Act, 1919, sections 438 and 439 excepted,

the Minister shall be deemed to be the occupant of vacant public lands.

(3) An authorised person may exercise any power conferred on the Minister by virtue of this section.

(4) An authorised person may, on behalf of the Minister, take proceedings in any court of competent jurisdiction for the trespass committed on the vacant public lands by animals impounded by virtue of this section.

(5) For the purposes of subsection (4), the Minister shall be deemed to be in exclusive possession of vacant public lands.

(6) Nothing in this section prevents the laying of any information for an offence arising under section 254 or affects any proceedings for such an offence.

Requirement to state name and address.

254D. (1) In this section— Requirement to state name and address.

"authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled wholly or partly by volatile spirit, steam, gas, oil or electricity.

(2) An authorised person may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(3) An authorised person may require the driver of a motor vehicle on vacant public lands to produce his driver's licence and to state his full name and his place of abode.

(4) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (2) or (3); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection : $200.

(y) (i) by omitting from section 255A the words "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951," and by inserting instead the words "section 9 (y) of the Crown Lands and Other Acts (Amendment) Act, 1975,"; Sec. 255A. (Authorised person for purposes of sec. 254C, 254D or 255.)

(ii)

(ii) by omitting from section 255A the words "as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act" and by inserting instead the words "by the Minister as provided by section 254C, 254D or 255";

(z) by omitting from section 274A the words "to a qualified person". Sec. 274A. (Transfer of week-end leases.)

10. The Prickly-pear Act, 1924, is amended— Amendment of Act No. 31, 1924.

(a) (i) by omitting from section 9 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 9. (Duty of all owners and occupiers of land free from pear.)

(ii) by omitting from section 9 the words "one hundred dollars" and by inserting instead the matter "$200";

(b) (i) by omitting from section 11 (4) the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 11. (Infested lands.)

(ii) by omitting from section 11 (4) the words "one hundred dollars" and by inserting instead the matter "$200";

(iii) by omitting from section 11 (4) the word "second" and by inserting instead the word "subsequent";

(c) by omitting from section 29 the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 29. (Penalty where not otherwise provided.)

(d)

(d) by omitting from section 31 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 31. (Penalty for impersonating the Commissioner or an inspector, etc.)

(e) by omitting from section 32 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 32. (Penalty for hindering work, etc.)

(f) by omitting from section 34 (2) the words "twenty dollars" and by inserting instead the matter "$100". Sec. 34. (Regulations.)

11. The Closer Settlement Amendment (Conversion) Act, 1943, is amended by omitting section 12 (2). Amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

12. The Closer Settlement and Public Reserves Fund Act, 1970, is further amended by inserting after section 5 (h) the following paragraph :— Further amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(i) any other moneys that have been received by or on behalf of the State or the Minister for the purchase or acquisition of land for a public reserve, or for the maintenance, improvement or development of a public reserve, and whose payment into the Closer Settlement and Public Reserves Fund has been approved by the Treasurer.

13. The Crown Lands and Other Acts (Reserves) Amendment Act, 1974, is amended by omitting from section 10 (a) the words "after the words 'of this Act,' where secondly occurring" and by inserting instead the words "before the word 'and' ". Amendment of Act No. 37, 1974. Sec. 10. (Amendment of Act No. 41, 1919.)

PART

PART III.

SAVINGS AND TRANSITIONAL PROVISIONS.

Local land boards.

14. (1) A person holding office under section 11 of the Crown Lands Consolidation Act, 1913, immediately before the commencement of section 5 (1), as—

(a) the chairman of a local land board—shall be deemed to have been appointed as such by the Governor; or

(b) a member of a local land board, other than the chairman—shall be deemed to have been appointed as such by the Minister,

under section 11 of that Act, as amended by section 5 (1).

(2) A person holding office under section 9 of the Western Lands Act, 1901, immediately before the commencement of section 5 (2), as an appointed member of a local land board shall be deemed to have been appointed as such under section 9 of that Act, as amended by section 5 (2).

(3) A reference in section 20 (2) and (3) of the Crown Lands Consolidation Act, 1913, as amended by section 5 (1) (d), to a decision made by a local land board or chairman or special land board includes a reference to a decision made by such a board or chairman before, as well as after, the commencement of section 5 (1) (d).

Auction sales, etc.

15. (1) Lands sold before the commencement of section 6 (1)—

(a) by auction under section 63 of the Crown Lands Consolidation Act, 1913, shall be deemed to have been sold by auction under section 63 of that Act, as amended by section 6 (1);

(b)

(b) by tender under section 64B of that Act shall be deemed to have been sold by tender under section 63A of that Act, as amended by section 6 (1); or

(c) by way of after-auction purchase under section 64 of that Act shall be deemed to have been sold by way of after-auction purchase under section 64 of that Act, as amended by section 6 (1),

and any term or condition (including a term or condition of the kind referred to in section 64A of that Act) applicable to those lands immediately before that commencement continues in force accordingly.

(2) A notification published under section 63 (1) of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1), shall be deemed to be a notification published under section 63 of that Act, as amended by section 6 (1).

(3) An application for an after-auction purchase made under section 64 of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1) and pending immediately before that commencement, shall be deemed to be an application for an after-auction purchase made under section 64 of that Act, as amended by section 6 (1).

(4) Notwithstanding anything in this section, the rate at which interest is payable on deferred payments of the purchase price in respect of lands referred to in subsection (1), or lands sold in consequence of a notification referred to in subsection (2), is the rate at which interest would have been payable had section 6 (1) not been enacted.

16. Anything done, before the commencement of section 7, under section 20 of the Western Lands Act, 1901, in relation to rent or other moneys due under the Crown Lands Acts shall be deemed to have been done under section 180 of the Crown Lands Consolidation Act, 1913, as amended by section 7 (1). Deferment of payments.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[64c]

PROOF

CROWN LANDS AND OTHER ACTS (AMENDMENT) BILL, 1975

EXPLANATORY NOTE

THE object of this Bill is to effect amendments to—

(a) the Crown Lands Consolidation Act, 1913—by clauses 4 (1), 5 (1), 6 (1), 7 (1), 8 (1) and 9;

(b) the Western Lands Act, 1901—by clauses 5 (2) and 7 (2);

(c) the Closer Settlement Acts—by clauses 4 (2), 6 (2), 6 (3) and 11;

(d) the Returned Soldiers Settlement Act, 1916—by clause 8 (2);

(e) the Prickly-pear Act, 1924—by clause 10;

(f) the Closer Settlement and Public Reserves Fund Act, 1970—by clauses 4 (3) and 12; and

(g) the Crown Lands and Other Acts (Reserves) Amendment Act, 1974—by clause 13.

1. Clause 1 specifies the short title of the Bill.

2. Clause 2 provides for the commencement of the proposed Act.

3. Clause 3 sets out the manner in which the Bill is divided into Parts.

4. Clause 4, in subclauses (1) and (2), amends the Crown Lands Consolidation Act, 1913, and the Closer Settlement Act, 1904—

(a) to enable the Minister, with the approval of the holder (if any) of the lands concerned, to grant easements (including easements in gross) over vacant Crown lands and Crown lands held under certain leases, and certain other lands; and

(b) to empower the Minister to require the payment of compensation for the grant of such an easement.

Clause 4 (3) amends the Closer Settlement and Public Reserves Fund Act, 1970, to enable compensation referred to above to be paid into the Fund constituted by that Act.

5. Clause 5 amends the Crown Lands Consolidation Act, 1913, and the Western Lands Act, 1901—

(a) to enable the Minister to appoint, and fix the remuneration of, the members of a local land board, other than the chairman; and

(b) to require the members of a local land board to assign written reasons for their decisions.

Clause 5 (1) extends the Minister's powers to refer a decision of a local land board back to the board for reconsideration.

6. (1) Clause 6 (1) amends the Crown Lands Consolidation Act, 1913—

(a) to insert new provisions in the place of the existing provisions relating to the sale by auction or tender or after-auction purchase of Crown lands;

(b) to enable Crown lands offered for sale by tender, but not sold, to be sold by after-tender purchase;

(c) to simplify the requirements to be complied with in connection with sales by tender of Crown lands;

(d) to authorise Crown lands sold by auction or tender or after-auction or after-tender purchase to be transferred before the issue of the Crown grant;

(e) to prohibit a transfer referred to in paragraph (d) unless the consent of the Minister has been obtained or he has certified that his consent is not required; and

(f) to prohibit Crown lands sold by auction or tender or after-auction or after-tender purchase and subject to a condition requiring the erection of a dwelling from being transferred after the issue of the Crown grant unless the consent of the Minister has been obtained or he has certified that his consent is not required.

(2) Clauses 6 (2) and 6 (3) amend the Closer Settlement (Amendment) Act, 1909, and the Closer Settlement (Amendment) Act, 1914, in the same manner as that referred to in paragraphs (d), (e) and (f) above.

7. Clause 7 amends the Crown Lands Consolidation Act, 1913, and the Western Lands Act, 1901, to extend the power of the Minister to defer the payment of amounts due, or to become due, on holdings in the Eastern and Central Divisions to certain holdings in the Western Division.

8. Clause 8 amends the Crown Lands Consolidation Act, 1913, and the Returned Soldiers Settlement Act, 1916, to enable conditions, instead of covenants, to be attached to Crown grants, sales, leases, occupancies and homestead selections, protecting the Crown from proceedings in respect of subsidence caused by mining.

9. Clause 9 amends the Crown Lands Consolidation Act, 1913—

(a) to provide a definition of "Under Secretary" in relation to the Under Secretary for the Department of Lands and (for the purposes of sections 254B, 254C and 254D, which are proposed to be inserted by the Bill) a definition of "Vacant public lands";

(b) to make it clear that the appointment of certain officers under sections 10 and 11 is to be made under the Public Service Act, 1902;

(c) to provide that, where the Minister sets apart Crown lands under section 59 for special area conditional purchases for the erection of dwellings, he may declare that priority and preference shall be given to applications made by married persons;

(d) to prevent a married couple from making either jointly or severally two or more applications for blocks set apart for special area conditional purchases or suburban holdings or week-end leases;

(e) to deem, for the purposes of various provisions of the Act, a separated married couple not to be married;

(f) to repeal the provisions relating to the minimum prices payable in respect of improvement purchases;

(g) to allow Crown lands, in areas not exceeding 3 hectares, to be sold to associations or institutions for any public purpose, as well as to the trustees thereof;

(h) to require notice of an application for authority for reclamation works under section 65 or 68, or for a special lease for a wharf, jetty, etc., under section 74, to be published once, 4 weeks before the authority or lease is granted, instead of 4 times over 4 consecutive weeks;

(i) to enable the Minister, instead of the Governor, to sell or lease Crown lands to the Commonwealth, and to continue the authority of the Governor to execute grants in connection with such a sale;

(j) to remove from sections 75A, 75B and 190 the requirement that notice of an application under any of those sections made in relation to a travelling stock reserve, camping reserve or water reserve be advertised;

(k) to omit section 81 (4), which restricts the number of residential lease purchases that may be held by the one person;

(l) to omit sections 93 (5) and 123 (3), which require that the Minister's certificate as to fulfilment of conditions be issued prior to the registration of a transfer of a homestead grant or homestead farm grant by the Registrar-General;

(m) to insert a new section 217A, which—

(i) enables the Minister to accept an annual rent or purchase price tendered for Crown improvements on lands let by special lease by tender;

(ii) empowers the Minister to determine the rate of interest payable on the purchase price (if any) of the Crown improvements; and

(iii) enables a person who is paying an annual rent for Crown improvements tendered at any time after acceptance of his tender to apply to pay the capital value of the improvements;

(n) to authorise the surrender of purchases as well as leases;

(o) to provide that the surrender of a purchase or lease, or the withdrawal of certain lands from a lease or license, does not extinguish any debt to the Crown, unless the Minister otherwise directs;

(p) to insert new sections 244A and 244B, providing for certificate evidence as to—

(i) the status of Crown lands and other lands; and

(ii) the fact that a person is an authorised person for the purposes of section 254C or 254D (which are proposed to be inserted by the Bill);

(q) to insert a new section 254 in the place of the existing section, dealing with offences committed on Crown lands or dedicated lands, and—

(i) to widen the offences relating to the removal of, or interference with, trees, timber, earth, sand, gravel, etc.;

(ii) to widen the offences relating to the depositing or leaving of rubbish;

(iii) to require a person to comply with a notice prohibiting him from using, without lawful authority, any structure, and to impose a penalty not exceeding $200 for failure to comply with the notice; and

(iv) to make it an offence to attempt to commit an offence under the section;

(r) to insert a new section 254A, which enables the Minister to authorise the removal from Crown lands or dedicated lands of any structure erected without lawful authority and provides for the recovery of the costs of the removal from the person who erected or, in certain circumstances, made use of it;

(s) to insert a new section 254B, which empowers the Minister to authorise the erection on Crown lands or dedicated lands of signs giving directions as to the bringing into, and the use and parking of vehicles in, the lands, and imposes a penalty not exceeding $200 for failure to comply with such a direction;

(t) to insert a new section 254C, which applies certain provisions of the Impounding Act, 1898, and Part XVIII of the Local Government Act, 1919, relating to the impounding of animals, to Crown lands and dedicated lands, and enables authorised officers to exercise certain powers under those provisions and to take proceedings for trespass committed by impounded animals;

(u) to insert a new section 254D, which empowers authorised officers to require—

(i) a person whom he reasonably suspects to be committing an offence under the Act to state his name and address; or

(ii) the driver of a vehicle on Crown lands or dedicated lands to produce his driver's licence and state his name and address,

and imposes a penalty not exceeding $200 for failure to comply with such a requirement; and

(v) to allow a week-end lease to be transferred under section 274A, with the consent of the Minister, to any person, instead of only to a qualified person.

10. Clause 10, by paragraphs (a)–(e), amends the Prickly-pear Act, 1924, to increase penalties for certain offences, as follows:—

Provision amended.	Nature of offence.	Existing maximum penalty.	Proposed maximum penalty.
9	Failure of owner or occupier of land to clear and keep clear from prickly-pear the land if it has been free from infestation.	$40 (first offence) $100 (subsequent offence).	$100. $200.
11 (4)	Failure of owner or occupier to comply with notice to free land from prickly-pear.	$20 (first offence) $100 (subsequent offence).	$100. $200.
29	Committing breach of the Act for which a penalty is not specially provided.	$20.	$100.
31	Representing or personating an officer under the Act; or trespassing on land for the apparent purpose of eradicating prickly-pear.	$40.	$100.
32	Hindering person acting under the Act.	$40.	$100.

Clause 10 (f) amends section 34 of the Prickly-pear Act, 1924, to increase from $20 to $100 the maximum penalty that may be prescribed by the regulations for an offence against the regulations.

11. Clause 11 amends the Closer Settlement Amendment (Conversion) Act, 1943, to omit section 12 (2), which requires that the Minister's certificate as to fulfilment of conditions be issued prior to registration of a transfer of a grant of a settlement purchase lease, group purchase lease or closer settlement lease by the Registrar-General.

12. Clause 12 amends the Closer Settlement and Public Reserves Fund Act, 1970, to authorise the payment, with the approval of the Treasurer, into the Fund constituted by that Act, of any moneys received by the State or the Minister for the acquisition, maintenance, improvement or development of public reserves.

13. Clause 13 amends the Crown Lands and Other Acts (Reserves) Amendment Act, 1974, to give effect to one of the amendments proposed by that Act.

14. Clauses 14–16 are savings and transitional provisions.

PROOF

No. , 1975.

A BILL

Relating to the grant of easements over Crown lands and certain other lands; to make further provisions respecting local land boards and the sale of Crown lands by auction or tender; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Western Lands Act, 1901, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924, the Closer Settlement and Public Reserves Fund Act, 1970, and the Crown Lands and Other Acts (Reserves) Amendment Act, 1974; and for purposes connected therewith.

[MR MASON—2 *September,* 1975.]

BE

95295 397—A

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1975". Short title.

2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act. Commencement.

(2) The several provisions of sections 4, 5, 6, 7 and 9 (a) (ii), (d) (ii), (f), (h), (i), (j), (p), (q), (u), (v), (w), (x) and (y) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 8 shall be deemed to have commenced on 23rd March, 1964.

(4) Section 13 shall be deemed to have commenced on 1st June, 1974.

3. This Act is divided as follows :— Division of Act.

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—AMENDMENT OF ACTS—*ss.* 4–13.

PART III.—SAVINGS AND TRANSITIONAL PROVISIONS—*ss.* 14–16.

PART

PART II.

AMENDMENT OF ACTS.

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

(a) by inserting after the matter relating to Part VA in section 1 (b) the following matter :— Sec. 1 (b). (Division into Parts.)

PART VB.—EASEMENTS—*section* 136L.

(b) by inserting after Part VA the following Part :— Part VB.

PART VB.

EASEMENTS.

136L. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder", in relation to any lands, means the person who is registered in the books of the Department of Lands or the Western Lands Commissioner as the holder of those lands and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed

"prescribed lands" means lands vested in Her Majesty, except—

(a) lands lawfully contracted to be granted in fee simple under this or any other Act;

(b) lands subject to the provisions of the Real Property Act, 1900;

(c) lands comprised in a lease in perpetuity granted under this or any other Act, other than the Western Lands Act, 1901;

(d) lands comprised in a homestead selection; and

(e) lands reserved as, or as part of, a state recreation area under section 37B.

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed lands; and

(b) at any time that any lands having the benefit of an easement so granted are vested in Her Majesty—release the easement benefiting those lands.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed lands—that any holder of the lands at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the lands having the benefit of the easement at the time of the approval has consented to the release.

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to lands notwithstanding that, at the time the easement is granted, those lands are vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that lands having the benefit of the easement or lands having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(2) The Closer Settlement Act, 1904, is amended by inserting after Part IV the following Part :— Amendment of Act No. 37, 1904.

PART IVA. Part IVA.

EASEMENTS.

39A. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder",

"holder", in relation to any land, means the person who is registered in the books of the Department of Lands as the holder of that land and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed land" means land acquired under the Closer Settlement Acts, except—

(a) land lawfully contracted to be granted in fee simple;

(b) land subject to the provisions of the Real Property Act, 1900; and

(c) land comprised in a lease in perpetuity (whether under this or any other Act).

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed land; and

(b) at any time that any land having the benefit of an easement so granted is vested in Her Majesty —release the easement benefiting that land.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed land—that any holder of the land at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the land having the benefit of the easement at the time of the approval has consented to the release.

(4)

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to land notwithstanding that, at the time the easement is granted, that land is vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that land having the benefit of the easement or land having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(3) The Closer Settlement and Public Reserves Fund Act, 1970, is amended by inserting after section 5 (g1) the following paragraph :— Amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(g2) any moneys directed by the Minister to be paid into the Closer Settlement and Public Reserves Fund out of compensation paid pursuant to a condition imposed under section 136L of the Crown Lands Consolidation Act, 1913, or section 39A of the Closer Settlement Act, 1904.

5. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 11 (1) the words ", and shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown"; Sec. 11. (Local land boards.)

(ii) by inserting in section 11 (1) before the words "Any member other than" the following words :—

One of the members of a local land board shall be appointed by the Governor under and subject to the Public Service Act, 1902, and shall be chairman of the board, and any other members of the board shall be appointed by the Minister.

(iii) by omitting from section 11 (1) the following words :—

One of such members shall be the chairman, who shall be paid such salary as Parliament may sanction.

(iv) by omitting from section 11 (1) the following words :—

Every other member of the local land board shall be paid such fee for each sitting as may be prescribed.

and by inserting instead the following words :—

A member of a local land board, other than the chairman, shall be entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member.

