

*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, 9 October, 1974.*

## New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

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Act No.           , 1974.

An Act to make provision for the reduction of rent payable by certain classes of pensioners in respect of certain classes of leases in irrigation areas; and for purposes connected therewith.

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

1. This Act may be cited as the "Irrigation Areas Short title. (Reduction of Rents) Act, 1974".

2.

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*Irrigation Areas (Reduction of Rents).*

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2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-  
ment.

(2) Except as provided in subsection (1), this Act 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.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Inter-  
pretation.

“application” means an application made under this Act;

10 “appropriate authority”, in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease, means—

(a) except as provided in paragraph (b)—the Commission; or

15 (b) where the rent payable for the whole or a part of the previous year in respect of that lease was required to be reduced under this Act—the Bank;

“Bank” means the Rural Bank of New South Wales;

20 “Commission” means The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912;

25 “eligible pensioner”, in relation to a lease, means a pensioner who is the holder or one of the holders of the lease and who occupies a dwelling situated on the land the subject of the lease as his or her sole or principal place of abode;

“lease”



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*Irrigation Areas (Reduction of Rents).*

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“lease” means—

- 5 (a) a town land lease, an irrigation farm lease or a non-irrigable lease made under or by operation of the Crown Lands Consolidation Act, 1913, in respect of land within an irrigation area within the meaning of the Irrigation Act, 1912; or
- 10 (b) a lease from the Commission made under the Wentworth Irrigation Act in respect of land within the irrigation area within the meaning of that Act;

“pensioner” means—

- 15 (a) a person—
- (i) who is in receipt of a pension under Part III or IV of the Social Services Act 1947–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth; or
- 20 (ii) who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth,
- 25 and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;
- 30 (b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth as—
- (i) the widow of a member of the Forces;
- 35 (ii) the unmarried mother of a deceased unmarried member of the Forces; or
- (iii)

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*Irrigation Areas (Reduction of Rents).*

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(iii) the widowed mother of a deceased unmarried member of the Forces, and either—

5 (iv) who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; or

10 (v) whose assets and income are such as, if that person were a pensioner of the kind referred to in paragraph (a) (i), would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

15 (c) a person who, under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act; or

20 (d) a person who is of a class or description prescribed for the purposes of this paragraph;

25 “regulations” means the regulations under this Act;

“relevant date”, in relation to an application for the reduction of rent, means—

30 (a) where the application is made on or after the day on which the rent is due and payable—that day; or

(b) where the application is made before the day on which the rent is due and payable—the date of the application;

“the



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*Irrigation Areas (Reduction of Rents).*

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“the 1955 Act” means the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955;

5 “year” means the period of twelve months commencing on 1st July, 1974, or any subsequent period of twelve months commencing on 1st July.

(2) A reference in this Act to a jointly eligible occupier is, in relation to a lease held by an eligible pensioner with one or more other persons, a reference to a person  
10 who—

- (a) is the spouse of that eligible pensioner;
- (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of  
15 abode, is the spouse of that other eligible pensioner, and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

**4. Where—**

- 20 (a) an application is made in accordance with this Act for the reduction of the rent payable for the whole or a part of a year in respect of a lease;
- (b) the applicant was, as at the relevant date applicable to the application, an eligible pensioner;
- 25 (c) the Commission is satisfied, on such evidence as it thinks fit, that the land the subject of the lease was, during so much of the period during which the lease was in force in that year as preceded the Commission’s consideration of the application, used primarily for residential purposes; and
- 30 (d) evidence, sufficient to enable the Bank to calculate the amount of the reduction, has been produced to the appropriate authority,

Entitlement to reduction.

that rent shall be reduced in accordance with section 5 or 6, as the case may require.

**5.**

*Irrigation Areas (Reduction of Rents).*

5 **5.** (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act does not apply as at the relevant date, means—

Amount of reduction: rents other than rents reduced under the 1955 Act.

- (a) except as provided in paragraph (b)—50% ; or
- (b) where a regulation made for the purposes of this paragraph prescribes some other percentage in relation to that year—that other percentage.

10 (2) The amount by which rent payable in respect of a lease (other than a lease to which section 20 of the 1955 Act applies as at the relevant date) is required to be reduced by section 4 is—

- 15 (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of that rent ; or
- 20 (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of that rent the same proportion as the interests (as between themselves) of the applicant and any
- 25 jointly eligible occupiers in the lease bear, as at the relevant date, to the interests (as between themselves) of all the lessees in the lease.

30 **6.** (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act applies as at the relevant date, means—

Amount of reduction: rents reduced under the 1955 Act.

- (a) except as provided in paragraph (b)—27½% ; or

(b)



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*Irrigation Areas (Reduction of Rents).*

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5 (b) where a regulation made for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1) prescribes some other percentage in relation to that year—the percentage obtained in accordance with the following formula :—

$$a = \left( b - \frac{22\frac{1}{2}}{100} \right)$$

10 where—

a is the percentage to be obtained; and

b is the percentage prescribed by that regulation, or 22½%, whichever is the greater.

(2) The amount by which rent payable in respect of 15 a lease to which section 20 of the 1955 Act applies as at the relevant date is required to be reduced by section 4 is—

20 (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted; or

25 (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted the same proportion as the interests (as between themselves) of the applicant and any jointly eligible occupiers in the lease bear, as 30 at the relevant date, to the interests (as between themselves) of all the lessees in the lease. 35

(3)

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*Irrigation Areas (Reduction of Rents).*

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(3) The reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of the 1955 Act applies is in addition to that prescribed by section 20 of that Act.

5 (4) Section 20 (4) of the 1955 Act does not apply in relation to the reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of that Act applies.

7. (1) An application for the reduction of the rent payable in respect of a lease shall, for the purposes of this Act, be deemed not to be made in accordance with this Act unless—

15 (a) it is made to the appropriate authority in the manner and form prescribed by regulation or, if no such regulation is in force, in the manner and form determined by the appropriate authority; and

(b) it is made—

20 (i) during the period of four months commencing one month before the rent became or becomes due and payable, whether or not the appropriate authority approves any other time under subsection (2) as the time when the application may be made; or

25 (ii) at such time, applicable to the application, as the appropriate authority approves under subsection (2).