(v) by inserting in section 11 (1) after the words "and the Governor" the words ", in the case of the chairman, or the Minister, in the case of a member other than the chairman,";

(vi) by omitting from section 11 (2) the word "Governor" and by inserting instead the word "Minister";

(vii) by omitting from section 11 (3) the words "by the Governor" where firstly occurring;

(b) (i) by inserting in section 12 after the word "one" the word "other"; Sec. 12. (Decisions of board.)

(ii) by omitting from section 12 the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court :" and by inserting instead the following words :—

A decision supported by a majority of the votes cast by the members of the local land board shall be the decision of the board. The board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(iii) by omitting from section 12 the words "Provided, however, that the" and by inserting instead the word "The";

(iv) by omitting from section 12 the words "or adjudication";

(v) by inserting at the end of section 12 the following subsections :—

(2) Subject to subsection (4), when a local land board reaches a decision, each member shall give a written statement of the reasons

assigned

assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3) The decision of a local land board given under subsection (1) in open court shall be accompanied by each statement required to be given under subsection (2).

(4) Subsection (2) does not apply in relation to any prescribed class of decisions or to a chairman when acting on behalf of a local land board.

(5) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

(c) by omitting from section 13A the words "by the Governor"; Sec. 13A. (Member of one land board may act on the board of another district.)

(d) (i) by omitting from section 20 (1) the words "decision or recommendation" and by inserting instead the words "adjudication, decision, determination, award, report or recommendation"; Sec. 20. (References by Minister to Land and Valuation Court generally.)

(ii) by omitting from section 20 (2) the words "report or recommendation" wherever occurring and by inserting instead the word "decision";

(iii) by omitting from section 20 (2) the words "to the Minister, whether in pursuance of a reference under section seventeen or otherwise";

(iv) by inserting after section 20 (2) the following subsection :—

(3) In subsection (2), "decision" means adjudication, decision, determination, award, report or recommendation.

(2) The Western Lands Act, 1901, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from section 9 (3) (a) (ii) the word "Governor" and by inserting instead the word "Minister"; Sec. 9. (Power to establish administrative districts.)

(b) by omitting from section 9 (3) (e) the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court:" and by inserting instead the following words :—

The local land board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(c) by omitting from section 9 (3) (e) the words "Provided, however, that the" and by inserting instead the word "The";

(d) by omitting from section 9 (3) (e) the words "or adjudication";

(e) by inserting after section 9 (3) the following subsections :—

(3A) Subject to subsection (3C), when a local land board reaches a decision, each member shall give a written statement of the reasons assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3B) The decision of a local land board given under subsection (3) (e) shall be accompanied by each statement required to be given under subsection (3A).

(3C) Subsection (3A) does not apply in relation to any prescribed class of decisions or to an Assistant Commissioner when acting on behalf of a local land board.

(f) by omitting from section 9 (4) the words "paid such fee for each sitting as may be prescribed" and by inserting instead the words "entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member";

(g)

(g) by omitting from section 9 (4) the word "Governor" and by inserting instead the word "Minister";

(h) by omitting from section 9 (6) (b) the word "determination" wherever occurring and by inserting instead the word "decision";

(i) by inserting after section 9 (6) the following subsection :—

(7) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

6. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from the matter relating to Part IV in section 1 (b) the words "AUCTION SALES — AFTER-AUCTION PURCHASES — TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES—AFTER-AUCTION AND AFTER-TENDER PURCHASES"; Sec. 1 (b). (Division into Parts.)

(ii) by omitting from the matter relating to Division 13 of Part VIII in section 1 (b) the matter "274A" and by inserting instead the matter "274B";

(b)

(b) by omitting from the heading to Part IV the words "AUCTION SALES—AFTER-AUCTION PURCHASES —TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES —AFTER-AUCTION AND AFTER-TENDER PURCHASES"; Heading to Part IV.

(c) by omitting section 63 and the short heading thereto and by inserting instead the following sections and short headings thereto :— Secs. 63, 63A.

Auction purchases.

63. (1) The Minister may, by notification published in the Gazette, authorise the sale by auction of any Crown lands specified in the notification. Auction purchases.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by public auction at such places (whether within or outside the land district in which the lands are situated), at such times and subject to such terms and conditions as the Minister determines and specifies in the notification.

Tender purchases.

63A. (1) The Minister may, by notification published in the Gazette, authorise the sale by tender of any Crown lands specified in the notification. Tender purchases.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by tender subject to such terms and conditions as the Minister determines and specifies in the notification.

(3) A notification under subsection (1) shall specify the period during which, and the manner in which, tenders must be lodged.

(4) The Minister may, subject to section 64D, accept any tender or may decide to accept none of the tenders.

(d) by omitting section 64 and the short heading thereto and by inserting instead the following section and short heading thereto :— Sec. 64.

After-auction and after-tender purchases.

64. (1) Where Crown lands have been offered for sale by auction but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-auction purchase") of those lands after the auction was held. After-auction and after-tender purchases.

(2) Where Crown lands have been offered for sale by tender but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-tender purchase") of those lands after the expiration of the period during which tenders must have been lodged.

(3) An applicant for an after-auction purchase or after-tender purchase shall—

(a) lodge with his application a deposit in accordance with the terms and conditions specified in the notification published under section 63 or 63A in respect of the lands applied for; and

(b) if the Minister approves the application, pay the balance of the purchase price in accordance with those terms and conditions.

(e) (i) by omitting the short heading to section 64A and by inserting instead the following short heading :— Sec. 64A. (Conditions relating to number of lots.)

Auction, tender, after-auction and after-tender purchases: conditions relating to number of lots.

(ii) by omitting from section 64A the words "by public auction at a Government auction sale, or is granted as an after-auction purchase in pursuance of section sixty-four of this Act" and by inserting instead the words "under this Part by auction or tender or by way of after-auction purchase or after-tender purchase";

(iii) by omitting from section 64A the words "auction sale or the approval of the Minister to the after-auction purchase" and by inserting instead the word "sale";

(iv) by omitting from section 64A the words "For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.";

(v)

(v) by inserting at the end of section 64A the following subsections :—

(2) For the purposes of this section—

(a) a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person; and

(b) the reference to the date of the sale is a reference—

(i) in the case of an auction purchase under this Part—to the date of the auction;

(ii) in the case of a tender purchase under this Part—to the date of acceptance of the tender by the Minister; or

(iii) in the case of an after-auction purchase or after-tender purchase—to the date of the approval of the application for the purchase.

(3) Nothing in this section affects the generality of section 63 (2) or 63A (2).

(f) by omitting section 64B and the short heading thereto; Sec. 64B. (Sales by tender.)

(g)

(g) by inserting before the short heading to section 65 the following sections and short headings thereto :— Secs. 64C–64F.

Auction, tender, after-auction and after-tender purchases: terms and conditions generally.

64C. (1) Every sale of lands by way of after-auction purchase or after-tender purchase shall be upon the terms and conditions specified in the notification published under section 63 or 63A in respect of those lands, except in so far as those terms and conditions are not applicable to or in relation to the after-auction purchase or after-tender purchase, as the case may be. Terms and conditions generally.

(2) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may relate to—

(a) lands to which the notification does not relate as well as to Crown lands to which it relates;

(b) the reclamation and improvement of any Crown lands;

(c) subject to any other law for the time being in force, the use to be made of the lands to which the notification relates, including the subdivision thereof and the erection of dwellings, shops or other buildings thereon; and

(d) the provision of amenities, roads and bridges to serve the lands to which the notification relates.

(3) If a purchaser under section 63, 63A or 64 fails to comply with any term or condition applicable to the sale, or if any money payable to the Crown in accordance with any such term or condition remains unpaid for the period of three months after the day when it falls due, the Minister may declare the purchase to have lapsed, and all money paid in respect of the purchase shall thereupon become forfeited.

(4) Notwithstanding subsection (3), the Minister may authorise the receipt of any money payable after the expiration of the period referred to therein and may waive compliance with any term or condition or grant an extension of time within which a purchaser may comply therewith.

(5) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may authorise deferred payments of the purchase price.

(6) Deferred payments referred to in subsection (5) shall bear interest—

(a) in the case of an auction purchase or tender purchase—at the rate which, at the date of the publication of the notification under section 63 or 63A relating to the purchase, is the prescribed rate; or

(b) in the case of an after-auction purchase or after-tender purchase—at the rate which, at the date of the approval of the application for the purchase, is the prescribed rate.

(7) The prescribed rate for the purposes of subsection (6) is eight per centum per annum or, where some other rate is prescribed, that other rate.

Auction, tender, after-auction and after-tender purchases: upset prices.

Upset prices.

64D. (1) The Minister may, by instrument in writing—

(a) determine the upset price for any Crown lands; and

(b) vary the upset price for those lands, but not during the currency of a contract for the sale of those lands.

(2) A notification shall not be published under section 63 or 63A in respect of any lands unless the upset price has been determined for those lands.

(3) Lands shall not be sold under section 63 or 63A for less than the upset price for those lands.

(4) Lands shall not be sold under section 64 except at the upset price for those lands.

(5) Lands shall not be sold under section 64 unless the upset price for the lands was stated in—

(a) the notification published under section 63 or 63A in respect of those lands; or

(b) another notification published in the Gazette before the application for the purchase was lodged.

Auction,

Auction, tender, after-auction and after-tender purchases: improvements.

Improvements.

64E. (1) The Minister shall, when determining or varying the upset price under section 64D for any Crown lands containing improvements, ensure that the upset price includes the capital value of the improvements.

(2) Notwithstanding Division 8 of Part VIII, the capital value of improvements shall, for the purposes of this section, be such amount as the Minister determines.

(3) Where Crown lands containing private improvements, or containing improvements that are the subject of tenant-right, are the subject of a notification under section 63 or 63A, the capital value of those improvements shall be stated in the notification.

(4) Where Crown lands containing improvements referred to in subsection (3) are sold under section 63, 63A or 64, any payments received by the Crown and made by or on behalf of the purchaser on account of those improvements shall be paid to the owner of the improvements or the person having the tenant-right, as the case may be.

(5) Where it becomes necessary, for the purposes of subsection (4), to apportion the capital value of improvements between two or more persons, the apportionment shall be effected in such manner as the Minister determines.

(6) Division 8 of Part VIII does not apply to or in relation to a person in his capacity as a purchaser of Crown lands sold under section 63, 63A or 64.

(7)

(7) In this section—

"capital value", in relation to improvements, has the meaning ascribed to the expression "capital value of improvements" in section 213;

"improvements" has the meaning ascribed to the expression "improvements" in section 213;

"private improvements" means improvements that are not the property of the Crown, as referred to in Division 8 of Part VIII;

"tenant-right" means tenant-right under Division 8 of Part VIII.

Auction, tender, after-auction and after-tender purchases: miscellaneous provisions.

Miscellaneous provisions.

64F. (1) Notwithstanding any other provisions of this Act (subsection (2) and Part IIIA excepted) or the Forestry Act, 1916, a notification under section 63 or 63A has the effect of revoking any classified areas, reserves under this Act or timber reserves under the Forestry Act, 1916, or parts of any such areas, reserves or timber reserves, within the boundaries of the lands to which the notification relates, unless the contrary is expressly declared by the terms of the notification.

(2) The revocation of a timber reserve is not effected by virtue of subsection (1) unless the consent thereto of the Minister administering the Forestry Act, 1916, has been obtained.

(3) The Governor may execute, in connection with a sale of lands under section 63, 63A or 64, such grants as he may consider necessary.

(4)

(4) The Minister may, by notification published in the Gazette, amend or revoke a notification under section 63 or 63A, but not after any of the lands to which the notification relates are sold.

(h) by omitting from section 65 the words "—being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales—"; Sec. 65. (Rescission of reservation of water frontage.)

(i) by omitting from section 66 (1) the words "being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales"; Sec. 66. (Miscellaneous special purchases.)

(j) by omitting from the matter relating to Division 13 in the heading to Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Part VIII.

(k) by omitting from the heading to Division 13 of Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Division 13 of Part VIII.

(l) by inserting after section 274A the following section and short heading thereto :— Sec. 274B.

Transfer of lands previously sold by auction, tender, after-auction or after-tender purchase.

274B. (1) Where any lands— Transfer of lands sold by auction, tender, after-auction or after-tender purchase.

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase; and

(b) are not the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (2), be transferred.

(2) Any lands referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any lands—

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase;

(b) were so sold subject to a condition for or in relation to the erection of a dwelling on the lands; and

(c) are the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any lands or any part thereof if the Minister has certified, in the prescribed form, that those lands may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the lands concerned, but does not authorise the transfer of lands in contravention of a condition of the kind referred to in section 64A.

(10) The Governor may execute, in connection with lands transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to lands sold before, as well as after, the commencement of this section, and subsection (3) applies only to lands sold after that commencement.

(2) The Closer Settlement (Amendment) Act, 1909, is amended— Amendment of Act No. 21, 1909.

(a) by inserting after section 21A the following section :— Sec. 21B.

21B. (1) Where any land— Transfer of land sold by auction or tender.

(a) has been sold by auction or tender under section 21 (6) ; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold by auction or tender under section 21 (6) ;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land ; and

(c)

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(b) by omitting from section 22 (3) the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919, as amended by subsequent Acts". Sec. 22. (Sale of certain land for special purposes.)

(3) The Closer Settlement (Amendment) Act, 1914, is amended by inserting after section 4 the following section :— Amendment of Act No. 7, 1914. Sec. 4A.

4A. (1) Where any land— Transfer of land sold by after-auction sale.

(a) has been sold under section 4; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold under section 4;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5)

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

7. (1) The Crown Lands Consolidation Act, 1913, is further amended by omitting from section 180 the words "in the Eastern or Central Division". Further amendment of Act No. 7, 1913. Sec. 180. (Deferring of payments.)

(2) The Western Lands Act, 1901, is further amended by omitting from section 20 the words "or the Crown Lands Acts". Further amendment of Act No. 70, 1901. Sec. 20. (Power to defer rent.)

8.

8. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 235 (4) the word "covenant" and by inserting instead the word "condition"; Sec. 235. (Reservations in Crown grants.)

(ii) by inserting at the end of section 235 (4) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b) (i) by omitting from section 235c the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 235c. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 235c the following paragraph :—

A condition attached to a sale or lease or permissive occupancy or homestead selection in accordance with this section has effect according to its tenor.

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

(a) (i) by omitting from section 22 (3) the word "covenant" and by inserting instead the word "condition"; Sec. 22. (Crown grants—reservations.)

(ii) by inserting at the end of section 22 (3) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b)

(b) (i) by omitting from section 23 the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 23. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 23 the following paragraph :—

A condition attached to a sale or lease in accordance with this section has effect according to its tenor.

9. The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by inserting after the definition of "Suburban holding" in section 5 (1) the following definition :— Sec. 5. (Interpretation of terms.)

"Under Secretary" means the person for the time being holding office or acting as the Under Secretary of the Department of Lands.

(ii) by inserting after the definition of "Vacant land" in section 5 (1) the following definition :—

"Vacant public lands" means Crown lands or lands granted, reserved or dedicated for public purposes, but does not include lands held under any lease or license from the Crown or the trustees of any such lands.

(b) by inserting in section 10 after the words "the Governor may" the words ", under and subject to the Public Service Act, 1902,"; Sec. 10. (Appointment of district staff of officers.)

(c) by omitting from section 18 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary"; Sec. 18. (Questions of lapse voidance or forfeiture.)

(d)

(d) (i) by inserting after section 59 (2D) the following subsections :— Sec. 59. (Special areas and conditional purchases therein.)

(2E) The Minister may, in a notification under subsection (1) or (2), declare that, in respect of the lands, or any part of the lands, set apart which are subject to a condition requiring the erection of a dwelling thereon, priority and preference shall be given to applications by persons who are married at the date of their applications.

(2F) If two or more applications are received in pursuance of a notification referred to in subsection (2E) in which a declaration under that subsection is made, the local land board, in dealing with those applications—

(a) shall first deal with—

(i) the blocks to which the declaration relates; and

(ii) all applications (if any) made by persons who (whether or not their spouses applied with them jointly) are married at the date of their applications,

disregarding all other blocks and all applications made by other persons; and

(b) if any blocks remain to be disposed of after paragraph (a) has been complied with (whether or not some or all of

those blocks are blocks to which the declaration relates)—shall then deal with—

(i) those remaining blocks; and

(ii) the other applications (if any), together with such of the applications (if any) dealt with under paragraph (a) as were not confirmed, disallowed or withdrawn,

disregarding the blocks disposed of under paragraph (a) and such of the applications (if any) dealt with under that paragraph as were confirmed, disallowed or withdrawn.

(2G) For the purposes of subsection (2F)—

(a) a man and a woman married by a subsisting marriage, whether monogamous or polygamous, shall if the marriage is lawful and binding in the place where it was solemnised be regarded as married; and

(b) a husband and wife living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be not married.

(ii) by inserting after section 59 (3C) the following subsection :—

(3CA) For the purposes of subsection (3C), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(e)

(e) (i) by omitting from section 62 (2) the words ", and shall not be less than at the rate of $39.50 per hectare for town lands, or $12.35 per hectare for suburban or other lands, or $12.35 for any area less than 1 hectare"; Sec. 62. (Improvement purchase within goldfield or mineral field.)

(ii) by omitting from section 62 (3) the words ", and for the purposes of this section improvements of value equal to the respective minimum prices aforesaid shall be sufficient";

(f) by omitting from paragraph (b) of the proviso to section 65 the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 65. (Rescission of reservation of water frontage.)

(g) by inserting in section 66 (2) (b) after the word "or" where firstly occurring the words "to or"; Sec. 66. (Miscellaneous special purchases.)

(h) by omitting from section 68 (4) the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 68. (Reclamation and purchase of land.)

(i) (i) by omitting from section 69A the word "Governor" and by inserting instead the word "Minister"; Sec. 69A. (Commonwealth, sale or lease of land to.)

(ii) by omitting from section 69A the words "and be deemed always to have had power";

(iii) by omitting from section 69A the words "grants, other assurances and instruments" and by inserting instead the words "instruments (other than grants of lands so sold)";

(iv) by inserting at the end of section 69A the following subsection :—

(2) The Governor may execute, in connection with a sale of lands under subsection (1), such grants as may be considered necessary.

(j) (i) by omitting from section 74 (1) the words "for four consecutive weeks and not less than four times" and by inserting instead the word "and"; Sec. 74. (Special leases for wharfs and jetties.)

(ii) by inserting in section 74 (1) after the words "if any," the words "not less than four weeks";

(iii) by inserting after section 74 (3) the following subsection :—

(4) At any time before the expiration of the four weeks mentioned in subsection (1), any person feeling aggrieved may lodge a complaint setting forth objections against the issue of a lease under this section, and those objections shall be duly heard and determined before the lease is issued.

(k) by omitting from section 75A (4) the words "land the subject of any such application is wholly or in part within a travelling stock reserve camping reserve or water reserve, or" and by inserting instead the words "whole or part of the land the subject of any such application"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(l) (i) by omitting section 75B (4); Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from section 75B (12) the word "four,";

(m)

(m) by omitting section 81 (4); Sec. 81. (Purchase of residential lease.)

(n) by omitting section 93 (5); Sec. 93. (Homestead grant.)

(o) by omitting section 123 (3); Sec. 123. (Homestead farm: inquiry by board and issue of grant.)

(p) by inserting after section 125 (1B) the following subsection :— Sec. 125. (Suburban holding application, how made and dealt with.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(q) by inserting after section 136B (1B) the following subsection :— Sec. 136B. (Applications for week-end leases.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(r) by omitting from section 166 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary"; Sec. 166. (Appraisements by local land boards.)

(s)

(s) by omitting from section 190 (4) the words "land is wholly or in part within a travelling stock reserve camping reserve or water reserve, or is land" and by inserting instead the words "whole or part of the land is"; Sec. 190. (Conversion of special lease.)

(t) by inserting after section 217 the following section and short heading thereto :— Sec. 217A.

Capital or rental value of Crown improvements on certain special leases let by tender.

217A. (1) Where the Minister calls, by notification published in the Gazette, for tenders for the lease under section 75 of any Crown lands containing improvements which are the property of the Crown, the Minister may, by the notification, require any person lodging a tender for the lease to state in the tender an amount which he is prepared to pay for the annual rent or purchase price of the improvements and, if that person states an amount for the purchase price, to state the term over which the purchase price is to be paid. Capital or rental value of Crown improvements: certain special leases let by tender.

(2) Where a tender which states an amount for the annual rent or purchase price of improvements, as required under subsection (1), is accepted by the Minister—

(a) the annual rent, or the purchase price and the term over which the purchase price is to be paid, shall be as stated in the tender;

(b) the purchase price (if any) of the improvements shall bear interest at the rate fixed by the Minister and specified in the notification calling for tenders; and

(c) sections 215 (1) and 216 (1) do not apply to or in respect of the improvements.

(3)

(3) A person who is paying an annual rent for improvements tendered in accordance with subsection (1) may, at any time after acceptance of his tender, apply to the Minister to pay the capital value of the improvements instead of the rent as tendered, and if the Minister approves the application the capital value of the improvements shall be determined in accordance with section 215 and payable in accordance with section 216.

(4) Where a person who is paying an annual rent for improvements tendered in accordance with subsection (1) applies under section 190 to convert the holding on which the improvements are situated, he shall become liable to pay the capital value of the improvements as an incoming tenant of the tenure into which the conversion is made.

(5) A tender referred to in this section shall not be accepted if the person lodging the tender states as the term over which the purchase price of the improvements is to be paid a period that exceeds the maximum period specified in that behalf in the notification or, where the maximum term is not so specified, that exceeds the term of the lease.

(6) A lease referred to in this section shall be liable to be forfeited if the improvements are not maintained in a reasonably good condition during the currency of the lease, but the lessee shall not be compelled to make good any damage caused by fire, flood or other inevitable accident.

(u) (i) by inserting in the short heading to section 231 after the word *"leases"* the words *"or purchases"*; Sec. 231. (Surrender of leases or purchases.)

(ii)

(ii) by inserting in section 231 after the word "lease" where firstly occurring the words "or purchase";

(iii) by inserting in section 231 after the word "Act" the words ", other than a lease or purchase of land within an irrigation area,";

(iv) by inserting in section 231 after the word "lease" where secondly occurring the words "or purchase under this Act of land";

(v) by inserting at the end of section 231 the following subsection :—

(2) A surrender under this section does not operate to extinguish any debt to the Crown relating to the lease or purchase surrendered, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(v) by inserting after section 233 (1) the following subsection :— Sec. 233. (Withdrawal from lease or license.)

(1A) A withdrawal under this section does not operate to extinguish any debt to the Crown relating to the lands withdrawn, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(w) by inserting after section 244 the following sections and short headings thereto :— Secs. 244A, 244B.

Evidence—Certificate as to status of lands.

Under Secretary's certificate as to status of lands to be evidence.

244A. (1) A certificate signed by the Under Secretary certifying—

(a) that any lands described or referred to in the certificate were Crown lands within the meaning of this Act at any time or during any period specified in the certificate;

(b) that any lands so described or referred to were granted, reserved or dedicated for any public purpose on a day so specified and that the grant, reservation or dedication remained in force as at a time or during a period so specified; or

(c) that any lands so described or referred to were not the subject of a lease or license at any time or during any period so specified,

is admissible in any legal proceedings (whether under this Act or otherwise) and shall be prima facie evidence of the matters so certified.

(2) Where the court before which any legal proceedings are brought is satisfied that the proceedings were brought wholly or partly for the purpose of determining title to land, a certificate under subsection (1) is not admissible in those proceedings.

(3)

(3) Nothing in this section authorises a court to determine any matter that, had this section not been enacted, it would not have been authorised to determine.

Evidence—Certificate as to authorised persons.

Under Secretary's certificate as to authorisation of a person.

244B. A certificate signed by the Under Secretary certifying that a person specified in the certificate was, at a time or during a period so specified, an authorised person within the meaning of section 254C or 254D is admissible in any proceedings under this Act and shall be prima facie evidence of the matters so certified.

Secs. 254–254D.

(x) by omitting section 254 and the short heading thereto and by inserting instead the following sections and short headings thereto :—

Offences on Crown lands or dedicated lands.

Offences on Crown lands or dedicated lands.

254. (1) In this section—

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c)

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) A person shall not, without lawful authority—

(a) reside on any public lands;

(b) erect any structure on any public lands;

(c) depasture stock on any public lands;

(d) drive stock on any public lands;

(e) clear, dig up or cultivate any public lands;

(f) enclose any public lands (other than a road or watercourse);

(g) fail to pay any rent due and payable in respect of the actual enclosure of any public lands comprised in a road or watercourse;

(h) remove, or cause to be removed, from any public lands, or cut, dig up, disturb, displace, stack, heap or in any other way interfere with, any tree, timber, turf, stone, clay, shells, earth, sand, gravel or any thing of whatever kind, whether growing on or in, or being in, on or under or forming part of, any public lands; or

(i) deposit or cause to be deposited, or leave or cause to be left, on any public lands—

(i) any rubbish, litter, refuse, dead animal, filth or other similar matter; or

(ii) any matter of a prescribed class or description, whether or not of a kind referred to in subparagraph (i),

except in a place or receptacle provided for the purpose.

Penalty : $100 for the first offence, $200 for the second offence and $1,000 for any subsequent offence.

(3) The Minister may cause a notice to be served on a person prohibiting him from making use, without lawful authority, of any structure erected on any public lands.

(4) A person on whom a notice is served under subsection (3) shall not, without lawful authority, make use of a structure to which the notice relates after the expiration of the period specified in the notice.

Penalty : $200.

(5) In addition to any penalty imposed for an offence arising under this section, a person guilty of the offence is liable to pay such sum by way of compensation as the court before which the person is convicted may order.

(6) Any sum ordered to be paid under subsection (5) shall be paid by the offender to the clerk of the court, to be by him paid to the Under Secretary.

(7) Any order under subsection (5) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

(8) Where any proceedings are taken against a person for an offence arising under this section and the court before which the proceedings are brought is not satisfied that he is guilty of the offence, but is satisfied that he is guilty of an attempt to commit the offence, the court may acquit him of the offence charged and find him guilty of attempting to commit the offence, and he is liable to the same penalty as if he had been found guilty of the offence.

(9) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to a reserve within the meaning of section 37M, or of any by-laws applying to such a reserve, but a person is not liable to be punished twice for an act or omission that constitutes an offence both under this section and any other such provision.

(10) By-laws applying to a reserve within the meaning of section 37M may contain provisions having the effect of authorising any act or omission that would, but for the by-laws and this subsection, constitute an offence arising under this section, but nothing in this subsection authorises the making of by-laws that could not be made if this section were not in force.

(11) In proceedings for an offence arising under this section, the defendant has the onus of proving lawful authority in relation to the act or omission giving rise to the alleged offence.

Removal

Removal of unauthorised structures from Crown lands or dedicated lands.

254A. (1) In this section— Removal of unauthorised structures from Crown lands or dedicated lands.

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) The Minister may cause or authorise any structure erected without lawful authority on public lands to be removed, together with the contents of the structure.

(3) If a notice requiring any person who claims to have authority to erect, maintain or use a structure erected on any public lands, or any part of the structure, or any person who claims any interest in the structure, to deliver to the Minister a statement in writing signed by that person stating by what authority he erected or is entitled to

maintain

maintain or use the structure or part or by what authority he claims any interest in the structure, is—

(a) displayed for a period of one month on or adjacent to the structure; or

(b) published in a local newspaper or such other newspaper (if any) as the Minister may determine,

any person who, within one month after the expiration of that period or within one month after publication of that notice, fails to deliver such a statement to the Minister shall have no claim against the Minister or any other person removing the structure or contents in accordance with subsection (2).

(4) The Minister may at his option cause or authorise any structure or part thereof or the contents thereof removed in accordance with subsection (2) to be destroyed or sold, or stored (and, if stored, then destroyed or sold), or may sell the structure or contents on condition that it or they be removed, and may recover in any court of competent jurisdiction the expenses incurred in the removal, destruction, sale or storage of the structure or part thereof or the contents thereof from the person who—

(a) erected the structure or caused it to be erected; or

(b) has made use of the structure after—

(i) if a notice was served on him under section 254 (3) in respect of the structure—the expiration of the period specified in the notice; or

(ii) if a notice was displayed under sub-section (3) in respect of the structure—the expiration of the period of one month for which it was so displayed,

or both.

(5) Subsection (4) (b) (ii) does not apply in relation to a person unless it is established that he knew of, or ought reasonably to have known of, the notice.

Vehicles on vacant public lands.

Vehicles on vacant public lands.

254B. (1) In this section, "vehicle" includes—

(a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

(b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(c) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed.

(2)

(2) The Minister may give such directions as to the bringing of vehicles into, and the use and parking of vehicles in, any vacant public lands as he thinks fit, and any such direction—

(a) may be limited as to time, place or subject-matter; and

(b) may be varied or revoked by the Minister.

(3) A direction given pursuant to subsection (2) shall have effect only while there is erected or displayed upon or near, or marked upon, the lands to which the direction relates a sign that is notice of the direction.

(4) The direction appearing upon a sign that is erected or displayed upon or near, or marked upon, any vacant public lands with the authority of the Minister shall be deemed to be a direction, for the time being in force, given pursuant to subsection (2) in relation to those lands, and the sign shall, for the purposes of subsection (3), be deemed to be notice of that direction.

(5) A person shall not contravene or fail to comply with a direction having effect under this section.

Penalty : $200.

(6) A person shall not interfere with, alter or remove any sign erected or displayed with the authority of the Minister upon or near, or marked with that authority upon, any vacant public lands.

Penalty : $200.

(7) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to vehicles on vacant public lands, or any by-laws applying to any vacant public lands.

(8) An allegation, in an information in respect of an offence arising under this section, that a sign was erected, displayed or marked with the authority of the Minister or his delegate, or that a sign was interfered with, altered or removed without the authority of the Minister or his delegate, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

Impounding of animals.

Impounding.

254c. (1) In this section, "authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section.

(2) For the purposes of—

(a) the Impounding Act, 1898, sections 44, 45 and 46 excepted; and

(b)

(b) Part XVIII of the Local Government Act, 1919, sections 438 and 439 excepted,

the Minister shall be deemed to be the occupant of vacant public lands.

(3) An authorised person may exercise any power conferred on the Minister by virtue of this section.

(4) An authorised person may, on behalf of the Minister, take proceedings in any court of competent jurisdiction for the trespass committed on the vacant public lands by animals impounded by virtue of this section.

(5) For the purposes of subsection (4), the Minister shall be deemed to be in exclusive possession of vacant public lands.

(6) Nothing in this section prevents the laying of any information for an offence arising under section 254 or affects any proceedings for such an offence.

Requirement to state name and address.

Requirement to state name and address.

254D. (1) In this section—

"authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled wholly or partly by volatile spirit, steam, gas, oil or electricity.

(2) An authorised person may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(3) An authorised person may require the driver of a motor vehicle on vacant public lands to produce his driver's licence and to state his full name and his place of abode.

(4) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (2) or (3); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection : $200.

(y) (i) by omitting from section 255A the words "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951," and by inserting instead the words "section 9 (y) of the Crown Lands and Other Acts (Amendment) Act, 1975,"; Sec. 255A. (Authorised person for purposes of sec. 254C, 254D or 255.)

(ii)

(ii) by omitting from section 255A the words "as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act" and by inserting instead the words "by the Minister as provided by section 254C, 254D or 255";

(z) by omitting from section 274A the words "to a qualified person". Sec. 274A. (Transfer of week-end leases.)

10. The Prickly-pear Act, 1924, is amended— Amendment of Act No. 31, 1924.

(a) (i) by omitting from section 9 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 9. (Duty of all owners and occupiers of land free from pear.)

(ii) by omitting from section 9 the words "one hundred dollars" and by inserting instead the matter "$200";

(b) (i) by omitting from section 11 (4) the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 11. (Infested lands.)

(ii) by omitting from section 11 (4) the words "one hundred dollars" and by inserting instead the matter "$200";

(iii) by omitting from section 11 (4) the word "second" and by inserting instead the word "subsequent";

(c) by omitting from section 29 the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 29. (Penalty where not otherwise provided.)

(d) by omitting from section 31 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 31. (Penalty for impersonating the Commissioner or an inspector, etc.)

(e) by omitting from section 32 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 32. (Penalty for hindering work, etc.)

(f) by omitting from section 34 (2) the words "twenty dollars" and by inserting instead the matter "$100". Sec. 34. (Regulations.)

11. The Closer Settlement Amendment (Conversion) Act, 1943, is amended by omitting section 12 (2). Amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

12. The Closer Settlement and Public Reserves Fund Act, 1970, is further amended by inserting after section 5 (h) the following paragraph :— Further amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(i) any other moneys that have been received by or on behalf of the State or the Minister for the purchase or acquisition of land for a public reserve, or for the maintenance, improvement or development of a public reserve, and whose payment into the Closer Settlement and Public Reserves Fund has been approved by the Treasurer.

13. The Crown Lands and Other Acts (Reserves) Amendment Act, 1974, is amended by omitting from section 10 (a) the words "after the words 'of this Act,' where secondly occurring" and by inserting instead the words "before the word 'and' ". Amendment of Act No. 37, 1974. Sec. 10. (Amendment of Act No. 41, 1919.)

PART

PART III.

SAVINGS AND TRANSITIONAL PROVISIONS.

Local land boards.

14. (1) A person holding office under section 11 of the Crown Lands Consolidation Act, 1913, immediately before the commencement of section 5 (1), as—

(a) the chairman of a local land board—shall be deemed to have been appointed as such by the Governor; or

(b) a member of a local land board, other than the chairman—shall be deemed to have been appointed as such by the Minister,

under section 11 of that Act, as amended by section 5 (1).

(2) A person holding office under section 9 of the Western Lands Act, 1901, immediately before the commencement of section 5 (2), as an appointed member of a local land board shall be deemed to have been appointed as such under section 9 of that Act, as amended by section 5 (2).

(3) A reference in section 20 (2) and (3) of the Crown Lands Consolidation Act, 1913, as amended by section 5 (1) (d), to a decision made by a local land board or chairman or special land board includes a reference to a decision made by such a board or chairman before, as well as after, the commencement of section 5 (1) (d).

Auction sales, etc.

15. (1) Lands sold before the commencement of section 6 (1)—

(a) by auction under section 63 of the Crown Lands Consolidation Act, 1913, shall be deemed to have been sold by auction under section 63 of that Act, as amended by section 6 (1);

(b) by tender under section 64B of that Act shall be deemed to have been sold by tender under section 63A of that Act, as amended by section 6 (1); or

(c) by way of after-auction purchase under section 64 of that Act shall be deemed to have been sold by way of after-auction purchase under section 64 of that Act, as amended by section 6 (1),

and any term or condition (including a term or condition of the kind referred to in section 64A of that Act) applicable to those lands immediately before that commencement continues in force accordingly.

(2) A notification published under section 63 (1) of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1), shall be deemed to be a notification published under section 63 of that Act, as amended by section 6 (1).

(3) An application for an after-auction purchase made under section 64 of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1) and pending immediately before that commencement, shall be deemed to be an application for an after-auction purchase made under section 64 of that Act, as amended by section 6 (1).

(4) Notwithstanding anything in this section, the rate at which interest is payable on deferred payments of the purchase price in respect of lands referred to in subsection (1), or lands sold in consequence of a notification referred to in subsection (2), is the rate at which interest would have been payable had section 6 (1) not been enacted.

Deferment of payments.

16. Anything done, before the commencement of section 7, under section 20 of the Western Lands Act, 1901, in relation to rent or other moneys due under the Crown Lands Acts shall be deemed to have been done under section 180 of the Crown Lands Consolidation Act, 1913, as amended by section 7 (1).

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

New South Wales

ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* *

Act No. 70, 1975.

An Act relating to the grant of easements over Crown lands and certain other lands; to make further provisions respecting local land boards and the sale of Crown lands by auction or tender; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Western Lands Act, 1901, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924, the Closer Settlement and Public Reserves Fund Act, 1970, and the Crown Lands and Other Acts (Reserves) Amendment Act, 1974; and for purposes connected therewith. [Assented to, 6th November, 1975.]

BE

P 2051—A [64c]

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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1975".

Commencement.

2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act.

(2) The several provisions of sections 4, 5, 6, 7 and 9 (a) (ii), (d), (f), (h), (i), (j), (p), (q), (v), (w), (x), (y) and (z) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 8 shall be deemed to have commenced on 23rd March, 1964.

(4) Section 13 shall be deemed to have commenced on 1st June, 1974.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—AMENDMENT OF ACTS—*ss.* 4–13.

PART III.—SAVINGS AND TRANSITIONAL PROVISIONS—*ss.* 14–16.

PART

PART II.

AMENDMENT OF ACTS.

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

(a) by inserting after the matter relating to Part VA in section 1 (b) the following matter :— Sec. 1 (b). (Division into Parts.)

PART VB.—EASEMENTS—*section* 136L.

(b) by inserting after Part VA the following Part :— Part VB.

PART VB.

EASEMENTS.

136L. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder", in relation to any lands, means the person who is registered in the books of the Department of Lands or the Western Lands Commissioner as the holder of those lands and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed

"prescribed lands" means lands vested in Her Majesty, except—

(a) lands lawfully contracted to be granted in fee simple under this or any other Act;

(b) lands subject to the provisions of the Real Property Act, 1900;

(c) lands comprised in a lease in perpetuity granted under this or any other Act, other than the Western Lands Act, 1901;

(d) lands comprised in a homestead selection; and

(e) lands reserved as, or as part of, a state recreation area under section 37B.

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed lands; and

(b) at any time that any lands having the benefit of an easement so granted are vested in Her Majesty—release the easement benefiting those lands.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed lands—that any holder of the lands at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the lands having the benefit of the easement at the time of the approval has consented to the release.

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to lands notwithstanding that, at the time the easement is granted, those lands are vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that lands having the benefit of the easement or lands having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

Amendment of Act No. 37, 1904. Part IVA.

(2) The Closer Settlement Act, 1904, is amended by inserting after Part IV the following Part :—

PART IVA.

EASEMENTS.

Easements.

39A. (1) In this section—

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder",

"holder", in relation to any land, means the person who is registered in the books of the Department of Lands as the holder of that land and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed land" means land acquired under the Closer Settlement Acts, except—

(a) land lawfully contracted to be granted in fee simple;

(b) land subject to the provisions of the Real Property Act, 1900; and

(c) land comprised in a lease in perpetuity (whether under this or any other Act).

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed land; and

(b) at any time that any land having the benefit of an easement so granted is vested in Her Majesty —release the easement benefiting that land.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed land—that any holder of the land at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the land having the benefit of the easement at the time of the approval has consented to the release.