(2) The appropriate authority may, in its discretion, approve, whether generally or in a particular case or class of cases, some time outside the period referred to in subsection 30 (1) (b) (i) as the time when an application may be made.



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*Irrigation Areas (Reduction of Rents).*

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8. Where a person who is an eligible pensioner or a jointly eligible occupier holds a lease with one or more other persons, that person is, to the extent to which any rent payable in respect of the lease was, by virtue of his being an eligible pensioner or a jointly eligible occupier, reduced under this Act, discharged from liability as between that person and any other person jointly liable to pay that rent.

Liability  
as between  
lessees.

9. Where the holder of a lease the rent of which has been reduced under this Act notifies his intention to convert the lease into a purchase under section 145 of the Crown Lands Consolidation Act, 1913, the amount of the purchase money in respect of the lease shall be determined in accordance with section 147A of that Act as if the rent had not been so reduced.

Conversion  
of lease.

10. Where the rent of a lease has been reduced under this Act and the land the subject of the lease is subdivided, the rent shall, for the purposes of section 144B (2) of the Crown Lands Consolidation Act, 1913, be deemed not to have been so reduced.

Subdivision  
of leased  
land.

11. Any power, authority, duty or function conferred or imposed on the Bank by or under this Act (other than section 13) shall be exercised or performed through its Irrigation Agency.

Exercise  
of Bank's  
power, etc.

12. (1) A person shall not make a wilfully false statement in an application.

Offence.

Penalty : \$200.

*Irrigation Areas (Reduction of Rents).*

(2) A penalty imposed by subsection (1) may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

5 **13.** The amount of the reduction in the rent payable in respect of a lease made by reason of a false statement made in an application is recoverable by the Bank as a debt in any court of competent jurisdiction. **Recovery of certain amounts.**

10 **14.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to— **Regulations.**

15 (a) prescribing a class or description of persons for the purposes of paragraph (d) of the definition of "pensioner" in section 3 (1); and

(b) prescribing a percentage for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1).

20 (2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) Where the prescribed percentage (within the meaning of section 5 or 6) applicable to a year is varied by or by operation of a regulation, the regulation shall not have any force in so far as it would, but for this subsection, take effect later than six months after the commencement of that year.

(4)



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*Irrigation Areas (Reduction of Rents).*

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(4) Where, after an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease has been disposed of under this Act, the prescribed percentage (within the meaning of section 5 or 6) applicable to the year is varied by or by operation of a regulation, the regulation shall, in relation only to the rent that is the subject of the application, be deemed not to have any force.

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BY AUTHORITY

D. WESI. GOVERNMENT PRINTER, NEW SOUTH WALES—1974  
[10c]

THE UNIVERSITY OF CHICAGO

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No. , 1974.

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## A BILL

To make provision for the reduction of rent payable by certain classes of pensioners in respect of certain classes of leases in irrigation areas; and for purposes connected therewith.

[MR FREUDENSTEIN—11 *September*, 1974.]

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

5 1. This Act may be cited as the "Irrigation Areas Short title. (Reduction of Rents) Act, 1974".

2.

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*Irrigation Areas (Reduction of Rents).*

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2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-  
ment.

(2) Except as provided in subsection (1), this Act 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.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Inter-  
pretation.

“application” means an application made under this Act;

10 “appropriate authority”, in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease, means—

(a) except as provided in paragraph (b)—the Commission; or

15 (b) where the rent payable for the whole or a part of the previous year in respect of that lease was required to be reduced under this Act—the Bank;

“Bank” means the Rural Bank of New South Wales;

20 “Commission” means The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912;

25 “eligible pensioner”, in relation to a lease, means a pensioner who is the holder or one of the holders of the lease and who occupies a dwelling situated on the land the subject of the lease as his or her sole or principal place of abode;

“lease”



*Irrigation Areas (Reduction of Rents).*

“lease” means—

- 5 (a) a town land lease, an irrigation farm lease or a non-irrigable lease made under or by operation of the Crown Lands Consolidation Act, 1913, in respect of land within an irrigation area within the meaning of the Irrigation Act, 1912; or
- 10 (b) a lease from the Commission made under the Wentworth Irrigation Act in respect of land within the irrigation area within the meaning of that Act;

“pensioner” means—

- 15 (a) a person—
  - (i) who is in receipt of a pension under Part III or IV of the Social Services Act 1947–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth; or
  - 20 (ii) who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth,
- 25 and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;
- 30 (b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth as—
  - 35 (i) the widow of a member of the Forces;
  - (ii) the unmarried mother of a deceased unmarried member of the Forces; or
  - (iii)

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*Irrigation Areas (Reduction of Rents).*

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(iii) the widowed mother of a deceased unmarried member of the Forces, and either—

5 (iv) who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; or

10 (v) whose assets and income are such as, if that person were a pensioner of the kind referred to in paragraph (a) (i), would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

15 (c) a person who, under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act; or

20 (d) a person who is of a class or description prescribed for the purposes of this paragraph;

25 “regulations” means the regulations under this Act;

“relevant date”, in relation to an application for the reduction of rent, means—

30 (a) where the application is made on or after the day on which the rent is due and payable—that day; or

(b) where the application is made before the day on which the rent is due and payable—the date of the application;

“the



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*Irrigation Areas (Reduction of Rents).*

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“the 1955 Act” means the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955;

5 “year” means the period of twelve months commencing on 1st July, 1974, or any subsequent period of twelve months commencing on 1st July.

(2) A reference in this Act to a jointly eligible occupier is, in relation to a lease held by an eligible pensioner with one or more other persons, a reference to a person  
10 who—

- (a) is the spouse of that eligible pensioner;
- (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of  
15 abode, is the spouse of that other eligible pensioner, and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

4. Where—

- 20 (a) an application is made in accordance with this Act for the reduction of the rent payable for the whole or a part of a year in respect of a lease;
- (b) the applicant was, as at the relevant date applicable to the application, an eligible pensioner;
- 25 (c) the Commission is satisfied, on such evidence as it thinks fit, that the land the subject of the lease was, during so much of the period during which the lease was in force in that year as preceded the Commission’s consideration of the application, used primarily for residential purposes; and
- 30 (d) evidence, sufficient to enable the Bank to calculate the amount of the reduction, has been produced to the appropriate authority,

Entitlement  
to reduction.

that rent shall be reduced in accordance with section 5 or 6, as the case may require.

*Irrigation Areas (Reduction of Rents).*

5 5. (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act does not apply as at the relevant date, means—

Amount of reduction: rents other than rents reduced under the 1955 Act.

- (a) except as provided in paragraph (b)—50% ; or
- (b) where a regulation made for the purposes of this paragraph prescribes some other percentage in relation to that year—that other percentage.

10 (2) The amount by which rent payable in respect of a lease (other than a lease to which section 20 of the 1955 Act applies as at the relevant date) is required to be reduced by section 4 is—

- 15 (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of that rent; or
- 20 (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of that rent the same proportion as the interests (as between themselves) of the applicant and any
- 25 jointly eligible occupiers in the lease bear, as at the relevant date, to the interests (as between themselves) of all the lessees in the lease.

30 6. (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act applies as at the relevant date, means—

Amount of reduction: rents reduced under the 1955 Act.

- (a) except as provided in paragraph (b)—27½% ; or

(b)



*Irrigation Areas (Reduction of Rents).*

- (b) where a regulation made for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1) prescribes some other percentage in relation to that year—the percentage obtained in accordance with the following formula :—

$$a = \left( b - \frac{22\frac{1}{2}}{100} \right)$$

where—

a is the percentage to be obtained; and

b is the percentage prescribed by that regulation, or 22½%, whichever is the greater.

- (2) The amount by which rent payable in respect of a lease to which section 20 of the 1955 Act applies as at the relevant date is required to be reduced by section 4 is—

- (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted; or
- (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted the same proportion as the interests (as between themselves) of the applicant and any jointly eligible occupiers in the lease bear, as at the relevant date, to the interests (as between themselves) of all the lessees in the lease.

(3)

*Irrigation Areas (Reduction of Rents).*

(3) The reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of the 1955 Act applies is in addition to that prescribed by section 20 of that Act.

5 (4) Section 20 (4) of the 1955 Act does not apply in relation to the reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of that Act applies.

7. (1) An application for the reduction of the rent payable in respect of a lease shall, for the purposes of this Act, be deemed not to be made in accordance with this Act unless—

15 (a) it is made to the appropriate authority in the manner and form prescribed by regulation or, if no such regulation is in force, in the manner and form determined by the appropriate authority; and

(b) it is made—

20 (i) during the period of four months commencing one month before the rent became or becomes due and payable, whether or not the appropriate authority approves any other time under subsection (2) as the time when the application may be made; or

25 (ii) at such time, applicable to the application, as the appropriate authority approves under subsection (2).

(2) The appropriate authority may, in its discretion, approve, whether generally or in a particular case or class of cases, some time outside the period referred to in subsection (1) (b) (i) as the time when an application may be made.



*Irrigation Areas (Reduction of Rents).*

8. Where a person who is an eligible pensioner or a jointly eligible occupier holds a lease with one or more other persons, that person is, to the extent to which any rent payable in respect of the lease was, by virtue of his being an eligible pensioner or a jointly eligible occupier, reduced under this Act, discharged from liability as between that person and any other person jointly liable to pay that rent.

Liability  
as between  
lessees.

9. Where the holder of a lease the rent of which has been reduced under this Act notifies his intention to convert the lease into a purchase under section 145 of the Crown Lands Consolidation Act, 1913, the amount of the purchase money in respect of the lease shall be determined in accordance with section 147A of that Act as if the rent had not been so reduced.

Conversion  
of lease.

10. Where the rent of a lease has been reduced under this Act and the land the subject of the lease is subdivided, the rent shall, for the purposes of section 144B (2) of the Crown Lands Consolidation Act, 1913, be deemed not to have been so reduced.

Subdivision  
of leased  
land.

11. Any power, authority, duty or function conferred or imposed on the Bank by or under this Act (other than section 13) shall be exercised or performed through its Irrigation Agency.

Exercise  
of Bank's  
power, etc.

12. (1) A person shall not make a wilfully false statement in an application.

Offence.

Penalty : \$200.

*Irrigation Areas (Reduction of Rents).*

(2) A penalty imposed by subsection (1) may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

5 **13.** The amount of the reduction in the rent payable in respect of a lease made by reason of a false statement made in an application is recoverable by the Bank as a debt in any court of competent jurisdiction. Recovery of certain amounts.

10 **14.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

15 (a) prescribing a class or description of persons for the purposes of paragraph (d) of the definition of "pensioner" in section 3 (1); and

(b) prescribing a percentage for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1).

20 (2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

25 (3) Where the prescribed percentage (within the meaning of section 5 or 6) applicable to a year is varied by or by operation of a regulation, the regulation shall not have any force in so far as it would, but for this subsection, take effect later than six months after the commencement of that year.

(4)



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*Irrigation Areas (Reduction of Rents).*

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(4) Where, after an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease has been disposed of under this Act, the prescribed percentage (within the meaning of section 5 or 6) applicable to the year is varied by or by operation of a regulation, the regulation shall, in relation only to the rent that is the subject of the application, be deemed not to have any force.

Section 1. (1) The Commission shall...

(2) Where an application for the... the Commission shall... the Commission shall... the Commission shall...

Section 2. (1) The Commission shall...

Section 3. (1) The Commission shall...

Section 4. (1) The Commission shall...