(4)

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to land notwithstanding that, at the time the easement is granted, that land is vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that land having the benefit of the easement or land having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11)

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(3) The Closer Settlement and Public Reserves Fund Act, 1970, is amended by inserting after section 5 (g1) the following paragraph :— Amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(g2) any moneys directed by the Minister to be paid into the Closer Settlement and Public Reserves Fund out of compensation paid pursuant to a condition imposed under section 136L of the Crown Lands Consolidation Act, 1913, or section 39A of the Closer Settlement Act, 1904.

5. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 11 (1) the words ", and shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown"; Sec. 11. (Local land boards.)

(ii) by inserting in section 11 (1) before the words "Any member other than" the following words :—

One of the members of a local land board shall be appointed by the Governor under and subject to the Public Service Act, 1902, and shall be chairman of the board, and any other members of the board shall be appointed by the Minister.

(iii) by omitting from section 11 (1) the following words :—

One of such members shall be the chairman, who shall be paid such salary as Parliament may sanction.

(iv) by omitting from section 11 (1) the following words :—

Every other member of the local land board shall be paid such fee for each sitting as may be prescribed.

and by inserting instead the following words :—

A member of a local land board, other than the chairman, shall be entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member.

(v) by inserting in section 11 (1) after the words "and the Governor" the words ", in the case of the chairman, or the Minister, in the case of a member other than the chairman,";

(vi) by omitting from section 11 (2) the word "Governor" and by inserting instead the word "Minister";

(vii) by omitting from section 11 (3) the words "by the Governor" where firstly occurring;

Sec. 12. (Decisions of board.)

(b) (i) by inserting in section 12 after the word "one" the word "other";

(ii)

(ii) by omitting from section 12 the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court :" and by inserting instead the following words :—

A decision supported by a majority of the votes cast by the members of the local land board shall be the decision of the board. The board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(iii) by omitting from section 12 the words "Provided, however, that the" and by inserting instead the word "The";

(iv) by omitting from section 12 the words "or adjudication";

(v) by inserting at the end of section 12 the following subsections :—

(2) Subject to subsection (4), when a local land board reaches a decision, each member shall give a written statement of the reasons

assigned

assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3) The decision of a local land board given under subsection (1) in open court shall be accompanied by each statement required to be given under subsection (2).

(4) Subsection (2) does not apply in relation to any prescribed class of decisions or to a chairman when acting on behalf of a local land board.

(5) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

Sec. 13A. (Member of one land board may act on the board of another district.)

(c) by omitting from section 13A the words "by the Governor";

Sec. 20. (References by Minister to Land and Valuation Court generally.)

(d) (i) by omitting from section 20 (1) the words "decision or recommendation" and by inserting instead the words "adjudication, decision, determination, award, report or recommendation";

(ii) by omitting from section 20 (2) the words "report or recommendation" wherever occurring and by inserting instead the word "decision";

(iii) by omitting from section 20 (2) the words "to the Minister, whether in pursuance of a reference under section seventeen or otherwise";

(iv) by inserting after section 20 (2) the following subsection :—

(3) In subsection (2), "decision" means adjudication, decision, determination, award, report or recommendation.

(2) The Western Lands Act, 1901, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from section 9 (3) (a) (ii) the word "Governor" and by inserting instead the word "Minister"; Sec. 9. (Power to establish administrative districts.)

(b) by omitting from section 9 (3) (e) the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court:" and by inserting instead the following words :—

The local land board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(c)

(c) by omitting from section 9 (3) (e) the words "Provided, however, that the" and by inserting instead the word "The";

(d) by omitting from section 9 (3) (e) the words "or adjudication";

(e) by inserting after section 9 (3) the following subsections :—

(3A) Subject to subsection (3C), when a local land board reaches a decision, each member shall give a written statement of the reasons assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3B) The decision of a local land board given under subsection (3) (e) shall be accompanied by each statement required to be given under subsection (3A).

(3C) Subsection (3A) does not apply in relation to any prescribed class of decisions or to an Assistant Commissioner when acting on behalf of a local land board.

(f) by omitting from section 9 (4) the words "paid such fee for each sitting as may be prescribed" and by inserting instead the words "entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member";

(g)

(g) by omitting from section 9 (4) the word "Governor" and by inserting instead the word "Minister";

(h) by omitting from section 9 (6) (b) the word "determination" wherever occurring and by inserting instead the word "decision";

(i) by inserting after section 9 (6) the following subsection :—

(7) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

6. (1) The Crown Lands Consolidation Act, 1913, is further amended— **Further amendment of Act No. 7, 1913.**

(a) (i) by omitting from the matter relating to Part IV in section 1 (b) the words "AUCTION SALES — AFTER-AUCTION PURCHASES — TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES—AFTER-AUCTION AND AFTER-TENDER PURCHASES"; **Sec. 1 (b). (Division into Parts.)**

(ii) by omitting from the matter relating to Division 13 of Part VIII in section 1 (b) the matter "274A" and by inserting instead the matter "274B";

(b)

Heading to Part IV.

(b) by omitting from the heading to Part IV the words "AUCTION SALES—AFTER-AUCTION PURCHASES —TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES —AFTER-AUCTION AND AFTER-TENDER PURCHASES";

Secs. 63, 63A.

(c) by omitting section 63 and the short heading thereto and by inserting instead the following sections and short headings thereto :—

Auction purchases.

Auction purchases.

63. (1) The Minister may, by notification published in the Gazette, authorise the sale by auction of any Crown lands specified in the notification.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by public auction at such places (whether within or outside the land district in which the lands are situated), at such times and subject to such terms and conditions as the Minister determines and specifies in the notification.

Tender purchases.

Tender purchases.

63A. (1) The Minister may, by notification published in the Gazette, authorise the sale by tender of any Crown lands specified in the notification.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by tender subject to such terms and conditions as the Minister determines and specifies in the notification.

(3)

(3) A notification under subsection (1) shall specify the period during which, and the manner in which, tenders must be lodged.

(4) The Minister may, subject to section 64D, accept any tender or may decide to accept none of the tenders.

(d) by omitting section 64 and the short heading thereto and by inserting instead the following section and short heading thereto :— Sec. 64.

After-auction and after-tender purchases.

64. (1) Where Crown lands have been offered for sale by auction but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-auction purchase") of those lands after the auction was held. After-auction and after-tender purchases.

(2) Where Crown lands have been offered for sale by tender but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-tender purchase") of those lands after the expiration of the period during which tenders must have been lodged.

(3)

(3) An applicant for an after-auction purchase or after-tender purchase shall—

(a) lodge with his application a deposit in accordance with the terms and conditions specified in the notification published under section 63 or 63A in respect of the lands applied for; and

(b) if the Minister approves the application, pay the balance of the purchase price in accordance with those terms and conditions.

Sec. 64A. (Conditions relating to number of lots.)

(e) (i) by omitting the short heading to section 64A and by inserting instead the following short heading :—

Auction, tender, after-auction and after-tender purchases: conditions relating to number of lots.

(ii) by omitting from section 64A the words "by public auction at a Government auction sale, or is granted as an after-auction purchase in pursuance of section sixty-four of this Act" and by inserting instead the words "under this Part by auction or tender or by way of after-auction purchase or after-tender purchase";

(iii) by omitting from section 64A the words "auction sale or the approval of the Minister to the after-auction purchase" and by inserting instead the word "sale";

(iv) by omitting from section 64A the words "For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.";

(v)

(v) by inserting at the end of section 64A the following subsections :—

(2) For the purposes of this section—

(a) a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person; and

(b) the reference to the date of the sale is a reference—

(i) in the case of an auction purchase under this Part—to the date of the auction;

(ii) in the case of a tender purchase under this Part—to the date of acceptance of the tender by the Minister; or

(iii) in the case of an after-auction purchase or after-tender purchase—to the date of the approval of the application for the purchase.

(3) Nothing in this section affects the generality of section 63 (2) or 63A (2).

(f) by omitting section 64B and the short heading thereto; Sec. 64B. (Sales by tender.)

(g)

Secs. 64C–64F.

(g) by inserting before the short heading to section 65 the following sections and short headings thereto :—

Auction, tender, after-auction and after-tender purchases: terms and conditions generally.

Terms and conditions generally.

64C. (1) Every sale of lands by way of after-auction purchase or after-tender purchase shall be upon the terms and conditions specified in the notification published under section 63 or 63A in respect of those lands, except in so far as those terms and conditions are not applicable to or in relation to the after-auction purchase or after-tender purchase, as the case may be.

(2) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may relate to—

(a) lands to which the notification does not relate as well as to Crown lands to which it relates;

(b) the reclamation and improvement of any Crown lands;

(c) subject to any other law for the time being in force, the use to be made of the lands to which the notification relates, including the subdivision thereof and the erection of dwellings, shops or other buildings thereon; and

(d) the provision of amenities, roads and bridges to serve the lands to which the notification relates.

(3) If a purchaser under section 63, 63A or 64 fails to comply with any term or condition applicable to the sale, or if any money payable to the Crown in accordance with any such term or condition remains unpaid for the period of three months after the day when it falls due, the Minister may declare the purchase to have lapsed, and all money paid in respect of the purchase shall thereupon become forfeited.

(4) Notwithstanding subsection (3), the Minister may authorise the receipt of any money payable after the expiration of the period referred to therein and may waive compliance with any term or condition or grant an extension of time within which a purchaser may comply therewith.

(5) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may authorise deferred payments of the purchase price.

(6) Deferred payments referred to in subsection (5) shall bear interest—

(a) in the case of an auction purchase or tender purchase—at the rate which, at the date of the publication of the notification under section 63 or 63A relating to the purchase, is the prescribed rate; or

(b) in the case of an after-auction purchase or after-tender purchase—at the rate which, at the date of the approval of the application for the purchase, is the prescribed rate.

(7) The prescribed rate for the purposes of subsection (6) is eight per centum per annum or, where some other rate is prescribed, that other rate.

Auction, tender, after-auction and after-tender purchases: upset prices.

Upset prices.

64D. (1) The Minister may, by instrument in writing—

(a) determine the upset price for any Crown lands; and

(b) vary the upset price for those lands, but not during the currency of a contract for the sale of those lands.

(2) A notification shall not be published under section 63 or 63A in respect of any lands unless the upset price has been determined for those lands.

(3) Lands shall not be sold under section 63 or 63A for less than the upset price for those lands.

(4) Lands shall not be sold under section 64 except at the upset price for those lands.

(5) Lands shall not be sold under section 64 unless the upset price for the lands was stated in—

(a) the notification published under section 63 or 63A in respect of those lands; or

(b) another notification published in the Gazette before the application for the purchase was lodged.

Auction,

Auction, tender, after-auction and after-tender purchases: improvements.

64E. (1) The Minister shall, when determining or varying the upset price under section 64D for any Crown lands containing improvements, ensure that the upset price includes the capital value of the improvements. **Improvements.**

(2) Notwithstanding Division 8 of Part VIII, the capital value of improvements shall, for the purposes of this section, be such amount as the Minister determines.

(3) Where Crown lands containing private improvements, or containing improvements that are the subject of tenant-right, are the subject of a notification under section 63 or 63A, the capital value of those improvements shall be stated in the notification.

(4) Where Crown lands containing improvements referred to in subsection (3) are sold under section 63, 63A or 64, any payments received by the Crown and made by or on behalf of the purchaser on account of those improvements shall be paid to the owner of the improvements or the person having the tenant-right, as the case may be.

(5) Where it becomes necessary, for the purposes of subsection (4), to apportion the capital value of improvements between two or more persons, the apportionment shall be effected in such manner as the Minister determines.

(6) Division 8 of Part VIII does not apply to or in relation to a person in his capacity as a purchaser of Crown lands sold under section 63, 63A or 64.

(7) In this section—

"capital value", in relation to improvements, has the meaning ascribed to the expression "capital value of improvements" in section 213;

"improvements" has the meaning ascribed to the expression "improvements" in section 213;

"private improvements" means improvements that are not the property of the Crown, as referred to in Division 8 of Part VIII;

"tenant-right" means tenant-right under Division 8 of Part VIII.

Auction, tender, after-auction and after-tender purchases: miscellaneous provisions.

Miscellaneous provisions.

64F. (1) Notwithstanding any other provisions of this Act (subsection (2) and Part IIIA excepted) or the Forestry Act, 1916, a notification under section 63 or 63A has the effect of revoking any classified areas, reserves under this Act or timber reserves under the Forestry Act, 1916, or parts of any such areas, reserves or timber reserves, within the boundaries of the lands to which the notification relates, unless the contrary is expressly declared by the terms of the notification.

(2) The revocation of a timber reserve is not effected by virtue of subsection (1) unless the consent thereto of the Minister administering the Forestry Act, 1916, has been obtained.

(3) The Governor may execute, in connection with a sale of lands under section 63, 63A or 64, such grants as he may consider necessary.

(4)

(4) The Minister may, by notification published in the Gazette, amend or revoke a notification under section 63 or 63A, but not after any of the lands to which the notification relates are sold.

(h) by omitting from section 65 the words "—being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales—"; Sec. 65. (Rescission of reservation of water frontage.)

(i) by omitting from section 66 (1) the words "being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales"; Sec. 66. (Miscellaneous special purchases.)

(j) by omitting from the matter relating to Division 13 in the heading to Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Part VIII.

(k) by omitting from the heading to Division 13 of Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Division 13 of Part VIII.

(l) by inserting after section 274A the following section and short heading thereto :— Sec. 274B.

Transfer of lands previously sold by auction, tender, after-auction or after-tender purchase.

274B. (1) Where any lands— Transfer of lands sold by auction, tender, after-auction or after-tender purchase.

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase; and

(b) are not the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (2), be transferred.

(2)

(2) Any lands referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any lands—

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase;

(b) were so sold subject to a condition for or in relation to the erection of a dwelling on the lands; and

(c) are the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any lands or any part thereof if the Minister has certified, in the prescribed form, that those lands may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9)

(9) This section has effect notwithstanding any conditions applicable to the lands concerned, but does not authorise the transfer of lands in contravention of a condition of the kind referred to in section 64A.

(10) The Governor may execute, in connection with lands transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to lands sold before, as well as after, the commencement of this section, and subsection (3) applies only to lands sold after that commencement.

(12) Where any lands referred to in subsection (2) or (3) have been sold subject to a condition for or in relation to the erection of a dwelling on the lands, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to those lands if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any lands referred to in subsection (2) if any condition subject to which the lands were sold remains to be complied with; or

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

Amendment of Act No. 21, 1909. Sec. 21B.

(2) The Closer Settlement (Amendment) Act, 1909, is amended—

(a) by inserting after section 21A the following section :—

Transfer of land sold by auction or tender.

21B. (1) Where any land—

(a) has been sold by auction or tender under section 21 (6); and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold by auction or tender under section 21 (6);

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6)

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(12) Where any land referred to in subsection (2) or (3) has been sold subject to a condition for or in relation to the erection of a dwelling on the land, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to that land if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any land referred to in subsection (2) if any condition subject to which the land was sold remains to be complied with; or

(b)

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

Sec. 22. (Sale of certain land for special purposes.)

(b) by omitting from section 22 (3) the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919, as amended by subsequent Acts".

Amendment of Act No. 7, 1914.

(3) The Closer Settlement (Amendment) Act, 1914, is amended by inserting after section 4 the following section :—

Sec. 4A.

Transfer of land sold by after-auction sale.

4A. (1) Where any land—

(a) has been sold under section 4; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold under section 4;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5)

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(12) Where any land referred to in subsection (2) or (3) has been sold subject to a condition for or in relation to the erection of a dwelling on the land, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to that land if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any land referred to in subsection (2) if any condition subject to which the land was sold remains to be complied with; or

(b)

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

Further amendment of Act No. 7, 1913.

Sec. 180. (Deferring of payments.)

7. (1) The Crown Lands Consolidation Act, 1913, is further amended by omitting from section 180 the words "in the Eastern or Central Division".

Further amendment of Act No. 70, 1901.

Sec. 20. (Power to defer rent.)

(2) The Western Lands Act, 1901, is further amended by omitting from section 20 the words "or the Crown Lands Acts".

Further amendment of Act No. 7, 1913.

8. (1) The Crown Lands Consolidation Act, 1913, is further amended—

Sec. 235. (Reservations in Crown grants.)

(a) (i) by omitting from section 235 (4) the word "covenant" and by inserting instead the word "condition";

(ii) by inserting at the end of section 235 (4) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

Sec. 235c. (Subsidence: protection from claims.)

(b) (i) by omitting from section 235c the word "covenant" wherever occurring and by inserting instead the word "condition";

(ii)

(ii) by inserting at the end of section 235c the following paragraph :—

A condition attached to a sale or lease or permissive occupancy or homestead selection in accordance with this section has effect according to its tenor.

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

(a) (i) by omitting from section 22 (3) the word "covenant" and by inserting instead the word "condition"; Sec. 22. (Crown grants—reservations.)

(ii) by inserting at the end of section 22 (3) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b) (i) by omitting from section 23 the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 23. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 23 the following paragraph :—

A condition attached to a sale or lease in accordance with this section has effect according to its tenor.

Further amendment of Act No. 7, 1913.

9. The Crown Lands Consolidation Act, 1913, is further amended—

Sec. 5. (Interpretation of terms.)

(a) (i) by inserting after the definition of "Suburban holding" in section 5 (1) the following definition :—

"Under Secretary" means the person for the time being holding office or acting as the Under Secretary of the Department of Lands.

(ii) by inserting after the definition of "Vacant land" in section 5 (1) the following definition :—

"Vacant public lands" means Crown lands or lands granted, reserved or dedicated for public purposes, but does not include lands held under any lease or license from the Crown or the trustees of any such lands.

Sec. 10. (Appointment of district staff of officers.)

(b) by inserting in section 10 after the words "the Governor may" the words ", under and subject to the Public Service Act, 1902,";

Sec. 18. (Questions of lapse voidance or forfeiture.)

(c) by omitting from section 18 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary";

(d)

(d) by inserting after section 59 (3c) the following subsection :— Sec. 59. (Special areas and conditional purchases therein.)

(3CA) For the purposes of subsection (3c), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(e) (i) by omitting from section 62 (2) the words ", and shall not be less than at the rate of $39.50 per hectare for town lands, or $12.35 per hectare for suburban or other lands, or $12.35 for any area less than 1 hectare"; Sec. 62. (Improvement purchase within goldfield or mineral field.)

(ii) by omitting from section 62 (3) the words ", and for the purposes of this section improvements of value equal to the respective minimum prices aforesaid shall be sufficient";

(f) by omitting from paragraph (b) of the proviso to section 65 the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 65. (Rescission of reservation of water frontage.)

(g) by inserting in section 66 (2) (b) after the word "or" where firstly occurring the words "to or"; Sec. 66. (Miscellaneous special purchases.)

(h) by omitting from section 68 (4) the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 68. (Reclamation and purchase of land.)

Sec. 69A. (Commonwealth, sale or lease of land to.)

(i) (i) by omitting from section 69A the word "Governor" and by inserting instead the word "Minister";

(ii) by omitting from section 69A the words "and be deemed always to have had power";

(iii) by omitting from section 69A the words "grants, other assurances and instruments" and by inserting instead the words "instruments (other than grants of lands so sold)";

(iv) by inserting at the end of section 69A the following subsection :—

(2) The Governor may execute, in connection with a sale of lands under subsection (1), such grants as may be considered necessary.

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

(j) (i) by omitting from section 74 (1) the words "for four consecutive weeks and not less than four times" and by inserting instead the word "and";

(ii) by inserting in section 74 (1) after the words "if any," the words "not less than four weeks";

(iii) by inserting after section 74 (3) the following subsection :—

(4) At any time before the expiration of the four weeks mentioned in subsection (1), any person feeling aggrieved may lodge a complaint setting forth objections against the issue of a lease under this section, and those objections shall be duly heard and determined before the lease is issued.

(k)

(k) by omitting from section 75A (4) the words "land the subject of any such application is wholly or in part within a travelling stock reserve camping reserve or water reserve, or" and by inserting instead the words "whole or part of the land the subject of any such application"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(l) (i) by omitting section 75B (4); Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from section 75B (12) the word "four,";

(m) by omitting section 81 (4); Sec. 81. (Purchase of residential lease.)

(n) by omitting section 93 (5); Sec. 93. (Homestead grant.)

(o) by omitting section 123 (3); Sec. 123. (Homestead farm: inquiry by board and issue of grant.)

(p) by inserting after section 125 (1B) the following subsection :— Sec. 125. (Suburban holding application, how made and dealt with.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(q)

Sec. 136B. (Applications for week-end leases.)

(q) by inserting after section 136B (1B) the following subsection :—

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

Sec. 136G. (Restriction upon right to hold a week-end lease.)

(r) by omitting section 136G (1);

Sec. 166. (Appraisements by local land boards.)

(s) by omitting from section 166 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary";

Sec. 190. (Conversion of special lease.)

(t) by omitting from section 190 (4) the words "land is wholly or in part within a travelling stock reserve camping reserve or water reserve, or is land" and by inserting instead the words "whole or part of the land is";

Sec. 217A.

(u) by inserting after section 217 the following section and short heading thereto :—

Capital or rental value of Crown improvements on certain special leases let by tender.

Capital or rental value of Crown improvements: certain special leases let by tender.

217A. (1) Where the Minister calls, by notification published in the Gazette, for tenders for the lease under section 75 of any Crown lands containing improvements which are the property of the Crown, the Minister may, by the notification, require any person lodging a tender for the lease to state in the tender an amount which he is prepared

to

to pay for the annual rent or purchase price of the improvements and, if that person states an amount for the purchase price, to state the term over which the purchase price is to be paid.

(2) Where a tender which states an amount for the annual rent or purchase price of improvements, as required under subsection (1), is accepted by the Minister—

(a) the annual rent, or the purchase price and the term over which the purchase price is to be paid, shall be as stated in the tender;

(b) the purchase price (if any) of the improvements shall bear interest at the rate fixed by the Minister and specified in the notification calling for tenders; and

(c) sections 215 (1) and 216 (1) do not apply to or in respect of the improvements.

(3) A person who is paying an annual rent for improvements tendered in accordance with subsection (1) may, at any time after acceptance of his tender, apply to the Minister to pay the capital value of the improvements instead of the rent as tendered, and if the Minister approves the application the capital value of the improvements shall be determined in accordance with section 215 and payable in accordance with section 216.

(4) Where a person who is paying an annual rent for improvements tendered in accordance with subsection (1) applies under section 190 to convert the holding on which the improvements are situated, he shall become liable to pay the capital value of the improvements as an incoming tenant of the tenure into which the conversion is made.

(5) A tender referred to in this section shall not be accepted if the person lodging the tender states as the term over which the purchase price of the

the improvements is to be paid a period that exceeds the maximum period specified in that behalf in the notification or, where the maximum term is not so specified, that exceeds the term of the lease.

(6) A lease referred to in this section shall be liable to be forfeited if the improvements are not maintained in a reasonably good condition during the currency of the lease, but the lessee shall not be compelled to make good any damage caused by fire, flood or other inevitable accident.

Sec. 231. (Surrender of leases or purchases.)

(v) (i) by inserting in the short heading to section 231 after the word *"leases"* the words *"or purchases"*;

(ii) by inserting in section 231 after the word "lease" where firstly occurring the words "or purchase";

(iii) by inserting in section 231 after the word "Act" the words ", other than a lease or purchase of land within an irrigation area,";

(iv) by inserting in section 231 after the word "lease" where secondly occurring the words "or purchase under this Act of land";

(v) by inserting at the end of section 231 the following subsection :—

(2) A surrender under this section does not operate to extinguish any debt to the Crown relating to the lease or purchase surrendered, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(w) by inserting after section 233 (1) the following subsection :— Sec. 233. (Withdrawal from lease or license.)

(1A) A withdrawal under this section does not operate to extinguish any debt to the Crown relating to the lands withdrawn, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(x) by inserting after section 244 the following sections and short headings thereto :— Secs. 244A, 244B.

Evidence—Certificate as to status of lands.

244A. (1) A certificate signed by the Under Secretary certifying— Under Secretary's certificate as to status of lands to be evidence.

(a) that any lands described or referred to in the certificate were Crown lands within the meaning of this Act at any time or during any period specified in the certificate;

(b) that any lands so described or referred to were granted, reserved or dedicated for any public purpose on a day so specified and that the grant, reservation or dedication remained in force as at a time or during a period so specified; or

(c) that any lands so described or referred to were not the subject of a lease or license at any time or during any period so specified,

is admissible in any legal proceedings (whether under this Act or otherwise) and shall be prima facie evidence of the matters so certified.

(2) Where the court before which any legal proceedings are brought is satisfied that the proceedings were brought wholly or partly for the purpose of determining title to land, a certificate under subsection (1) is not admissible in those proceedings.

(3)

(3) Nothing in this section authorises a court to determine any matter that, had this section not been enacted, it would not have been authorised to determine.

Evidence—Certificate as to authorised persons.

Under Secretary's certificate as to authorisation of a person.

244B. A certificate signed by the Under Secretary certifying that a person specified in the certificate was, at a time or during a period so specified, an authorised person within the meaning of section 254C or 254D is admissible in any proceedings under this Act and shall be prima facie evidence of the matters so certified.

Secs. 254–254D.

(y) by omitting section 254 and the short heading thereto and by inserting instead the following sections and short headings thereto :—

Offences on Crown lands or dedicated lands.

Offences on Crown lands or dedicated lands.

254. (1) In this section—

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c)

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) A person shall not, without lawful authority—

(a) reside on any public lands;

(b) erect any structure on any public lands;

(c) depasture stock on any public lands;

(d) drive stock on any public lands;

(e) clear, dig up or cultivate any public lands;

(f) enclose any public lands (other than a road or watercourse);

(g) fail to pay any rent due and payable in respect of the actual enclosure of any public lands comprised in a road or watercourse;

(h) remove, or cause to be removed, from any public lands, or cut, dig up, disturb, displace, stack, heap or in any other way interfere with, any tree, timber, turf, stone, clay, shells, earth, sand, gravel or any thing of whatever kind, whether growing on or in, or being in, on or under or forming part of, any public lands; or

(i) deposit or cause to be deposited, or leave or cause to be left, on any public lands—

(i) any rubbish, litter, refuse, dead animal, filth or other similar matter; or

(ii) any matter of a prescribed class or description, whether or not of a kind referred to in subparagraph (i),

except in a place or receptacle provided for the purpose.

Penalty : $100 for the first offence, $200 for the second offence and $1,000 for any subsequent offence.

(3) The Minister may cause a notice to be served on a person prohibiting him from making use, without lawful authority, of any structure erected on any public lands.

(4) A person on whom a notice is served under subsection (3) shall not, without lawful authority, make use of a structure to which the notice relates after the expiration of the period specified in the notice.

Penalty : $200.

(5) In addition to any penalty imposed for an offence arising under this section, a person guilty of the offence is liable to pay such sum by way of compensation as the court before which the person is convicted may order.

(6) Any sum ordered to be paid under subsection (5) shall be paid by the offender to the clerk of the court, to be by him paid to the Under Secretary.

(7) Any order under subsection (5) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

(8) Where any proceedings are taken against a person for an offence arising under this section and the court before which the proceedings are brought is not satisfied that he is guilty of the offence, but is satisfied that he is guilty of an attempt to commit the offence, the court may acquit him of the offence charged and find him guilty of attempting to commit the offence, and he is liable to the same penalty as if he had been found guilty of the offence.

(9) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to a reserve within the meaning of section 37M, or of any by-laws applying to such a reserve, but a person is not liable to be punished twice for an act or omission that constitutes an offence both under this section and any other such provision.

(10) By-laws applying to a reserve within the meaning of section 37M may contain provisions having the effect of authorising any act or omission that would, but for the by-laws and this subsection, constitute an offence arising under this section, but nothing in this subsection authorises the making of by-laws that could not be made if this section were not in force.

(11) In proceedings for an offence arising under this section, the defendant has the onus of proving lawful authority in relation to the act or omission giving rise to the alleged offence.

Removal

Removal of unauthorised structures from Crown lands or dedicated lands.

Removal of unauthorised structures from Crown lands or dedicated lands.

254A. (1) In this section—

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) The Minister may cause or authorise any structure erected without lawful authority on public lands to be removed, together with the contents of the structure.

(3) If a notice requiring any person who claims to have authority to erect, maintain or use a structure erected on any public lands, or any part of the structure, or any person who claims any interest in the structure, to deliver to the Minister a statement in writing signed by that person stating by what authority he erected or is entitled to

maintain

maintain or use the structure or part or by what authority he claims any interest in the structure, is—

(a) displayed for a period of one month on or adjacent to the structure; or

(b) published in a local newspaper or such other newspaper (if any) as the Minister may determine,

any person who, within one month after the expiration of that period or within one month after publication of that notice, fails to deliver such a statement to the Minister shall have no claim against the Minister or any other person removing the structure or contents in accordance with subsection (2).

(4) The Minister may at his option cause or authorise any structure or part thereof or the contents thereof removed in accordance with subsection (2) to be destroyed or sold, or stored (and, if stored, then destroyed or sold), or may sell the structure or contents on condition that it or they be removed, and may recover in any court of competent jurisdiction the expenses incurred in the removal, destruction, sale or storage of the structure or part thereof or the contents thereof from the person who—

(a) erected the structure or caused it to be erected; or

(b) has made use of the structure after—

(i) if a notice was served on him under section 254 (3) in respect of the structure—the expiration of the period specified in the notice; or

(ii) if a notice was displayed under subsection (3) in respect of the structure—the expiration of the period of one month for which it was so displayed,

or both.

(5) Subsection (4) (b) (ii) does not apply in relation to a person unless it is established that he knew of, or ought reasonably to have known of, the notice.

Vehicles on vacant public lands.

Vehicles on vacant public lands.

254B. (1) In this section, "vehicle" includes—

(a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

(b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(c) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed.

(2)

(2) The Minister may give such directions as to the bringing of vehicles into, and the use and parking of vehicles in, any vacant public lands as he thinks fit, and any such direction—

(a) may be limited as to time, place or subject-matter; and

(b) may be varied or revoked by the Minister.

(3) A direction given pursuant to subsection (2) shall have effect only while there is erected or displayed upon or near, or marked upon, the lands to which the direction relates a sign that is notice of the direction.

(4) The direction appearing upon a sign that is erected or displayed upon or near, or marked upon, any vacant public lands with the authority of the Minister shall be deemed to be a direction, for the time being in force, given pursuant to subsection (2) in relation to those lands, and the sign shall, for the purposes of subsection (3), be deemed to be notice of that direction.

(5) A person shall not contravene or fail to comply with a direction having effect under this section.

Penalty : $200.

(6) A person shall not interfere with, alter or remove any sign erected or displayed with the authority of the Minister upon or near, or marked with that authority upon, any vacant public lands.

Penalty : $200.

(7) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to vehicles on vacant public lands, or any by-laws applying to any vacant public lands.

(8) An allegation, in an information in respect of an offence arising under this section, that a sign was erected, displayed or marked with the authority of the Minister or his delegate, or that a sign was interfered with, altered or removed without the authority of the Minister or his delegate, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

Impounding of animals.

Impounding.

254c. (1) In this section, "authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section.

(2) For the purposes of—

(a) the Impounding Act, 1898, sections 44, 45 and 46 excepted; and

(b)

(b) Part XVIII of the Local Government Act, 1919, sections 438 and 439 excepted,

the Minister shall be deemed to be the occupant of vacant public lands.

(3) An authorised person may exercise any power conferred on the Minister by virtue of this section.

(4) An authorised person may, on behalf of the Minister, take proceedings in any court of competent jurisdiction for the trespass committed on the vacant public lands by animals impounded by virtue of this section.

(5) For the purposes of subsection (4), the Minister shall be deemed to be in exclusive possession of vacant public lands.

(6) Nothing in this section prevents the laying of any information for an offence arising under section 254 or affects any proceedings for such an offence.

Requirement to state name and address.

254D. (1) In this section— **Requirement to state name and address.**

"authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c)

(c) any person authorised by the Minister for the purposes of this section;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled wholly or partly by volatile spirit, steam, gas, oil or electricity.

(2) An authorised person may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(3) An authorised person may require the driver of a motor vehicle on vacant public lands to produce his driver's licence and to state his full name and his place of abode.

(4) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (2) or (3); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection: $200.

Sec. 255A. (Authorised person for purposes of sec. 254C, 254D or 255.)

(z) (i) by omitting from section 255A the words "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951," and by inserting instead the words "section 9 (z) of the Crown Lands and Other Acts (Amendment) Act, 1975,";

(ii)

(ii) by omitting from section 255A the words "as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act" and by inserting instead the words "by the Minister as provided by section 254C, 254D or 255";

(aa) by omitting from section 274A the words "to a qualified person". Sec. 274A. (Transfer of week-end leases.)

10. The Prickly-pear Act, 1924, is amended— Amendment of Act No. 31, 1924.

(a) (i) by omitting from section 9 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 9. (Duty of all owners and occupiers of land free from pear.)

(ii) by omitting from section 9 the words "one hundred dollars" and by inserting instead the matter "$200";

(b) (i) by omitting from section 11 (4) the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 11. (Infested lands.)

(ii) by omitting from section 11 (4) the words "one hundred dollars" and by inserting instead the matter "$200";

(iii) by omitting from section 11 (4) the word "second" and by inserting instead the word "subsequent";

(c) by omitting from section 29 the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 29. (Penalty where not otherwise provided.)

Sec. 31. (Penalty for impersonating the Commissioner or an inspector, etc.)

(d) by omitting from section 31 the words "forty dollars" and by inserting instead the matter "$100";

Sec. 32. (Penalty for hindering work, etc.)

(e) by omitting from section 32 the words "forty dollars" and by inserting instead the matter "$100";

Sec. 34. (Regulations.)

(f) by omitting from section 34 (2) the words "twenty dollars" and by inserting instead the matter "$100".

Amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

11. The Closer Settlement Amendment (Conversion) Act, 1943, is amended by omitting section 12 (2).

Further amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

12. The Closer Settlement and Public Reserves Fund Act, 1970, is further amended by inserting after section 5 (h) the following paragraph :—

(i) any other moneys that have been received by or on behalf of the State or the Minister for the purchase or acquisition of land for a public reserve, or for the maintenance, improvement or development of a public reserve, and whose payment into the Closer Settlement and Public Reserves Fund has been approved by the Treasurer.

Amendment of Act No. 37, 1974. Sec. 10. (Amendment of Act No. 41, 1919.)

13. The Crown Lands and Other Acts (Reserves) Amendment Act, 1974, is amended by omitting from section 10 (a) the words "after the words 'of this Act,' where secondly occurring" and by inserting instead the words "before the word 'and' ".

PART

PART III.

SAVINGS AND TRANSITIONAL PROVISIONS.

Local land boards.

14. (1) A person holding office under section 11 of the Crown Lands Consolidation Act, 1913, immediately before the commencement of section 5 (1), as—

(a) the chairman of a local land board—shall be deemed to have been appointed as such by the Governor; or

(b) a member of a local land board, other than the chairman—shall be deemed to have been appointed as such by the Minister,

under section 11 of that Act, as amended by section 5 (1).

(2) A person holding office under section 9 of the Western Lands Act, 1901, immediately before the commencement of section 5 (2), as an appointed member of a local land board shall be deemed to have been appointed as such under section 9 of that Act, as amended by section 5 (2).

(3) A reference in section 20 (2) and (3) of the Crown Lands Consolidation Act, 1913, as amended by section 5 (1) (d), to a decision made by a local land board or chairman or special land board includes a reference to a decision made by such a board or chairman before, as well as after, the commencement of section 5 (1) (d).

Auction sales, etc.

15. (1) Lands sold before the commencement of section 6 (1)—

(a) by auction under section 63 of the Crown Lands Consolidation Act, 1913, shall be deemed to have been sold by auction under section 63 of that Act, as amended by section 6 (1);

(b)

(b) by tender under section 64B of that Act shall be deemed to have been sold by tender under section 63A of that Act, as amended by section 6 (1); or

(c) by way of after-auction purchase under section 64 of that Act shall be deemed to have been sold by way of after-auction purchase under section 64 of that Act, as amended by section 6 (1),

and any term or condition (including a term or condition of the kind referred to in section 64A of that Act) applicable to those lands immediately before that commencement continues in force accordingly.

(2) A notification published under section 63 (1) of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1), shall be deemed to be a notification published under section 63 of that Act, as amended by section 6 (1).

(3) An application for an after-auction purchase made under section 64 of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1) and pending immediately before that commencement, shall be deemed to be an application for an after-auction purchase made under section 64 of that Act, as amended by section 6 (1).

(4) Notwithstanding anything in this section, the rate at which interest is payable on deferred payments of the purchase price in respect of lands referred to in subsection (1), or lands sold in consequence of a notification referred to in subsection (2), is the rate at which interest would have been payable had section 6 (1) not been enacted.

Deferment of payments.

16. Anything done, before the commencement of section 7, under section 20 of the Western Lands Act, 1901, in relation to rent or other moneys due under the Crown Lands Acts shall be deemed to have been done under section 180 of the Crown Lands Consolidation Act, 1913, as amended by section 7 (1).

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

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.

D. L. WHEELER,
for Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 21 *October,* 1975.

New South Wales

ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* *

Act No. 70, 1975.

An Act relating to the grant of easements over Crown lands and certain other lands; to make further provisions respecting local land boards and the sale of Crown lands by auction or tender; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Western Lands Act, 1901, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Act, 1924, the Closer Settlement and Public Reserves Fund Act, 1970, and the Crown Lands and Other Acts (Reserves) Amendment Act, 1974; and for purposes connected therewith. [Assented to, 6th November, 1975.]

BE

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Crown Lands and Other Acts (Amendment) Act, 1975".

Commencement.

2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act.

(2) The several provisions of sections 4, 5, 6, 7 and 9 (a) (ii), (d), (f), (h), (i), (j), (p), (q), (v), (w), (x), (y) and (z) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 8 shall be deemed to have commenced on 23rd March, 1964.

(4) Section 13 shall be deemed to have commenced on 1st June, 1974.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—AMENDMENT OF ACTS—*ss.* 4–13.

PART III.—SAVINGS AND TRANSITIONAL PROVISIONS—*ss.* 14–16.

PART II.

AMENDMENT OF ACTS.

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

(a) by inserting after the matter relating to Part VA in section 1 (b) the following matter :— Sec. 1 (b). (Division into Parts.)

PART VB.—EASEMENTS—*section* 136L.

(b) by inserting after Part VA the following Part :— Part VB.

PART VB.

EASEMENTS.

136L. (1) In this section— Easements.

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder", in relation to any lands, means the person who is registered in the books of the Department of Lands or the Western Lands Commissioner as the holder of those lands and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed

"prescribed lands" means lands vested in Her Majesty, except—

(a) lands lawfully contracted to be granted in fee simple under this or any other Act;

(b) lands subject to the provisions of the Real Property Act, 1900;

(c) lands comprised in a lease in perpetuity granted under this or any other Act, other than the Western Lands Act, 1901;

(d) lands comprised in a homestead selection; and

(e) lands reserved as, or as part of, a state recreation area under section 37B.