## IRRIGATION AREAS (REDUCTION OF RENTS) BILL, 1974

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### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to enable, upon application, the annual rent payable for certain leases of lands within irrigation areas (being leases granted under the Crown Lands Acts or the Wentworth Irrigation Act) to be reduced;
- (b) to provide that the amount of such a reduction is—
  - (i) subject to subparagraph (ii)—50% of the annual rent; or
  - (ii) where the rent is already reduced by 22½% under section 20 of the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955—27½% of the annual rent that would have been payable if that section had not been enacted,  
or a proportionate part where the lease is held together with a person who is neither an eligible person referred to below nor the spouse of an eligible person;
- (c) to provide that such a reduction only operates where—
  - (i) the sole holder, or at least one of the holders, of the lease is of a certain class of pensioner; and
  - (ii) the land is used primarily for residential purposes;
- (d) to enable regulations to be made for the purposes of the proposed Act, and in particular for varying the percentage by which rent is to be reduced under the proposed Act; and
- (e) to make other provisions of a minor, consequential or ancillary character.

IRRIGATION AREAS (REDUCTION OF RISK) BY 1977

TABLE 1

The following table shows the results of the survey of irrigation areas in the United States for the year 1977. The data are presented in the following table:

State	Area (Acres)	Value (\$)
Alabama	1,200,000	1,200,000,000
Arizona	1,500,000	1,500,000,000
California	2,500,000	2,500,000,000
Colorado	1,000,000	1,000,000,000
Florida	800,000	800,000,000
Georgia	1,100,000	1,100,000,000
Idaho	1,300,000	1,300,000,000
Illinois	900,000	900,000,000
Indiana	700,000	700,000,000
Iowa	1,000,000	1,000,000,000
Kansas	1,200,000	1,200,000,000
Kentucky	600,000	600,000,000
Louisiana	500,000	500,000,000
Maine	400,000	400,000,000
Maryland	300,000	300,000,000
Massachusetts	200,000	200,000,000
Michigan	800,000	800,000,000
Minnesota	1,000,000	1,000,000,000
Mississippi	400,000	400,000,000
Missouri	1,100,000	1,100,000,000
Montana	1,300,000	1,300,000,000
Nebraska	1,400,000	1,400,000,000
Nevada	1,600,000	1,600,000,000
New Hampshire	300,000	300,000,000
New Jersey	200,000	200,000,000
New Mexico	1,700,000	1,700,000,000
New York	500,000	500,000,000
North Carolina	700,000	700,000,000
North Dakota	1,500,000	1,500,000,000
Ohio	900,000	900,000,000
Oklahoma	1,300,000	1,300,000,000
Oregon	1,400,000	1,400,000,000
Pennsylvania	600,000	600,000,000
Rhode Island	200,000	200,000,000
South Carolina	500,000	500,000,000
South Dakota	1,600,000	1,600,000,000
Tennessee	800,000	800,000,000
Texas	2,000,000	2,000,000,000
Utah	1,800,000	1,800,000,000
Vermont	300,000	300,000,000
Virginia	600,000	600,000,000
Washington	1,900,000	1,900,000,000
West Virginia	400,000	400,000,000
Wisconsin	1,000,000	1,000,000,000
Wyoming	1,700,000	1,700,000,000



PROOF

No. , 1974.

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# A BILL

To make provision for the reduction of rent payable by certain classes of pensioners in respect of certain classes of leases in irrigation areas; and for purposes connected therewith.

[MR FREUDENSTEIN—11 *September*, 1974.]

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

5 **1.** This Act may be cited as the "Irrigation Areas Short title. (Reduction of Rents) Act, 1974".

**2.**

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*Irrigation Areas (Reduction of Rents).*

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2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-  
ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the  
5 Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. (1) In this Act, except in so far as the context or  
subject-matter otherwise indicates or requires— Inter-  
pretation.

“application” means an application made under this Act;

10 “appropriate authority”, in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease, means—

(a) except as provided in paragraph (b)—the Commission; or

15 (b) where the rent payable for the whole or a part of the previous year in respect of that lease was required to be reduced under this Act—the Bank;

“Bank” means the Rural Bank of New South Wales;

20 “Commission” means The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912;

“eligible pensioner”, in relation to a lease, means a  
25 pensioner who is the holder or one of the holders of the lease and who occupies a dwelling situated on the land the subject of the lease as his or her sole or principal place of abode;

“lease”



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*Irrigation Areas (Reduction of Rents).*

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“lease” means—

- 5 (a) a town land lease, an irrigation farm lease or a non-irrigable lease made under or by operation of the Crown Lands Consolidation Act, 1913, in respect of land within an irrigation area within the meaning of the Irrigation Act, 1912; or
- 10 (b) a lease from the Commission made under the Wentworth Irrigation Act in respect of land within the irrigation area within the meaning of that Act;

“pensioner” means—

- 15 (a) a person—
- (i) who is in receipt of a pension under Part III or IV of the Social Services Act 1947–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth; or
- 20 (ii) who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth,
- 25 and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;
- 30 (b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth as—
- (i) the widow of a member of the Forces;
- 35 (ii) the unmarried mother of a deceased unmarried member of the Forces; or
- (iii)

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*Irrigation Areas (Reduction of Rents).*

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(iii) the widowed mother of a deceased unmarried member of the Forces, and either—

(iv) who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; or

(v) whose assets and income are such as, if that person were a pensioner of the kind referred to in paragraph (a) (i), would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(c) a person who, under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act; or

(d) a person who is of a class or description prescribed for the purposes of this paragraph;

“regulations” means the regulations under this Act;

“relevant date”, in relation to an application for the reduction of rent, means—

(a) where the application is made on or after the day on which the rent is due and payable—that day; or

(b) where the application is made before the day on which the rent is due and payable—the date of the application;

“the



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*Irrigation Areas (Reduction of Rents).*

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“the 1955 Act” means the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955;

5 “year” means the period of twelve months commencing on 1st July, 1974, or any subsequent period of twelve months commencing on 1st July.

(2) A reference in this Act to a jointly eligible occupier is, in relation to a lease held by an eligible pensioner with one or more other persons, a reference to a person  
10 who—

- (a) is the spouse of that eligible pensioner;
- (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of  
15 abode, is the spouse of that other eligible pensioner, and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

**4. Where—**

- 20 (a) an application is made in accordance with this Act for the reduction of the rent payable for the whole or a part of a year in respect of a lease;
- (b) the applicant was, as at the relevant date applicable to the application, an eligible pensioner;
- 25 (c) the Commission is satisfied, on such evidence as it thinks fit, that the land the subject of the lease was, during so much of the period during which the lease was in force in that year as preceded the Commission’s consideration of the application, used primarily for residential purposes; and
- 30 (d) evidence, sufficient to enable the Bank to calculate the amount of the reduction, has been produced to the appropriate authority,

Entitlement  
to reduction.

that rent shall be reduced in accordance with section 5 or 6, as the case may require.