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed lands; and

(b) at any time that any lands having the benefit of an easement so granted are vested in Her Majesty—release the easement benefiting those lands.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed lands—that any holder of the lands at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the lands having the benefit of the easement at the time of the approval has consented to the release.

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to lands notwithstanding that, at the time the easement is granted, those lands are vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that lands having the benefit of the easement or lands having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

Amendment of Act No. 37, 1904. Part IVA.

(2) The Closer Settlement Act, 1904, is amended by inserting after Part IV the following Part :—

PART IVA.

EASEMENTS.

Easements.

39A. (1) In this section—

"easement" includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by Act of Parliament,

without a dominant tenement;

"holder",

"holder", in relation to any land, means the person who is registered in the books of the Department of Lands as the holder of that land and, where that person appears to be a mortgagee, includes the person who, according to those books, appears to be the mortgagor;

"prescribed land" means land acquired under the Closer Settlement Acts, except—

(a) land lawfully contracted to be granted in fee simple;

(b) land subject to the provisions of the Real Property Act, 1900; and

(c) land comprised in a lease in perpetuity (whether under this or any other Act).

(2) Subject to subsection (3), the Minister may, by notification approved by him and published in the Gazette—

(a) grant easements over prescribed land; and

(b) at any time that any land having the benefit of an easement so granted is vested in Her Majesty —release the easement benefiting that land.

(3) The Minister shall not, for the purposes of subsection (2), approve a notification unless he is satisfied—

(a) where the notification relates to the grant of an easement over prescribed land—that any holder of the land at the time of the approval has consented to the grant; or

(b) where the notification relates to the release of an easement—that any holder of the land having the benefit of the easement at the time of the approval has consented to the release.

(4) The Minister may—

(a) impose such conditions as he thinks fit, including conditions relating to the payment of compensation to the Crown, upon the grant of an easement under this section; and

(b) grant an easement under this section in such terms as he thinks fit.

(5) A grant or release of an easement under this section takes effect on the date of publication of the notification of the grant or release in the Gazette or on a later date specified in the notification.

(6) The benefit of an easement granted under this section may be annexed to land notwithstanding that, at the time the easement is granted, that land is vested in Her Majesty.

(7) An easement granted under this section shall not be extinguished by reason that land having the benefit of the easement or land having the burden of the easement or both become vested in Her Majesty.

(8) Sections 88A and 181A of the Conveyancing Act, 1919, apply to and in respect of a notification purporting to grant an easement under this section.

(9) Section 89 of the Conveyancing Act, 1919, applies to and in respect of an easement granted under this section.

(10) Except as provided in subsection (3), nothing in this section affects any right of a person to release an easement granted under this section.

(11) Where a notification purporting to be made under this section is published in the Gazette—

(a) it shall be presumed, in the absence of evidence to the contrary, that the notification has been approved by the Minister; and

(b) it shall be conclusively presumed that subsection (3) has been complied with in relation to the approval.

(3) The Closer Settlement and Public Reserves Fund Act, 1970, is amended by inserting after section 5 (g1) the following paragraph :— Amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

(g2) any moneys directed by the Minister to be paid into the Closer Settlement and Public Reserves Fund out of compensation paid pursuant to a condition imposed under section 136L of the Crown Lands Consolidation Act, 1913, or section 39A of the Closer Settlement Act, 1904.

5. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section 11 (1) the words ", and shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown"; Sec. 11. (Local land boards.)

(ii) by inserting in section 11 (1) before the words "Any member other than" the following words :—

One of the members of a local land board shall be appointed by the Governor under and subject to the Public Service Act, 1902, and shall be chairman of the board, and any other members of the board shall be appointed by the Minister.

(iii) by omitting from section 11 (1) the following words :—

One of such members shall be the chairman, who shall be paid such salary as Parliament may sanction.

(iv) by omitting from section 11 (1) the following words :—

Every other member of the local land board shall be paid such fee for each sitting as may be prescribed.

and by inserting instead the following words :—

A member of a local land board, other than the chairman, shall be entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member.

(v) by inserting in section 11 (1) after the words "and the Governor" the words ", in the case of the chairman, or the Minister, in the case of a member other than the chairman,";

(vi) by omitting from section 11 (2) the word "Governor" and by inserting instead the word "Minister";

(vii) by omitting from section 11 (3) the words "by the Governor" where firstly occurring;

Sec. 12. (Decisions of board.)

(b) (i) by inserting in section 12 after the word "one" the word "other";

(ii)

(ii) by omitting from section 12 the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court :" and by inserting instead the following words :—

A decision supported by a majority of the votes cast by the members of the local land board shall be the decision of the board. The board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(iii) by omitting from section 12 the words "Provided, however, that the" and by inserting instead the word "The";

(iv) by omitting from section 12 the words "or adjudication";

(v) by inserting at the end of section 12 the following subsections :—

(2) Subject to subsection (4), when a local land board reaches a decision, each member shall give a written statement of the reasons

assigned

assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3) The decision of a local land board given under subsection (1) in open court shall be accompanied by each statement required to be given under subsection (2).

(4) Subsection (2) does not apply in relation to any prescribed class of decisions or to a chairman when acting on behalf of a local land board.

(5) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

Sec. 13A. (Member of one land board may act on the board of another district.)

(c) by omitting from section 13A the words "by the Governor";

Sec. 20. (References by Minister to Land and Valuation Court generally.)

(d) (i) by omitting from section 20 (1) the words "decision or recommendation" and by inserting instead the words "adjudication, decision, determination, award, report or recommendation";

(ii) by omitting from section 20 (2) the words "report or recommendation" wherever occurring and by inserting instead the word "decision";

(iii) by omitting from section 20 (2) the words "to the Minister, whether in pursuance of a reference under section seventeen or otherwise";

(iv) by inserting after section 20 (2) the following subsection :—

(3) In subsection (2), "decision" means adjudication, decision, determination, award, report or recommendation.

(2) The Western Lands Act, 1901, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from section 9 (3) (a) (ii) the word "Governor" and by inserting instead the word "Minister"; Sec. 9. (Power to establish administrative districts.)

(b) by omitting from section 9 (3) (e) the words "The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court:" and by inserting instead the following words :—

The local land board may retire for the purpose of reaching its decision.

A decision of the local land board shall be reduced to writing and shall be given by the chairman in open court.

(c) by omitting from section 9 (3) (e) the words "Provided, however, that the" and by inserting instead the word "The";

(d) by omitting from section 9 (3) (e) the words "or adjudication";

(e) by inserting after section 9 (3) the following subsections :—

(3A) Subject to subsection (3C), when a local land board reaches a decision, each member shall give a written statement of the reasons assigned by him in support of his opinion or a written statement supporting the reasons assigned by another member, but two or all of the members may give a joint statement of reasons.

(3B) The decision of a local land board given under subsection (3) (e) shall be accompanied by each statement required to be given under subsection (3A).

(3C) Subsection (3A) does not apply in relation to any prescribed class of decisions or to an Assistant Commissioner when acting on behalf of a local land board.

(f) by omitting from section 9 (4) the words "paid such fee for each sitting as may be prescribed" and by inserting instead the words "entitled to receive such expenses and, if the Minister so approves, such fees and allowances for attending meetings and transacting business of the board as the Minister may from time to time determine in respect of that member";

(g) by omitting from section 9 (4) the word "Governor" and by inserting instead the word "Minister";

(h) by omitting from section 9 (6) (b) the word "determination" wherever occurring and by inserting instead the word "decision";

(i) by inserting after section 9 (6) the following subsection :—

(7) In this section, "decision" includes a decision of a local land board as to an adjudication, determination, award, report or recommendation.

6. (1) The Crown Lands Consolidation Act, 1913, is further amended— **Further amendment of Act No. 7, 1913.**

(a) (i) by omitting from the matter relating to Part IV in section 1 (b) the words "AUCTION SALES — AFTER-AUCTION PURCHASES — TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES—AFTER-AUCTION AND AFTER-TENDER PURCHASES"; **Sec. 1 (b). (Division into Parts.)**

(ii) by omitting from the matter relating to Division 13 of Part VIII in section 1 (b) the matter "274A" and by inserting instead the matter "274B";

(b)

Heading to Part IV.

(b) by omitting from the heading to Part IV the words "AUCTION SALES—AFTER-AUCTION PURCHASES —TENDER PURCHASES" and by inserting instead the words "AUCTION PURCHASES—TENDER PURCHASES —AFTER-AUCTION AND AFTER-TENDER PURCHASES";

Secs. 63, 63A.

(c) by omitting section 63 and the short heading thereto and by inserting instead the following sections and short headings thereto :—

Auction purchases.

Auction purchases.

63. (1) The Minister may, by notification published in the Gazette, authorise the sale by auction of any Crown lands specified in the notification.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by public auction at such places (whether within or outside the land district in which the lands are situated), at such times and subject to such terms and conditions as the Minister determines and specifies in the notification.

Tender purchases.

Tender purchases.

63A. (1) The Minister may, by notification published in the Gazette, authorise the sale by tender of any Crown lands specified in the notification.

(2) Where any Crown lands are the subject of a notification under subsection (1), the lands may be sold by tender subject to such terms and conditions as the Minister determines and specifies in the notification.

(3)

(3) A notification under subsection (1) shall specify the period during which, and the manner in which, tenders must be lodged.

(4) The Minister may, subject to section 64D, accept any tender or may decide to accept none of the tenders.

(d) by omitting section 64 and the short heading thereto and by inserting instead the following section and short heading thereto :— Sec. 64.

After-auction and after-tender purchases.

64. (1) Where Crown lands have been offered for sale by auction but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-auction purchase") of those lands after the auction was held. After-auction and after-tender purchases.

(2) Where Crown lands have been offered for sale by tender but not sold, the Minister may approve an application made by any person for the purchase (in this Act referred to as an "after-tender purchase") of those lands after the expiration of the period during which tenders must have been lodged.

(3)

(3) An applicant for an after-auction purchase or after-tender purchase shall—

(a) lodge with his application a deposit in accordance with the terms and conditions specified in the notification published under section 63 or 63A in respect of the lands applied for; and

(b) if the Minister approves the application, pay the balance of the purchase price in accordance with those terms and conditions.

Sec. 64A. (Conditions relating to number of lots.)

(e) (i) by omitting the short heading to section 64A and by inserting instead the following short heading :—

Auction, tender, after-auction and after-tender purchases: conditions relating to number of lots.

(ii) by omitting from section 64A the words "by public auction at a Government auction sale, or is granted as an after-auction purchase in pursuance of section sixty-four of this Act" and by inserting instead the words "under this Part by auction or tender or by way of after-auction purchase or after-tender purchase";

(iii) by omitting from section 64A the words "auction sale or the approval of the Minister to the after-auction purchase" and by inserting instead the word "sale";

(iv) by omitting from section 64A the words "For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.";

(v) by inserting at the end of section 64A the following subsections :—

(2) For the purposes of this section—

(a) a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person; and

(b) the reference to the date of the sale is a reference—

(i) in the case of an auction purchase under this Part—to the date of the auction;

(ii) in the case of a tender purchase under this Part—to the date of acceptance of the tender by the Minister; or

(iii) in the case of an after-auction purchase or after-tender purchase—to the date of the approval of the application for the purchase.

(3) Nothing in this section affects the generality of section 63 (2) or 63A (2).

(f) by omitting section 64B and the short heading thereto; **Sec. 64B. (Sales by tender.)**

(g)

Secs. 64C–64F.

(g) by inserting before the short heading to section 65 the following sections and short headings thereto :—

Auction, tender, after-auction and after-tender purchases: terms and conditions generally.

Terms and conditions generally.

64C. (1) Every sale of lands by way of after-auction purchase or after-tender purchase shall be upon the terms and conditions specified in the notification published under section 63 or 63A in respect of those lands, except in so far as those terms and conditions are not applicable to or in relation to the after-auction purchase or after-tender purchase, as the case may be.

(2) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may relate to—

(a) lands to which the notification does not relate as well as to Crown lands to which it relates;

(b) the reclamation and improvement of any Crown lands;

(c) subject to any other law for the time being in force, the use to be made of the lands to which the notification relates, including the subdivision thereof and the erection of dwellings, shops or other buildings thereon; and

(d) the provision of amenities, roads and bridges to serve the lands to which the notification relates.

(3) If a purchaser under section 63, 63A or 64 fails to comply with any term or condition applicable to the sale, or if any money payable to the Crown in accordance with any such term or condition remains unpaid for the period of three months after the day when it falls due, the Minister may declare the purchase to have lapsed, and all money paid in respect of the purchase shall thereupon become forfeited.

(4) Notwithstanding subsection (3), the Minister may authorise the receipt of any money payable after the expiration of the period referred to therein and may waive compliance with any term or condition or grant an extension of time within which a purchaser may comply therewith.

(5) Without affecting the generality of section 63 (2) or 63A (2), the terms and conditions referred to therein may authorise deferred payments of the purchase price.

(6) Deferred payments referred to in subsection (5) shall bear interest—

(a) in the case of an auction purchase or tender purchase—at the rate which, at the date of the publication of the notification under section 63 or 63A relating to the purchase, is the prescribed rate; or

(b) in the case of an after-auction purchase or after-tender purchase—at the rate which, at the date of the approval of the application for the purchase, is the prescribed rate.

(7) The prescribed rate for the purposes of subsection (6) is eight per centum per annum or, where some other rate is prescribed, that other rate.

Auction, tender, after-auction and after-tender purchases: upset prices.

Upset prices.

64D. (1) The Minister may, by instrument in writing—

(a) determine the upset price for any Crown lands; and

(b) vary the upset price for those lands, but not during the currency of a contract for the sale of those lands.

(2) A notification shall not be published under section 63 or 63A in respect of any lands unless the upset price has been determined for those lands.

(3) Lands shall not be sold under section 63 or 63A for less than the upset price for those lands.

(4) Lands shall not be sold under section 64 except at the upset price for those lands.

(5) Lands shall not be sold under section 64 unless the upset price for the lands was stated in—

(a) the notification published under section 63 or 63A in respect of those lands; or

(b) another notification published in the Gazette before the application for the purchase was lodged.

Auction,

Auction, tender, after-auction and after-tender purchases: improvements.

Improvements.

64E. (1) The Minister shall, when determining or varying the upset price under section 64D for any Crown lands containing improvements, ensure that the upset price includes the capital value of the improvements.

(2) Notwithstanding Division 8 of Part VIII, the capital value of improvements shall, for the purposes of this section, be such amount as the Minister determines.

(3) Where Crown lands containing private improvements, or containing improvements that are the subject of tenant-right, are the subject of a notification under section 63 or 63A, the capital value of those improvements shall be stated in the notification.

(4) Where Crown lands containing improvements referred to in subsection (3) are sold under section 63, 63A or 64, any payments received by the Crown and made by or on behalf of the purchaser on account of those improvements shall be paid to the owner of the improvements or the person having the tenant-right, as the case may be.

(5) Where it becomes necessary, for the purposes of subsection (4), to apportion the capital value of improvements between two or more persons, the apportionment shall be effected in such manner as the Minister determines.

(6) Division 8 of Part VIII does not apply to or in relation to a person in his capacity as a purchaser of Crown lands sold under section 63, 63A or 64.

(7) In this section—

"capital value", in relation to improvements, has the meaning ascribed to the expression "capital value of improvements" in section 213;

"improvements" has the meaning ascribed to the expression "improvements" in section 213;

"private improvements" means improvements that are not the property of the Crown, as referred to in Division 8 of Part VIII;

"tenant-right" means tenant-right under Division 8 of Part VIII.

Auction, tender, after-auction and after-tender purchases: miscellaneous provisions.

Miscellaneous provisions.

64F. (1) Notwithstanding any other provisions of this Act (subsection (2) and Part IIIA excepted) or the Forestry Act, 1916, a notification under section 63 or 63A has the effect of revoking any classified areas, reserves under this Act or timber reserves under the Forestry Act, 1916, or parts of any such areas, reserves or timber reserves, within the boundaries of the lands to which the notification relates, unless the contrary is expressly declared by the terms of the notification.

(2) The revocation of a timber reserve is not effected by virtue of subsection (1) unless the consent thereto of the Minister administering the Forestry Act, 1916, has been obtained.

(3) The Governor may execute, in connection with a sale of lands under section 63, 63A or 64, such grants as he may consider necessary.

(4)

(4) The Minister may, by notification published in the Gazette, amend or revoke a notification under section 63 or 63A, but not after any of the lands to which the notification relates are sold.

(h) by omitting from section 65 the words "—being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales—"; Sec. 65. (Rescission of reservation of water frontage.)

(i) by omitting from section 66 (1) the words "being not less than the minimum upset price of the class of land as set forth in section sixty-three hereof in regard to auction sales"; Sec. 66. (Miscellaneous special purchases.)

(j) by omitting from the matter relating to Division 13 in the heading to Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Part VIII.

(k) by omitting from the heading to Division 13 of Part VIII the matter "274A" and by inserting instead the matter "274B"; Heading to Division 13 of Part VIII.

(l) by inserting after section 274A the following section and short heading thereto :— Sec. 274B.

Transfer of lands previously sold by auction, tender, after-auction or after-tender purchase.

274B. (1) Where any lands— Transfer of lands sold by auction, tender, after-auction or after-tender purchase.

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase; and

(b) are not the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (2), be transferred.

(2) Any lands referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any lands—

(a) have been sold by auction or tender under Part IV, or by way of after-auction purchase or after-tender purchase;

(b) were so sold subject to a condition for or in relation to the erection of a dwelling on the lands; and

(c) are the subject of a grant in fee simple,

the lands or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any lands or any part thereof if the Minister has certified, in the prescribed form, that those lands may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the lands concerned, but does not authorise the transfer of lands in contravention of a condition of the kind referred to in section 64A.

(10) The Governor may execute, in connection with lands transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to lands sold before, as well as after, the commencement of this section, and subsection (3) applies only to lands sold after that commencement.

(12) Where any lands referred to in subsection (2) or (3) have been sold subject to a condition for or in relation to the erection of a dwelling on the lands, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to those lands if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any lands referred to in subsection (2) if any condition subject to which the lands were sold remains to be complied with; or

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

Amendment of Act No. 21, 1909. Sec. 21B.

(2) The Closer Settlement (Amendment) Act, 1909, is amended—

(a) by inserting after section 21A the following section :—

Transfer of land sold by auction or tender.

21B. (1) Where any land—

(a) has been sold by auction or tender under section 21 (6) ; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold by auction or tender under section 21 (6) ;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land ; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(12) Where any land referred to in subsection (2) or (3) has been sold subject to a condition for or in relation to the erection of a dwelling on the land, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to that land if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any land referred to in subsection (2) if any condition subject to which the land was sold remains to be complied with; or

(b)

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

Sec. 22. (Sale of certain land for special purposes.)

(b) by omitting from section 22 (3) the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919, as amended by subsequent Acts".

Amendment of Act No. 7, 1914.

(3) The Closer Settlement (Amendment) Act, 1914, is amended by inserting after section 4 the following section :—

Sec. 4A.

Transfer of land sold by after-auction sale.

4A. (1) Where any land—

(a) has been sold under section 4; and

(b) is not the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (2), be transferred.

(2) Any land referred to in subsection (1) may, subject to subsection (4), only be transferred with the consent of the Minister.

(3) Where any land—

(a) has been sold under section 4;

(b) was so sold subject to a condition for or in relation to the erection of a dwelling on the land; and

(c) is the subject of a grant in fee simple,

the land or any part thereof may, subject to subsection (4), not be transferred without the consent of the Minister.

(4) Subsections (2) and (3) do not apply to any land or any part thereof if the Minister has certified, in the prescribed form, that that land may be transferred without the consent of the Minister.

(5)

(5) Application for the consent of the Minister to a transfer as required by this section shall be made to the Minister in the prescribed form.

(6) No transfer for which the consent of the Minister is required by this section shall be effected, or if effected shall be valid, unless the consent of the Minister has been first obtained.

(7) The Minister may, in his discretion, give or refuse the consent applied for under this section.

(8) Nothing in this section applies to or affects the giving of a mortgage or the discharge of a mortgage.

(9) This section has effect notwithstanding any conditions applicable to the land concerned.

(10) The Governor may execute, in connection with land transferred under subsection (1), such grants as he may consider necessary.

(11) Subsection (1) applies to land sold before, as well as after, the commencement of this section, and subsection (3) applies only to land sold after that commencement.

(12) Where any land referred to in subsection (2) or (3) has been sold subject to a condition for or in relation to the erection of a dwelling on the land, it is the duty of the Minister, upon application made to him in that behalf, to issue a certificate under subsection (4) in relation to that land if he is satisfied that the dwelling has been erected in accordance with the condition.

(13) Nothing in subsection (12)—

(a) requires the issue of a certificate under subsection (4) in relation to any land referred to in subsection (2) if any condition subject to which the land was sold remains to be complied with; or

(b)

(b) limits the power of the Minister to issue a certificate under subsection (4) in circumstances in which he is not required to issue the certificate.

Further amendment of Act No. 7, 1913.
Sec. 180. (Deferring of payments.)

7. (1) The Crown Lands Consolidation Act, 1913, is further amended by omitting from section 180 the words "in the Eastern or Central Division".

Further amendment of Act No. 70, 1901.
Sec. 20. (Power to defer rent.)

(2) The Western Lands Act, 1901, is further amended by omitting from section 20 the words "or the Crown Lands Acts".

Further amendment of Act No. 7, 1913.

8. (1) The Crown Lands Consolidation Act, 1913, is further amended—

Sec. 235. (Reservations in Crown grants.)

(a) (i) by omitting from section 235 (4) the word "covenant" and by inserting instead the word "condition";

(ii) by inserting at the end of section 235 (4) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

Sec. 235c. (Subsidence: protection from claims.)

(b) (i) by omitting from section 235c the word "covenant" wherever occurring and by inserting instead the word "condition";

(ii) by inserting at the end of section 235c the following paragraph :—

A condition attached to a sale or lease or permissive occupancy or homestead selection in accordance with this section has effect according to its tenor.

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

(a) (i) by omitting from section 22 (3) the word "covenant" and by inserting instead the word "condition"; Sec. 22. (Crown grants—reservations.)

(ii) by inserting at the end of section 22 (3) the following paragraph :—

A condition attached to a Crown grant in accordance with this subsection has effect according to its tenor.

(b) (i) by omitting from section 23 the word "covenant" wherever occurring and by inserting instead the word "condition"; Sec. 23. (Subsidence: protection from claims.)

(ii) by inserting at the end of section 23 the following paragraph :—

A condition attached to a sale or lease in accordance with this section has effect according to its tenor.

Further amendment of Act No. 7, 1913.

9. The Crown Lands Consolidation Act, 1913, is further amended—

Sec. 5. (Interpretation of terms.)

(a) (i) by inserting after the definition of "Suburban holding" in section 5 (1) the following definition :—

"Under Secretary" means the person for the time being holding office or acting as the Under Secretary of the Department of Lands.

(ii) by inserting after the definition of "Vacant land" in section 5 (1) the following definition :—

"Vacant public lands" means Crown lands or lands granted, reserved or dedicated for public purposes, but does not include lands held under any lease or license from the Crown or the trustees of any such lands.

Sec. 10. (Appointment of district staff of officers.)

(b) by inserting in section 10 after the words "the Governor may" the words ", under and subject to the Public Service Act, 1902,";

Sec. 18. (Questions of lapse voidance or forfeiture.)

(c) by omitting from section 18 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary";

(d)

(d) by inserting after section 59 (3c) the following subsection :— Sec. 59. (Special areas and conditional purchases therein.)

(3cA) For the purposes of subsection (3c), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

(e) (i) by omitting from section 62 (2) the words ", and shall not be less than at the rate of $39.50 per hectare for town lands, or $12.35 per hectare for suburban or other lands, or $12.35 for any area less than 1 hectare"; Sec. 62. (Improvement purchase within goldfield or mineral field.)

(ii) by omitting from section 62 (3) the words ", and for the purposes of this section improvements of value equal to the respective minimum prices aforesaid shall be sufficient";

(f) by omitting from paragraph (b) of the proviso to section 65 the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 65. (Rescission of reservation of water frontage.)

(g) by inserting in section 66 (2) (b) after the word "or" where firstly occurring the words "to or"; Sec. 66. (Miscellaneous special purchases.)

(h) by omitting from section 68 (4) the words "for four consecutive weeks" and by inserting instead the words "not less than four weeks"; Sec. 68. (Reclamation and purchase of land.)

Sec. 69A. (Commonwealth, sale or lease of land to.)

(i) (i) by omitting from section 69A the word "Governor" and by inserting instead the word "Minister";

(ii) by omitting from section 69A the words "and be deemed always to have had power";

(iii) by omitting from section 69A the words "grants, other assurances and instruments" and by inserting instead the words "instruments (other than grants of lands so sold)";

(iv) by inserting at the end of section 69A the following subsection :—

(2) The Governor may execute, in connection with a sale of lands under subsection (1), such grants as may be considered necessary.

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

(j) (i) by omitting from section 74 (1) the words "for four consecutive weeks and not less than four times" and by inserting instead the word "and";

(ii) by inserting in section 74 (1) after the words "if any," the words "not less than four weeks";

(iii) by inserting after section 74 (3) the following subsection :—

(4) At any time before the expiration of the four weeks mentioned in subsection (1), any person feeling aggrieved may lodge a complaint setting forth objections against the issue of a lease under this section, and those objections shall be duly heard and determined before the lease is issued.

(k) by omitting from section 75A (4) the words "land the subject of any such application is wholly or in part within a travelling stock reserve camping reserve or water reserve, or" and by inserting instead the words "whole or part of the land the subject of any such application"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(l) (i) by omitting section 75B (4); Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from section 75B (12) the word "four,";

(m) by omitting section 81 (4); Sec. 81. (Purchase of residential lease.)

(n) by omitting section 93 (5); Sec. 93. (Homestead grant.)

(o) by omitting section 123 (3); Sec. 123. (Homestead farm: inquiry by board and issue of grant.)

(p) by inserting after section 125 (1B) the following subsection :— Sec. 125. (Suburban holding application, how made and dealt with.)

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

Sec. 136B. (Applications for week-end leases.)

(q) by inserting after section 136B (1B) the following subsection :—

(1C) For the purposes of subsection (1B), a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

Sec. 136G. (Restriction upon right to hold a week-end lease.)

(r) by omitting section 136G (1);

Sec. 166. (Appraisements by local land boards.)

(s) by omitting from section 166 the words "Under-Secretary for Lands" and by inserting instead the words "Under Secretary";

Sec. 190. (Conversion of special lease.)

(t) by omitting from section 190 (4) the words "land is wholly or in part within a travelling stock reserve camping reserve or water reserve, or is land" and by inserting instead the words "whole or part of the land is";

Sec. 217A.

(u) by inserting after section 217 the following section and short heading thereto :—

Capital or rental value of Crown improvements on certain special leases let by tender.

Capital or rental value of Crown improvements: certain special leases let by tender.

217A. (1) Where the Minister calls, by notification published in the Gazette, for tenders for the lease under section 75 of any Crown lands containing improvements which are the property of the Crown, the Minister may, by the notification, require any person lodging a tender for the lease to state in the tender an amount which he is prepared

to

to pay for the annual rent or purchase price of the improvements and, if that person states an amount for the purchase price, to state the term over which the purchase price is to be paid.

(2) Where a tender which states an amount for the annual rent or purchase price of improvements, as required under subsection (1), is accepted by the Minister—

(a) the annual rent, or the purchase price and the term over which the purchase price is to be paid, shall be as stated in the tender;

(b) the purchase price (if any) of the improvements shall bear interest at the rate fixed by the Minister and specified in the notification calling for tenders; and

(c) sections 215 (1) and 216 (1) do not apply to or in respect of the improvements.

(3) A person who is paying an annual rent for improvements tendered in accordance with subsection (1) may, at any time after acceptance of his tender, apply to the Minister to pay the capital value of the improvements instead of the rent as tendered, and if the Minister approves the application the capital value of the improvements shall be determined in accordance with section 215 and payable in accordance with section 216.

(4) Where a person who is paying an annual rent for improvements tendered in accordance with subsection (1) applies under section 190 to convert the holding on which the improvements are situated, he shall become liable to pay the capital value of the improvements as an incoming tenant of the tenure into which the conversion is made.

(5) A tender referred to in this section shall not be accepted if the person lodging the tender states as the term over which the purchase price of the

the improvements is to be paid a period that exceeds the maximum period specified in that behalf in the notification or, where the maximum term is not so specified, that exceeds the term of the lease.

(6) A lease referred to in this section shall be liable to be forfeited if the improvements are not maintained in a reasonably good condition during the currency of the lease, but the lessee shall not be compelled to make good any damage caused by fire, flood or other inevitable accident.

Sec. 231. (Surrender of leases or purchases.)

(v) (i) by inserting in the short heading to section 231 after the word *"leases"* the words *"or purchases"*;

(ii) by inserting in section 231 after the word "lease" where firstly occurring the words "or purchase";

(iii) by inserting in section 231 after the word "Act" the words ", other than a lease or purchase of land within an irrigation area,";

(iv) by inserting in section 231 after the word "lease" where secondly occurring the words "or purchase under this Act of land";

(v) by inserting at the end of section 231 the following subsection :—

(2) A surrender under this section does not operate to extinguish any debt to the Crown relating to the lease or purchase surrendered, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(w) by inserting after section 233 (1) the following subsection :— Sec. 233. (Withdrawal from lease or license.)

(1A) A withdrawal under this section does not operate to extinguish any debt to the Crown relating to the lands withdrawn, except to the extent to which the Minister otherwise directs (which direction the Minister is hereby authorised to give).

(x) by inserting after section 244 the following sections and short headings thereto :— Secs. 244A, 244B.

Evidence—Certificate as to status of lands.

244A. (1) A certificate signed by the Under Secretary certifying— Under Secretary's certificate as to status of lands to be evidence.

(a) that any lands described or referred to in the certificate were Crown lands within the meaning of this Act at any time or during any period specified in the certificate;

(b) that any lands so described or referred to were granted, reserved or dedicated for any public purpose on a day so specified and that the grant, reservation or dedication remained in force as at a time or during a period so specified; or

(c) that any lands so described or referred to were not the subject of a lease or license at any time or during any period so specified,

is admissible in any legal proceedings (whether under this Act or otherwise) and shall be prima facie evidence of the matters so certified.

(2) Where the court before which any legal proceedings are brought is satisfied that the proceedings were brought wholly or partly for the purpose of determining title to land, a certificate under subsection (1) is not admissible in those proceedings.

(3)

(3) Nothing in this section authorises a court to determine any matter that, had this section not been enacted, it would not have been authorised to determine.

Evidence—Certificate as to authorised persons.

Under Secretary's certificate as to authorisation of a person.

244B. A certificate signed by the Under Secretary certifying that a person specified in the certificate was, at a time or during a period so specified, an authorised person within the meaning of section 254C or 254D is admissible in any proceedings under this Act and shall be prima facie evidence of the matters so certified.

Secs. 254–254D.

(y) by omitting section 254 and the short heading thereto and by inserting instead the following sections and short headings thereto :—

Offences on Crown lands or dedicated lands.

Offences on Crown lands or dedicated lands.

254. (1) In this section—

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c)

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) A person shall not, without lawful authority—

(a) reside on any public lands;

(b) erect any structure on any public lands;

(c) depasture stock on any public lands;

(d) drive stock on any public lands;

(e) clear, dig up or cultivate any public lands;

(f) enclose any public lands (other than a road or watercourse);

(g) fail to pay any rent due and payable in respect of the actual enclosure of any public lands comprised in a road or watercourse;

(h) remove, or cause to be removed, from any public lands, or cut, dig up, disturb, displace, stack, heap or in any other way interfere with, any tree, timber, turf, stone, clay, shells, earth, sand, gravel or any thing of whatever kind, whether growing on or in, or being in, on or under or forming part of, any public lands; or

(i) deposit or cause to be deposited, or leave or cause to be left, on any public lands—

(i) any rubbish, litter, refuse, dead animal, filth or other similar matter; **or**

(ii) any matter of a prescribed class or description, whether or not of a kind referred to in subparagraph (i),

except in a place or receptacle provided for the purpose.

Penalty : $100 for the first offence, $200 for the second offence and $1,000 for any subsequent offence.

(3) The Minister may cause a notice to be served on a person prohibiting him from making use, without lawful authority, of any structure erected on any public lands.

(4) A person on whom a notice is served under subsection (3) shall not, without lawful authority, make use of a structure to which the notice relates after the expiration of the period specified in the notice.

Penalty : $200.

(5) In addition to any penalty imposed for an offence arising under this section, a person guilty of the offence is liable to pay such sum by way of compensation as the court before which the person is convicted may order.

(6) Any sum ordered to be paid under subsection (5) shall be paid by the offender to the clerk of the court, to be by him paid to the Under Secretary.

(7) Any order under subsection (5) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

(8) Where any proceedings are taken against a person for an offence arising under this section and the court before which the proceedings are brought is not satisfied that he is guilty of the offence, but is satisfied that he is guilty of an attempt to commit the offence, the court may acquit him of the offence charged and find him guilty of attempting to commit the offence, and he is liable to the same penalty as if he had been found guilty of the offence.

(9) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to a reserve within the meaning of section 37M, or of any by-laws applying to such a reserve, but a person is not liable to be punished twice for an act or omission that constitutes an offence both under this section and any other such provision.

(10) By-laws applying to a reserve within the meaning of section 37M may contain provisions having the effect of authorising any act or omission that would, but for the by-laws and this subsection, constitute an offence arising under this section, but nothing in this subsection authorises the making of by-laws that could not be made if this section were not in force.

(11) In proceedings for an offence arising under this section, the defendant has the onus of proving lawful authority in relation to the act or omission giving rise to the alleged offence.

Removal of unauthorised structures from Crown lands or dedicated lands.

Removal of unauthorised structures from Crown lands or dedicated lands.

254A. (1) In this section—

"public lands" means any Crown lands or lands granted, reserved or dedicated for any public purpose;

"structure" includes—

(a) any building;

(b) any post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil; and

(c) any works for the reclamation of lands that are or are at any time liable to be, or would, but for the reclamation, be or be at any time liable to be, covered wholly or partly by water.

(2) The Minister may cause or authorise any structure erected without lawful authority on public lands to be removed, together with the contents of the structure.

(3) If a notice requiring any person who claims to have authority to erect, maintain or use a structure erected on any public lands, or any part of the structure, or any person who claims any interest in the structure, to deliver to the Minister a statement in writing signed by that person stating by what authority he erected or is entitled to

maintain or use the structure or part or by what authority he claims any interest in the structure, is—

(a) displayed for a period of one month on or adjacent to the structure; or

(b) published in a local newspaper or such other newspaper (if any) as the Minister may determine,

any person who, within one month after the expiration of that period or within one month after publication of that notice, fails to deliver such a statement to the Minister shall have no claim against the Minister or any other person removing the structure or contents in accordance with subsection (2).

(4) The Minister may at his option cause or authorise any structure or part thereof or the contents thereof removed in accordance with subsection (2) to be destroyed or sold, or stored (and, if stored, then destroyed or sold), or may sell the structure or contents on condition that it or they be removed, and may recover in any court of competent jurisdiction the expenses incurred in the removal, destruction, sale or storage of the structure or part thereof or the contents thereof from the person who—

(a) erected the structure or caused it to be erected; or

(b) has made use of the structure after—

(i) if a notice was served on him under section 254 (3) in respect of the structure—the expiration of the period specified in the notice; or

(ii) if a notice was displayed under subsection (3) in respect of the structure—the expiration of the period of one month for which it was so displayed,

or both.

(5) Subsection (4) (b) (ii) does not apply in relation to a person unless it is established that he knew of, or ought reasonably to have known of, the notice.

Vehicles on vacant public lands.

Vehicles on vacant public lands.

254B. (1) In this section, "vehicle" includes—

(a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

(b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(c) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed.

(2)

(2) The Minister may give such directions as to the bringing of vehicles into, and the use and parking of vehicles in, any vacant public lands as he thinks fit, and any such direction—

(a) may be limited as to time, place or subject-matter; and

(b) may be varied or revoked by the Minister.

(3) A direction given pursuant to subsection (2) shall have effect only while there is erected or displayed upon or near, or marked upon, the lands to which the direction relates a sign that is notice of the direction.

(4) The direction appearing upon a sign that is erected or displayed upon or near, or marked upon, any vacant public lands with the authority of the Minister shall be deemed to be a direction, for the time being in force, given pursuant to subsection (2) in relation to those lands, and the sign shall, for the purposes of subsection (3), be deemed to be notice of that direction.

(5) A person shall not contravene or fail to comply with a direction having effect under this section.

Penalty : $200.

(6) A person shall not interfere with, alter or remove any sign erected or displayed with the authority of the Minister upon or near, or marked with that authority upon, any vacant public lands.

Penalty : $200.

(7) Nothing in this section affects any other provision of this or any other Act, so far as that provision would, but for this section, have effect in relation to vehicles on vacant public lands, or any by-laws applying to any vacant public lands.

(8) An allegation, in an information in respect of an offence arising under this section, that a sign was erected, displayed or marked with the authority of the Minister or his delegate, or that a sign was interfered with, altered or removed without the authority of the Minister or his delegate, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

Impounding of animals.

Impounding.

254C. (1) In this section, "authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c) any person authorised by the Minister for the purposes of this section.

(2) For the purposes of—

(a) the Impounding Act, 1898, sections 44, 45 and 46 excepted; and

(b)

(b) Part XVIII of the Local Government Act, 1919, sections 438 and 439 excepted,

the Minister shall be deemed to be the occupant of vacant public lands.

(3) An authorised person may exercise any power conferred on the Minister by virtue of this section.

(4) An authorised person may, on behalf of the Minister, take proceedings in any court of competent jurisdiction for the trespass committed on the vacant public lands by animals impounded by virtue of this section.

(5) For the purposes of subsection (4), the Minister shall be deemed to be in exclusive possession of vacant public lands.

(6) Nothing in this section prevents the laying of any information for an offence arising under section 254 or affects any proceedings for such an offence.

Requirement to state name and address.

254D. (1) In this section— **Requirement to state name and address.**

"authorised person" means—

(a) any member of the Police Force;

(b) any person holding an office, position or rank prescribed for the purposes of this section; or

(c)

(c) any person authorised by the Minister for the purposes of this section;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled wholly or partly by volatile spirit, steam, gas, oil or electricity.

(2) An authorised person may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(3) An authorised person may require the driver of a motor vehicle on vacant public lands to produce his driver's licence and to state his full name and his place of abode.

(4) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (2) or (3); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection: $200.

Sec. 255A. (Authorised person for purposes of sec. 254C, 254D or 255.)

(z) (i) by omitting from section 255A the words "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951," and by inserting instead the words "section 9 (z) of the Crown Lands and Other Acts (Amendment) Act, 1975,";

(ii)

(ii) by omitting from section 255A the words "as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act" and by inserting instead the words "by the Minister as provided by section 254C, 254D or 255";

(aa) by omitting from section 274A the words "to a qualified person". Sec. 274A. (Transfer of week-end leases.)