**5.**

*Irrigation Areas (Reduction of Rents).*

5 5. (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act does not apply as at the relevant date, means—

Amount of reduction: rents other than rents reduced under the 1955 Act.

- (a) except as provided in paragraph (b)—50% ; or
- (b) where a regulation made for the purposes of this paragraph prescribes some other percentage in relation to that year—that other percentage.

10 (2) The amount by which rent payable in respect of a lease (other than a lease to which section 20 of the 1955 Act applies as at the relevant date) is required to be reduced by section 4 is—

- 15 (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of that rent ; or
- 20 (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of that rent the same proportion as the interests (as between themselves) of the applicant and any
- 25 jointly eligible occupiers in the lease bear, as at the relevant date, to the interests (as between themselves) of all the lessees in the lease.

30 6. (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act applies as at the relevant date, means—

Amount of reduction: rents reduced under the 1955 Act.

- (a) except as provided in paragraph (b)—27½% ; or

(b)



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*Irrigation Areas (Reduction of Rents).*

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- 8  
5  
5
- (b) where a regulation made for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1) prescribes some other percentage in relation to that year—the percentage obtained in accordance with the following formula :—

$$a = \left( b - \frac{22\frac{1}{2}}{100} \right)$$

10 where—

a is the percentage to be obtained; and

b is the percentage prescribed by that regulation, or 22½%, whichever is the greater.

(2) The amount by which rent payable in respect of  
15 a lease to which section 20 of the 1955 Act applies as at the relevant date is required to be reduced by section 4 is—

- 20
- (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted; or
- 25
- (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted the same proportion as the interests (as between themselves) of the applicant and any jointly eligible occupiers in the lease bear, as  
30 at the relevant date, to the interests (as between themselves) of all the lessees in the lease.  
35

(3)

*Irrigation Areas (Reduction of Rents).*

(3) The reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of the 1955 Act applies is in addition to that prescribed by section 20 of that Act.

5 (4) Section 20 (4) of the 1955 Act does not apply in relation to the reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of that Act applies.

7. (1) An application for the reduction of the rent payable in respect of a lease shall, for the purposes of this Act, be deemed not to be made in accordance with this Act unless—

15 (a) it is made to the appropriate authority in the manner and form prescribed by regulation or, if no such regulation is in force, in the manner and form determined by the appropriate authority; and

(b) it is made—  
20 (i) during the period of four months commencing one month before the rent became or becomes due and payable, whether or not the appropriate authority approves any other time under subsection (2) as the time when the application may be made; or  
25 (ii) at such time, applicable to the application, as the appropriate authority approves under subsection (2).

(2) The appropriate authority may, in its discretion, approve, whether generally or in a particular case or class of cases, some time outside the period referred to in subsection  
30 (1) (b) (i) as the time when an application may be made.



*Irrigation Areas (Reduction of Rents).*

8. Where a person who is an eligible pensioner or a jointly eligible occupier holds a lease with one or more other persons, that person is, to the extent to which any rent payable in respect of the lease was, by virtue of his being an eligible pensioner or a jointly eligible occupier, reduced under this Act, discharged from liability as between that person and any other person jointly liable to pay that rent.

Liability  
as between  
lessees.

9. Where the holder of a lease the rent of which has been reduced under this Act notifies his intention to convert the lease into a purchase under section 145 of the Crown Lands Consolidation Act, 1913, the amount of the purchase money in respect of the lease shall be determined in accordance with section 147A of that Act as if the rent had not been so reduced.

Conversion  
of lease.

10. Where the rent of a lease has been reduced under this Act and the land the subject of the lease is subdivided, the rent shall, for the purposes of section 144B (2) of the Crown Lands Consolidation Act, 1913, be deemed not to have been so reduced.

Subdivision  
of leased  
land.

11. Any power, authority, duty or function conferred or imposed on the Bank by or under this Act (other than section 13) shall be exercised or performed through its Irrigation Agency.

Exercise  
of Bank's  
power, etc.

12. (1) A person shall not make a wilfully false statement in an application.

Penalty : \$200.

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*Irrigation Areas (Reduction of Rents).*

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(2) A penalty imposed by subsection (1) may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

5 **13.** The amount of the reduction in the rent payable in respect of a lease made by reason of a false statement made in an application is recoverable by the Bank as a debt in any court of competent jurisdiction. Recovery of certain amounts.

10 **14.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to— Regulations.

15 (a) prescribing a class or description of persons for the purposes of paragraph (d) of the definition of "pensioner" in section 3 (1); and

(b) prescribing a percentage for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1).

20 (2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

25 (3) Where the prescribed percentage (within the meaning of section 5 or 6) applicable to a year is varied by or by operation of a regulation, the regulation shall not have any force in so far as it would, but for this subsection, take effect later than six months after the commencement of that year.

(4)



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*Irrigation Areas (Reduction of Rents).*

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- 5 (4) Where, after an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease has been disposed of under this Act, the prescribed percentage (within the meaning of section 5 or 6) applicable to the year is varied by or by operation of a regulation, the regulation shall, in relation only to the rent that is the subject of the application, be deemed not to have any force.

Application (Form R) for the ( ) of ( )

1. Whereafter a corporation has been organized under the laws of this State and the right payable to the whole or a part of the stock of such corporation has been divided or sold in whole or in part, and the proceeds of such sale or division have been paid to the stockholders or to the persons claiming to be stockholders, the corporation shall, in addition to the provisions of the application for such sale or division, file with the Secretary of State a statement of the following nature:

BY \_\_\_\_\_  
 SECRETARY OF STATE



# New South Wales



ANNO VICESIMO TERTIO

## ELIZABETHÆ II REGINÆ

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### Act No. 83, 1974.