10. The Prickly-pear Act, 1924, is amended— Amendment of Act No. 31, 1924.

(a) (i) by omitting from section 9 the words "forty dollars" and by inserting instead the matter "$100"; Sec. 9. (Duty of all owners and occupiers of land free from pear.)

(ii) by omitting from section 9 the words "one hundred dollars" and by inserting instead the matter "$200";

(b) (i) by omitting from section 11 (4) the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 11. (Infested lands.)

(ii) by omitting from section 11 (4) the words "one hundred dollars" and by inserting instead the matter "$200";

(iii) by omitting from section 11 (4) the word "second" and by inserting instead the word "subsequent";

(c) by omitting from section 29 the words "twenty dollars" and by inserting instead the matter "$100"; Sec. 29. (Penalty where not otherwise provided.)

(d)

Sec. 31. (Penalty for impersonating the Commissioner or an inspector, etc.)

(d) by omitting from section 31 the words "forty dollars" and by inserting instead the matter "$100";

Sec. 32. (Penalty for hindering work, etc.)

(e) by omitting from section 32 the words "forty dollars" and by inserting instead the matter "$100";

Sec. 34. (Regulations.)

(f) by omitting from section 34 (2) the words "twenty dollars" and by inserting instead the matter "$100".

Amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

11. The Closer Settlement Amendment (Conversion) Act, 1943, is amended by omitting section 12 (2).

Further amendment of Act No. 26, 1970. Sec. 5. (Payments into Closer Settlement and Public Reserves Fund.)

12. The Closer Settlement and Public Reserves Fund Act, 1970, is further amended by inserting after section 5 (h) the following paragraph :—

(i) any other moneys that have been received by or on behalf of the State or the Minister for the purchase or acquisition of land for a public reserve, or for the maintenance, improvement or development of a public reserve, and whose payment into the Closer Settlement and Public Reserves Fund has been approved by the Treasurer.

Amendment of Act No. 37, 1974. Sec. 10. (Amendment of Act No. 41, 1919.)

13. The Crown Lands and Other Acts (Reserves) Amendment Act, 1974, is amended by omitting from section 10 (a) the words "after the words 'of this Act,' where secondly occurring" and by inserting instead the words "before the word 'and' ".

PART

PART III.

SAVINGS AND TRANSITIONAL PROVISIONS.

Local land boards.

14. (1) A person holding office under section 11 of the Crown Lands Consolidation Act, 1913, immediately before the commencement of section 5 (1), as—

(a) the chairman of a local land board—shall be deemed to have been appointed as such by the Governor; or

(b) a member of a local land board, other than the chairman—shall be deemed to have been appointed as such by the Minister,

under section 11 of that Act, as amended by section 5 (1).

(2) A person holding office under section 9 of the Western Lands Act, 1901, immediately before the commencement of section 5 (2), as an appointed member of a local land board shall be deemed to have been appointed as such under section 9 of that Act, as amended by section 5 (2).

(3) A reference in section 20 (2) and (3) of the Crown Lands Consolidation Act, 1913, as amended by section 5 (1) (d), to a decision made by a local land board or chairman or special land board includes a reference to a decision made by such a board or chairman before, as well as after, the commencement of section 5 (1) (d).

Auction sales, etc.

15. (1) Lands sold before the commencement of section 6 (1)—

(a) by auction under section 63 of the Crown Lands Consolidation Act, 1913, shall be deemed to have been sold by auction under section 63 of that Act, as amended by section 6 (1);

(b)

(b) by tender under section 64B of that Act shall be deemed to have been sold by tender under section 63A of that Act, as amended by section 6 (1); or

(c) by way of after-auction purchase under section 64 of that Act shall be deemed to have been sold by way of after-auction purchase under section 64 of that Act, as amended by section 6 (1),

and any term or condition (including a term or condition of the kind referred to in section 64A of that Act) applicable to those lands immediately before that commencement continues in force accordingly.

(2) A notification published under section 63 (1) of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1), shall be deemed to be a notification published under section 63 of that Act, as amended by section 6 (1).

(3) An application for an after-auction purchase made under section 64 of the Crown Lands Consolidation Act, 1913, before the commencement of section 6 (1) and pending immediately before that commencement, shall be deemed to be an application for an after-auction purchase made under section 64 of that Act, as amended by section 6 (1).

(4) Notwithstanding anything in this section, the rate at which interest is payable on deferred payments of the purchase price in respect of lands referred to in subsection (1), or lands sold in consequence of a notification referred to in subsection (2), is the rate at which interest would have been payable had section 6 (1) not been enacted.

Deferment of payments.

16. Anything done, before the commencement of section 7, under section 20 of the Western Lands Act, 1901, in relation to rent or other moneys due under the Crown Lands Acts shall be deemed to have been done under section 180 of the Crown Lands Consolidation Act, 1913, as amended by section 7 (1).

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

L. W. STREET,
By Deputation from
His Excellency the Governor.

Government House,
Sydney, 6th November, 1975.

New South Wales

ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* *

Act No. 96, 1975.

An Act to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Crown Lands (Amendment) Act, 1932, the Western Lands Act, 1901, and the Finances Adjustment Act, 1932, so as to provide for increases in interest rates in respect of certain debts due to the Crown and to provide for the deferment of payment of certain parts of the annual rents of certain holdings under the Crown Lands Consolidation Act, 1913. [Assented to, 17th December, 1975.]

BE

P 4925—A [24c]

Crown Lands and Other Acts (Rents and Interest Rates) Amendment.

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

Short title.

1. This Act may be cited as the "Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975".

Commencement.

2. (1) This section and sections 1 and 4 shall commence on the date of assent to this Act.

(2) Sections 3 and 5 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 7, 1913.

3. (1) The Crown Lands Consolidation Act, 1913, is amended—

Sec. 180. (Deferring of payments.)

(a) (i) by omitting from section 180 the words "bear interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of four per centum

per

per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and such interest" and by inserting instead the words "bear interest at the applicable rate and such interest";

(ii) by inserting at the end of section 180 the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any payment deferred under that subsection, means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in sub-paragraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

(b) (i) by omitting from section 278 the words "from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum," and by inserting instead the words "bear interest at the applicable rate"; Sec. 278. (Interest on arrears.)

(ii) by inserting at the end of section 278 the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any sum payable to the Crown, means, in respect of so much of the period during which the payment was outstanding as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

Amendment of Act No. 69, 1932.

(2) The Crown Lands (Amendment) Act, 1932, is amended—

Sec. 5. (Funding of arrears.)

(a) by omitting from section 5 the words "rate of seven per centum per annum" and by inserting instead the words "applicable rate";

(b) by omitting from section 5 the word "section" wherever occurring and by inserting instead the word "subsection":

(c)

(c) by inserting at the end of section 5 the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any payment of an amount funded under that subsection, means, in respect of so much of the period which is after the payment of any amount funded became due and before the date of payment as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

Amendment of Act No. 37, 1904.

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

Sec. 29. (Settlement purchase, title, and general conditions.)

(a) by omitting from section 29 (4) the words "bear interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of five per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and such interest" and by inserting instead the words "bear interest at the applicable rate and such interest";

(b) by inserting at the end of section 29 the following subsections :—

(5) In subsection (4), "the applicable rate", in relation to any payment deferred under that subsection, means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(6)

(6) The Governor may make regulations prescribing rates of interest for the purpose of subsection (5) (d).

Amendment of Act No. 21, 1937.

(4) The Closer Settlement (Amendment) Act, 1937, is amended—

Sec. 3. (Instalments and interest.)

(a) by omitting from section 3 (1) (b) the words "from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum" and by inserting instead the words "bear interest at the applicable rate";

(b) by inserting at the end of section 3 the following subsections : —

(3) In subsection (1) (b), "the applicable rate", in relation to any sum payable to the Crown, means, in respect of so much of the period during which the payment was outstanding as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(4) The Governor may make regulations prescribing rates of interest for the purpose of subsection (3) (d).

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

(a) by omitting from section 8 the words "a rate not exceeding seven per centum per annum" and by inserting instead the words "the applicable rate"; Sec. 8. (Remission of rent.)

(b)

(b) by inserting at the end of section 8 the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any sum unpaid during the prescribed period, means, in respect of so much of the prescribed period as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

(6) The Western Lands Act, 1901, is amended— Amendment of Act No. 70, 1901.

(a) (i) by omitting from section 36B the words "as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor" and by inserting instead the words ", for the purpose of calculating the amount of any penalty accruing due after that commencement, be read and construed as if that rate per centum were omitted from that provision and the applicable rate were substituted therefor"; Sec. 36B. (Interest on arrears —leases.)

(ii) by inserting at the end of section 36B the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any unpaid amount, means, in respect of so much of the period during which the amount was unpaid as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum;

(c)

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in sub-paragraph (i) or (ii) first occurs—the rate of ten per centum; or

(d) during any period during which a regulation prescribing a rate per centum for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates per centum for the purpose of subsection (2) (d).

Sec. 36c. (Interest.)

(b) (i) by omitting from section 36c the words "from and after the due date for payment thereof bear interest at the rate of seven per centum per annum" and by inserting instead the words "bear interest at the applicable rate";

(ii) by omitting from section 36c the words "such date" and by inserting instead the words "the due date for payment";

(iii) by omitting from section 36c the word "section" where secondly occurring and by inserting instead the word "subsection";

(iv)

(iv) by inserting at the end of section 36c the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any sum payable under a lease, means, in respect of so much of the period during which the sum was so payable as occurred—

(a) on or after the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(b) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (c) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(c) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3)

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (c).

Further amendment of Act No. 7, 1913.

Secs. 180A, 180B.

4. (1) The Crown Lands Consolidation Act, 1913, is further amended by inserting after section 180 the following sections and short headings thereto :—

Application of section 180.

Application of section 180.

180A. Section 180 does not apply in respect of any payment which the Minister is empowered to defer under section 180B other than a payment which he has deferred under section 180 as in force before the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975.

Deferment of payment of increases in annual rents of certain holdings.

Deferment of payment of increases in annual rents of certain holdings.

180B. (1) In this section, "holding" means a homestead selection (before or after grant) or a lease (whether a perpetual lease grant has or has not issued), but does not include a holding within an irrigation area.

(2) Where the annual rent of a holding has been increased by a redetermination made by a local land board before or after the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, the Minister, upon application made before or after that commencement, may at any time defer, conditionally or unconditionally and for any period he considers appropriate, the payment of the whole or any part of the amount of any increase due to that redetermination.

(3)

(3) Any amount the payment of which has been deferred under subsection (2) shall bear interest at the applicable rate.

(4) In subsection (3), "the applicable rate", in relation to any payment deferred under subsection (2), means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

(a) before the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(b) on or after that commencement and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (c) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(c) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(5) The Governor may make regulations prescribing rates of interest for the purpose of subsection (4) (c).

(6) Any such interest shall be payable on such dates as the Minister may determine.

(7) The Minister may allow the deferred amounts to be paid by annual instalments, with interest at the applicable rate referred to in subsection (4).

(8) Where the Minister is satisfied that the circumstances warrant it, he may direct that the whole or part of the interest referred to in subsection (3) or (7) shall not be charged but no refund shall be made as a consequence of any such direction.

(9) Nothing in this section shall prevent the payment of any amount before it becomes due under the provisions of this section.

(10) Any deferment granted or remission or direction made in pursuance of this section may at any time be modified or revoked by the Minister.

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

(2) The Finances Adjustment Act, 1932, is amended by inserting in section 3 after the words "one hundred and eighty" the matter ", 180B".

Saving.

5. Nothing in section 3 affects the operation of section 3 of the Finances Adjustment Act, 1932, in relation to any debt to the Crown—

(a) payable under a provision of an Act, being a provision amended by this Act; and

(b) incurred before the commencement of the provision of this Act which amends the provision referred to in paragraph (a).

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

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.

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 27 November, 1975.

New South Wales

ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* *

Act No. 96, 1975.

An Act to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Crown Lands (Amendment) Act, 1932, the Western Lands Act, 1901, and the Finances Adjustment Act, 1932, so as to provide for increases in interest rates in respect of certain debts due to the Crown and to provide for the deferment of payment of certain parts of the annual rents of certain holdings under the Crown Lands Consolidation Act, 1913. [Assented to, 17th December, 1975.]

BE

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Crown Lands and Other Acts (Rents and Interest Rates) Amendment.

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

Short title.

1. This Act may be cited as the "Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975".

Commencement.

2. (1) This section and sections 1 and 4 shall commence on the date of assent to this Act.

(2) Sections 3 and 5 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 7, 1913.

3. (1) The Crown Lands Consolidation Act, 1913, is amended—

Sec. 180. (Deferring of payments.)

(a) (i) by omitting from section 180 the words "bear interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of four per centum

per

per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and such interest" and by inserting instead the words "bear interest at the applicable rate and such interest";

(ii) by inserting at the end of section 180 the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any payment deferred under that subsection, means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in sub-paragraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

(b) (i) by omitting from section 278 the words "from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum," and by inserting instead the words "bear interest at the applicable rate"; Sec. 278. (Interest on arrears.)

(ii) by inserting at the end of section 278 the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any sum payable to the Crown, means, in respect of so much of the period during which the payment was outstanding as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

Amendment of Act No. 69, 1932.

(2) The Crown Lands (Amendment) Act, 1932, is amended—

Sec. 5. (Funding of arrears.)

(a) by omitting from section 5 the words "rate of seven per centum per annum" and by inserting instead the words "applicable rate";

(b) by omitting from section 5 the word "section" wherever occurring and by inserting instead the word "subsection";

(c)

(c) by inserting at the end of section 5 the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any payment of an amount funded under that subsection, means, in respect of so much of the period which is after the payment of any amount funded became due and before the date of payment as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

Amendment of Act No. 37, 1904.

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

Sec. 29. (Settlement purchase, title, and general conditions.)

(a) by omitting from section 29 (4) the words "bear interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of five per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and such interest" and by inserting instead the words "bear interest at the applicable rate and such interest";

(b)

(b) by inserting at the end of section 29 the following subsections :—

(5) In subsection (4), "the applicable rate", in relation to any payment deferred under that subsection, means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(6) The Governor may make regulations prescribing rates of interest for the purpose of subsection (5) (d).

Amendment of Act No. 21, 1937.

(4) The Closer Settlement (Amendment) Act, 1937, is amended—

Sec. 3. (Instalments and interest.)

(a) by omitting from section 3 (1) (b) the words "from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum" and by inserting instead the words "bear interest at the applicable rate";

(b) by inserting at the end of section 3 the following subsections:—

(3) In subsection (1) (b), "the applicable rate", in relation to any sum payable to the Crown, means, in respect of so much of the period during which the payment was outstanding as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c)

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(4) The Governor may make regulations prescribing rates of interest for the purpose of subsection (3) (d).

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

(a) by omitting from section 8 the words "a rate not exceeding seven per centum per annum" and by inserting instead the words "the applicable rate"; Sec. 8. (Remission of rent.)

(b)

(b) by inserting at the end of section 8 the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any sum unpaid during the prescribed period, means, in respect of so much of the prescribed period as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of five per centum per annum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(d) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (d).

(6) The Western Lands Act, 1901, is amended— Amendment of Act No. 70, 1901.

(a) (i) by omitting from section 36B the words "as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor" and by inserting instead the words ", for the purpose of calculating the amount of any penalty accruing due after that commencement, be read and construed as if that rate per centum were omitted from that provision and the applicable rate were substituted therefor"; Sec. 36B. (Interest on arrears —leases.)

(ii) by inserting at the end of section 36B the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any unpaid amount, means, in respect of so much of the period during which the amount was unpaid as occurred—

(a) before the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968—the rate of four per centum;

(b) on or after that commencement and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum;

(c)

(c) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (d) is made, before the date that regulation takes effect,

whichever date referred to in sub-paragraph (i) or (ii) first occurs—the rate of ten per centum; or

(d) during any period during which a regulation prescribing a rate per centum for the purpose of this paragraph is in force—that rate.

(3) The Governor may make regulations prescribing rates per centum for the purpose of subsection (2) (d).

Sec. 36c. (Interest.)

(b) (i) by omitting from section 36c the words "from and after the due date for payment thereof bear interest at the rate of seven per centum per annum" and by inserting instead the words "bear interest at the applicable rate";

(ii) by omitting from section 36c the words "such date" and by inserting instead the words "the due date for payment";

(iii) by omitting from section 36c the word "section" where secondly occurring and by inserting instead the word "subsection";

(iv) by inserting at the end of section 36c the following subsections :—

(2) In subsection (1), "the applicable rate", in relation to any sum payable under a lease, means, in respect of so much of the period during which the sum was so payable as occurred—

(a) on or after the commencement of section 6 of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and before the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(b) on or after the commencement of section 3 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (c) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(c) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(3)

(3) The Governor may make regulations prescribing rates of interest for the purpose of subsection (2) (c).

Further amendment of Act No. 7, 1913.

Secs. 180A, 180B.

4. (1) The Crown Lands Consolidation Act, 1913, is further amended by inserting after section 180 the following sections and short headings thereto :—

Application of section 180.

Application of section 180.

180A. Section 180 does not apply in respect of any payment which the Minister is empowered to defer under section 180B other than a payment which he has deferred under section 180 as in force before the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975.

Deferment of payment of increases in annual rents of certain holdings.

Deferment of payment of increases in annual rents of certain holdings.

180B. (1) In this section, "holding" means a homestead selection (before or after grant) or a lease (whether a perpetual lease grant has or has not issued), but does not include a holding within an irrigation area.

(2) Where the annual rent of a holding has been increased by a redetermination made by a local land board before or after the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975, the Minister, upon application made before or after that commencement, may at any time defer, conditionally or unconditionally and for any period he considers appropriate, the payment of the whole or any part of the amount of any increase due to that redetermination.

(3)

(3) Any amount the payment of which has been deferred under subsection (2) shall bear interest at the applicable rate.

(4) In subsection (3), "the applicable rate", in relation to any payment deferred under subsection (2), means, in respect of so much of the period which is after the payment became due and before the date of payment as occurred—

(a) before the commencement of section 4 of the Crown Lands and Other Acts (Rents and Interest Rates) Amendment Act, 1975—the rate of seven per centum per annum;

(b) on or after that commencement and—

(i) before the date of payment; or

(ii) where a regulation referred to in paragraph (c) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—the rate of ten per centum per annum; or

(c) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—that rate.

(5) The Governor may make regulations prescribing rates of interest for the purpose of subsection (4) (c).

(6) Any such interest shall be payable on such dates as the Minister may determine.

(7) The Minister may allow the deferred amounts to be paid by annual instalments, with interest at the applicable rate referred to in subsection (4).

(8)

(8) Where the Minister is satisfied that the circumstances warrant it, he may direct that the whole or part of the interest referred to in subsection (3) or (7) shall not be charged but no refund shall be made as a consequence of any such direction.

(9) Nothing in this section shall prevent the payment of any amount before it becomes due under the provisions of this section.

(10) Any deferment granted or remission or direction made in pursuance of this section may at any time be modified or revoked by the Minister.

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

(2) The Finances Adjustment Act, 1932, is amended by inserting in section 3 after the words "one hundred and eighty" the matter ", 180B".

Saving.

5. Nothing in section 3 affects the operation of section 3 of the Finances Adjustment Act, 1932, in relation to any debt to the Crown—

(a) payable under a provision of an Act, being a provision amended by this Act; and

(b) incurred before the commencement of the provision of this Act which amends the provision referred to in paragraph (a).

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 17th December, 1975.