An Act to make provision for the reduction of rent payable by certain classes of pensioners in respect of certain classes of leases in irrigation areas; and for purposes connected therewith. [Assented to, 3rd December, 1974.]

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

1. This Act may be cited as the "Irrigation Areas Short title. (Reduction of Rents) Act, 1974".

2.

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*Irrigation Areas (Reduction of Rents).*

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Commence-  
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act 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.

Inter-  
pretation.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“application” means an application made under this Act;

“appropriate authority”, in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease, means—

(a) except as provided in paragraph (b)—the Commission; or

(b) where the rent payable for the whole or a part of the previous year in respect of that lease was required to be reduced under this Act—the Bank;

“Bank” means the Rural Bank of New South Wales;

“Commission” means The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912;

“eligible pensioner”, in relation to a lease, means a pensioner who is the holder or one of the holders of the lease and who occupies a dwelling situated on the land the subject of the lease as his or her sole or principal place of abode;

“lease”



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*Irrigation Areas (Reduction of Rents).*

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“lease” means—

- (a) a town land lease, an irrigation farm lease or a non-irrigable lease made under or by operation of the Crown Lands Consolidation Act, 1913, in respect of land within an irrigation area within the meaning of the Irrigation Act, 1912; or
- (b) a lease from the Commission made under the Wentworth Irrigation Act in respect of land within the irrigation area within the meaning of that Act;

“pensioner” means—

- (a) a person—
  - (i) who is in receipt of a pension under Part III or IV of the Social Services Act 1947–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth; or
  - (ii) who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth, and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;
- (b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth as—
  - (i) the widow of a member of the Forces;
  - (ii) the unmarried mother of a deceased unmarried member of the Forces; or
  - (iii)

*Irrigation Areas (Reduction of Rents).*

(iii) the widowed mother of a deceased unmarried member of the Forces, and either—

(iv) who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; or

(v) whose assets and income are such as, if that person were a pensioner of the kind referred to in paragraph (a) (i), would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(c) a person who, under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act; or

(d) a person who is of a class or description prescribed for the purposes of this paragraph;

“regulations” means the regulations under this Act;

“relevant date”, in relation to an application for the reduction of rent, means—

(a) where the application is made on or after the day on which the rent is due and payable—that day; or

(b) where the application is made before the day on which the rent is due and payable—the date of the application;

“the



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*Irrigation Areas (Reduction of Rents).*

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“the 1955 Act” means the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955;

“year” means the period of twelve months commencing on 1st July, 1974, or any subsequent period of twelve months commencing on 1st July.

(2) A reference in this Act to a jointly eligible occupier is, in relation to a lease held by an eligible pensioner with one or more other persons, a reference to a person who—

- (a) is the spouse of that eligible pensioner;
- (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of abode, is the spouse of that other eligible pensioner,

and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

**4. Where—**

- (a) an application is made in accordance with this Act for the reduction of the rent payable for the whole or a part of a year in respect of a lease;
- (b) the applicant was, as at the relevant date applicable to the application, an eligible pensioner;
- (c) the Commission is satisfied, on such evidence as it thinks fit, that the land the subject of the lease was, during so much of the period during which the lease was in force in that year as preceded the Commission’s consideration of the application, used primarily for residential purposes; and
- (d) evidence, sufficient to enable the Bank to calculate the amount of the reduction, has been produced to the appropriate authority,

Entitlement  
to reduction.

that rent shall be reduced in accordance with section 5 or 6, as the case may require.

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*Irrigation Areas (Reduction of Rents).*

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Amount of  
reduction:  
rents other  
than rents  
reduced  
under the  
1955 Act.

**5.** (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act does not apply as at the relevant date, means—

- (a) except as provided in paragraph (b)—50% ; or
- (b) where a regulation made for the purposes of this paragraph prescribes some other percentage in relation to that year—that other percentage.

(2) The amount by which rent payable in respect of a lease (other than a lease to which section 20 of the 1955 Act applies as at the relevant date) is required to be reduced by section 4 is—

- (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of that rent ; or
- (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of that rent the same proportion as the interests (as between themselves) of the applicant and any jointly eligible occupiers in the lease bear, as at the relevant date, to the interests (as between themselves) of all the lessees in the lease.

Amount of  
reduction:  
rents  
reduced  
under the  
1955 Act.

**6.** (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act applies as at the relevant date, means—

- (a) except as provided in paragraph (b)—27½% ; or
- (b)



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*Irrigation Areas (Reduction of Rents).*


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(b) where a regulation made for the purposes of paragraph (b) of the definition of “prescribed percentage” in section 5 (1) prescribes some other percentage in relation to that year—the percentage obtained in accordance with the following formula :—

$$a = \left( b - \frac{22\frac{1}{2}}{100} \right)$$

where—

a is the percentage to be obtained; and

b is the percentage prescribed by that regulation, or 22½%, whichever is the greater.

(2) The amount by which rent payable in respect of a lease to which section 20 of the 1955 Act applies as at the relevant date is required to be reduced by section 4 is—

(a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted; or

(b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted the same proportion as the interests (as between themselves) of the applicant and any jointly eligible occupiers in the lease bear, as at the relevant date, to the interests (as between themselves) of all the lessees in the lease.

(3)

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*Irrigation Areas (Reduction of Rents).*

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(3) The reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of the 1955 Act applies is in addition to that prescribed by section 20 of that Act.

(4) Section 20 (4) of the 1955 Act does not apply in relation to the reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of that Act applies.

**Applica-  
tions.**

7. (1) An application for the reduction of the rent payable in respect of a lease shall, for the purposes of this Act, be deemed not to be made in accordance with this Act unless—

(a) it is made to the appropriate authority in the manner and form prescribed by regulation or, if no such regulation is in force, in the manner and form determined by the appropriate authority; and

(b) it is made—

(i) during the period of four months commencing one month before the rent became or becomes due and payable, whether or not the appropriate authority approves any other time under subsection (2) as the time when the application may be made; or

(ii) at such time, applicable to the application, as the appropriate authority approves under subsection (2).

(2) The appropriate authority may, in its discretion, approve, whether generally or in a particular case or class of cases, some time outside the period referred to in subsection (1) (b) (i) as the time when an application may be made.



*Irrigation Areas (Reduction of Rents).*

8. Where a person who is an eligible pensioner or a jointly eligible occupier holds a lease with one or more other persons, that person is, to the extent to which any rent payable in respect of the lease was, by virtue of his being an eligible pensioner or a jointly eligible occupier, reduced under this Act, discharged from liability as between that person and any other person jointly liable to pay that rent.

Liability as between lessees.

9. Where the holder of a lease the rent of which has been reduced under this Act notifies his intention to convert the lease into a purchase under section 145 of the Crown Lands Consolidation Act, 1913, the amount of the purchase money in respect of the lease shall be determined in accordance with section 147A of that Act as if the rent had not been so reduced.

Conversion of lease.

10. Where the rent of a lease has been reduced under this Act and the land the subject of the lease is subdivided, the rent shall, for the purposes of section 144B (2) of the Crown Lands Consolidation Act, 1913, be deemed not to have been so reduced.

Subdivision of leased land.

11. Any power, authority, duty or function conferred or imposed on the Bank by or under this Act (other than section 13) shall be exercised or performed through its Irrigation Agency.

Exercise of Bank's power, etc.

12. (1) A person shall not make a wilfully false statement in an application.

Offence.

Penalty : \$200.

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*Irrigation Areas (Reduction of Rents).*

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(2) A penalty imposed by subsection (1) may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

Recovery  
of certain  
amounts.

**13.** The amount of the reduction in the rent payable in respect of a lease made by reason of a false statement made in an application is recoverable by the Bank as a debt in any court of competent jurisdiction.

Regulations.

**14.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) prescribing a class or description of persons for the purposes of paragraph (d) of the definition of "pensioner" in section 3 (1); and
- (b) prescribing a percentage for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1).

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) Where the prescribed percentage (within the meaning of section 5 or 6) applicable to a year is varied by or by operation of a regulation, the regulation shall not have any force in so far as it would, but for this subsection, take effect later than six months after the commencement of that year.



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*Irrigation Areas (Reduction of Rents).*

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(4) Where, after an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease has been disposed of under this Act, the prescribed percentage (within the meaning of section 5 or 6) applicable to the year is varied by or by operation of a regulation, the regulation shall, in relation only to the rent that is the subject of the application, be deemed not to have any force.

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BY AUTHORITY

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

## Assignment Areas (Reduction of Rent).

147. Where after an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease has been disposed of under this Act, the prescribed percentage (within the meaning of section 5 or 6) applicable to the year is varied by or by operation of a regulation, the regulation shall, in relation only to the rent that is the subject of the application, be deemed not to have any force.



*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, 20 November, 1974.*

## New South Wales



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 83, 1974.**

An Act to make provision for the reduction of rent payable by certain classes of pensioners in respect of certain classes of leases in irrigation areas; and for purposes connected therewith. [Assented to, 3rd December, 1974.]

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

1. This Act may be cited as the "Irrigation Areas Short title.  
(Reduction of Rents) Act, 1974".

2.

*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.*



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*Irrigation Areas (Reduction of Rents).*

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Commence-  
ment.

**2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act 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.

Inter-  
pretation.

**3.** (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“application” means an application made under this Act;

“appropriate authority”, in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease, means—

(a) except as provided in paragraph (b)—the Commission; or

(b) where the rent payable for the whole or a part of the previous year in respect of that lease was required to be reduced under this Act—the Bank;

“Bank” means the Rural Bank of New South Wales;

“Commission” means The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912;

“eligible pensioner”, in relation to a lease, means a pensioner who is the holder or one of the holders of the lease and who occupies a dwelling situated on the land the subject of the lease as his or her sole or principal place of abode;

“lease”



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“lease” means—

- (a) a town land lease, an irrigation farm lease or a non-irrigable lease made under or by operation of the Crown Lands Consolidation Act, 1913, in respect of land within an irrigation area within the meaning of the Irrigation Act, 1912; or
- (b) a lease from the Commission made under the Wentworth Irrigation Act in respect of land within the irrigation area within the meaning of that Act;

“pensioner” means—

(a) a person—

- (i) who is in receipt of a pension under Part III or IV of the Social Services Act 1947–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth; or
- (ii) who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth,

and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth as—

- (i) the widow of a member of the Forces;
- (ii) the unmarried mother of a deceased unmarried member of the Forces; or
- (iii)



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- (iii) the widowed mother of a deceased unmarried member of the Forces, and either—
- (iv) who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; or
- (v) whose assets and income are such as, if that person were a pensioner of the kind referred to in paragraph (a) (i), would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;
- (c) a person who, under Part III of the Repatriation Act 1920–1974, as amended by subsequent Acts, of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act; or
- (d) a person who is of a class or description prescribed for the purposes of this paragraph;

“regulations” means the regulations under this Act;

“relevant date”, in relation to an application for the reduction of rent, means—

- (a) where the application is made on or after the day on which the rent is due and payable—that day; or
- (b) where the application is made before the day on which the rent is due and payable—the date of the application;

“the



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“the 1955 Act” means the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955;

“year” means the period of twelve months commencing on 1st July, 1974, or any subsequent period of twelve months commencing on 1st July.

(2) A reference in this Act to a jointly eligible occupier is, in relation to a lease held by an eligible pensioner with one or more other persons, a reference to a person who—

- (a) is the spouse of that eligible pensioner;
- (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of abode, is the spouse of that other eligible pensioner,

and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

4. Where—

Entitlement  
to reduction.

- (a) an application is made in accordance with this Act for the reduction of the rent payable for the whole or a part of a year in respect of a lease;
- (b) the applicant was, as at the relevant date applicable to the application, an eligible pensioner;
- (c) the Commission is satisfied, on such evidence as it thinks fit, that the land the subject of the lease was, during so much of the period during which the lease was in force in that year as preceded the Commission’s consideration of the application, used primarily for residential purposes; and
- (d) evidence, sufficient to enable the Bank to calculate the amount of the reduction, has been produced to the appropriate authority,

that rent shall be reduced in accordance with section 5 or 6, as the case may require.

5.



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*Irrigation Areas (Reduction of Rents).*

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Amount of  
reduction:  
rents other  
than rents  
reduced  
under the  
1955 Act.

**5.** (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act does not apply as at the relevant date, means—

- (a) except as provided in paragraph (b)—50%; or
- (b) where a regulation made for the purposes of this paragraph prescribes some other percentage in relation to that year—that other percentage.

(2) The amount by which rent payable in respect of a lease (other than a lease to which section 20 of the 1955 Act applies as at the relevant date) is required to be reduced by section 4 is—

- (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of that rent; or
- (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of that rent the same proportion as the interests (as between themselves) of the applicant and any jointly eligible occupiers in the lease bear, as at the relevant date, to the interests (as between themselves) of all the lessees in the lease.

Amount of  
reduction:  
rents  
reduced  
under the  
1955 Act.

**6.** (1) In this section, "prescribed percentage", in relation to an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease to which section 20 of the 1955 Act applies as at the relevant date, means—

- (a) except as provided in paragraph (b)—27½%; or
- (b)



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*Irrigation Areas (Reduction of Rents).*


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- (b) where a regulation made for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1) prescribes some other percentage in relation to that year—the percentage obtained in accordance with the following formula :—

$$a = \left( b - \frac{22\frac{1}{2}}{100} \right)$$

where—

a is the percentage to be obtained; and

b is the percentage prescribed by that regulation, or 22½%, whichever is the greater.

(2) The amount by which rent payable in respect of a lease to which section 20 of the 1955 Act applies as at the relevant date is required to be reduced by section 4 is—

- (a) where, as at the relevant date, the applicant is the sole holder of the lease or holds the lease with one or more jointly eligible occupiers but with no other person—the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted; or
- (b) where, as at the relevant date, the applicant holds the lease with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to the prescribed percentage of the rent that would have been payable as at the relevant date if section 20 of the 1955 Act had not been enacted the same proportion as the interests (as between themselves) of the applicant and any jointly eligible occupiers in the lease bear, as at the relevant date, to the interests (as between themselves) of all the lessees in the lease.

(3)



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(3) The reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of the 1955 Act applies is in addition to that prescribed by section 20 of that Act.

(4) Section 20 (4) of the 1955 Act does not apply in relation to the reduction required to be made by section 4 in the rent payable in respect of a lease to which section 20 of that Act applies.

Applica-  
tions.

7. (1) An application for the reduction of the rent payable in respect of a lease shall, for the purposes of this Act, be deemed not to be made in accordance with this Act unless—

(a) it is made to the appropriate authority in the manner and form prescribed by regulation or, if no such regulation is in force, in the manner and form determined by the appropriate authority; and

(b) it is made—

(i) during the period of four months commencing one month before the rent became or becomes due and payable, whether or not the appropriate authority approves any other time under subsection (2) as the time when the application may be made; or

(ii) at such time, applicable to the application, as the appropriate authority approves under subsection (2).

(2) The appropriate authority may, in its discretion, approve, whether generally or in a particular case or class of cases, some time outside the period referred to in subsection (1) (b) (i) as the time when an application may be made.



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**8.** Where a person who is an eligible pensioner or a jointly eligible occupier holds a lease with one or more other persons, that person is, to the extent to which any rent payable in respect of the lease was, by virtue of his being an eligible pensioner or a jointly eligible occupier, reduced under this Act, discharged from liability as between that person and any other person jointly liable to pay that rent. Liability as between lessees.

**9.** Where the holder of a lease the rent of which has been reduced under this Act notifies his intention to convert the lease into a purchase under section 145 of the Crown Lands Consolidation Act, 1913, the amount of the purchase money in respect of the lease shall be determined in accordance with section 147A of that Act as if the rent had not been so reduced. Conversion of lease.

**10.** Where the rent of a lease has been reduced under this Act and the land the subject of the lease is subdivided, the rent shall, for the purposes of section 144B (2) of the Crown Lands Consolidation Act, 1913, be deemed not to have been so reduced. Subdivision of leased land.

**11.** Any power, authority, duty or function conferred or imposed on the Bank by or under this Act (other than section 13) shall be exercised or performed through its Irrigation Agency. Exercise of Bank's power, etc.

**12.** (1) A person shall not make a wilfully false statement in an application. Offence.

Penalty : \$200.

(2)



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*Irrigation Areas (Reduction of Rents).*

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(2) A penalty imposed by subsection (1) may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

Recovery  
of certain  
amounts.

**13.** The amount of the reduction in the rent payable in respect of a lease made by reason of a false statement made in an application is recoverable by the Bank as a debt in any court of competent jurisdiction.

Regulations.

**14.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) prescribing a class or description of persons for the purposes of paragraph (d) of the definition of "pensioner" in section 3 (1); and
- (b) prescribing a percentage for the purposes of paragraph (b) of the definition of "prescribed percentage" in section 5 (1).

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) Where the prescribed percentage (within the meaning of section 5 or 6) applicable to a year is varied by or by operation of a regulation, the regulation shall not have any force in so far as it would, but for this subsection, take effect later than six months after the commencement of that year.

(4)



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*Irrigation Areas (Reduction of Rents).*

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(4) Where, after an application for the reduction of the rent payable for the whole or a part of a year in respect of a lease has been disposed of under this Act, the prescribed percentage (within the meaning of section 5 or 6) applicable to the year is varied by or by operation of a regulation, the regulation shall, in relation only to the rent that is the subject of the application, be deemed not to have any force.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 3rd December, 1974.*



The following information was obtained from the records of the  
 Department of the Interior, Bureau of Land Management, on the  
 subject of the above-captioned matter. The information was  
 obtained from the files of the Bureau of Land Management, and  
 is being furnished to you for your information. The information  
 is being furnished to you for your information. The information  
 is being furnished to you for your information.

This information is on behalf of the Bureau of Land Management,

A. R. C. J. L. L.  
 Governor

1974