

# CONCURRENCE COPY

## CROWN LANDS (AMENDMENT) BILL, 1978

### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:—

- Closer Settlement (Amendment) Bill, 1978
- Western Lands (Amendment) Bill, 1978

The objects of this Bill are—

- (a) to enable the Minister to dispense with a determination by the local land board, or to determine a matter instead of referring it to a local land board, where the person to be affected is in agreement with the proposed dispensation or determination (“determine” includes redetermine, assess, inquire into, report upon, recommend and any other act or proceeding prescribed by regulation) (Schedule 1 (1), (4), (10));
- (b) to enable the exclusion and surrender to the Crown of land required for public purposes on the conversion or purchase of certain holdings (Schedule 1 (3), (5), (6), (8), (9), (11)–(13));
- (c) to provide for the determination, and redetermination at such times as directed by the Minister, of the rent of certain permissive occupancies by a local land board, instead of by the Minister (Schedule 1 (7));
- (d) in regard to the payment of arrears by incoming holders following transfers of holdings:—
  - (i) to remove the requirement that the due dates for payment of deferred, postponed or funded amounts be determined as if payment of the amounts had not been deferred, postponed or funded; and
  - (ii) to provide that a Minister’s certificate as to the amounts due shall—
    - (a) include the due date for payment in respect of the last amount due instead of each amount due; and
    - (b) protect only bona fide purchasers for value (Schedule 2);
- (e) to enable the holders of certain permissive occupancies existing at the commencement of the proposed Act to apply within 6 months after that commencement to have the rent determined by the local land board and—
  - (i) where the rent previously determined by the Minister took effect on a date on or after 11th January, 1976—to backdate that determination to that date; and



# CROWN LANDS (AMENDMENT) BILL, 1978

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

1. This Act may be cited as the Crown Lands (Amendment) Act, 1978.
2. This Act contains the following Schedules:—

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## A BILL FOR

An Act to amend the Crown Lands Consolidation Act, 1913, to provide for the determination of rents of permissive occupancies by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to make further provisions with regard to the exclusion of land required for public purposes on the

Act No. , 1978.

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*Crown Lands (Amendment).*

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conversion or purchase of holdings, and for certain other purposes; and to amend the Crown Lands (Amendment) Act, 1977.

[MR CRABTREE—7 February, 1978.]

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

5   **1.** This Act may be cited as the “Crown Lands (Amendment) Act, 1978”. Short title.

2. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS CONSOLIDATION ACT, 1913.

10   **SCHEDULE 2.**—AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

SCHEDULE 3.—REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

15   **3.** The Crown Lands Consolidation Act, 1913, is amended in the manner set forth in Schedule 1. Amendment of Act No. 7, 1913.

4. The Crown Lands (Amendment) Act, 1977, is amended in the manner set forth in Schedule 2. Amendment of Act No. 97, 1977.

5. Schedule 3 has effect. Redetermination of rentals of permissive occupancies.

*Crown Lands (Amendment).*

6. The provisions of sections 57 (1) (c), 109 (5A), 136H, 183 (1A), 184 (1) (c), 193A (4A), 194A (g) and 307 (1) (c) of the Crown Lands Consolidation Act, 1913, as amended by this Act, shall be deemed to apply to a conversion or purchase, as the case may be, applied for under the Crown Lands Consolidation Act, 1913, before, but not confirmed, granted or approved, as the case may be, at, the commencement of this Act.

Transitional provision.

7. Any increase in rent purporting to have been effected after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, and before the commencement of this Act under section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force at any time before the commencement of this Act, being an increase that could have been effected had section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force after the commencement of this Act, then been in force is validated and, for the purposes of section 233A of the Crown Lands Consolidation Act, 1913, any such increase shall be deemed to have been effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971.

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## SCHEDULE 1.

Sec. 3.

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913.

(1) Section 14A and short heading—

After section 14, insert :—

25

*Minister may deal with certain matters by agreement.*

14A. (1) In this section, "determine" includes redetermine, assess, inquire into, report upon, recommend and any other prescribed act or proceeding.

Determinations by Minister by agreement.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(2) Subject to subsection (3), where—

5 (a) by or under this Act or the regulations, it is provided that a local land board shall determine any matter; and

10 (b) the applicant or holder who would be affected by the determination, if made, agrees in writing to the Minister dispensing with that determination or determining that matter in a specified manner,

15 the Minister may, without the holding of a hearing, dispense with that determination or determine that matter in the specified manner, as the case may be.

20 (3) Where, in the opinion of the Minister, any person other than an applicant or a holder would be directly affected by a determination of a local board, if made, the Minister shall not take any action under subsection (2) in relation to the determination unless that person agrees in writing to that action being taken.

(4) Where the Minister dispenses with a determination as referred to in subsection (2) in relation to a matter—

25 (a) the local land board shall be deemed to have no jurisdiction in the matter; and

30 (b) any requirement to refer matters to the local land board shall, in so far as it would, but for this subsection, apply to the matter, be deemed to be repealed.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 (5) Subject to subsection (7), where the Minister determines a matter under subsection (2), the local land board shall be deemed to have no jurisdiction in the matter and the Minister's determination shall have the same effect as if it were a determination of the local land board.

10 (6) Where the Minister—  
(a) dispenses with a determination as referred to in subsection (2) in relation to a matter; or  
(b) determines a matter under subsection (2),  
and the Minister would, but for this subsection, be prohibited from doing a thing in relation to the matter,  
15 except after receiving a recommendation or report from a local land board, the Minister may do the thing notwithstanding that no such report or recommendation is received.

20 (7) Where the Minister has determined a matter under subsection (2) with the agreement of a person or persons whose agreement is necessary to enable him to make the determination, he may, if that person agrees or those persons agree in writing to his reversing the determination or to his altering or amending the determination in a specified manner, reverse, alter or amend in accordance  
25 with the agreement the determination so made and, thereupon, the provisions of subsections (5) and (6) shall cease to apply to the determination so made but shall apply to the determination as reversed, altered or amended in accordance with this subsection.

30 (2) Section 34—

Omit "for trespass".

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(3) Section 57 (1) (c)—

5 After “roadways” wherever occurring, insert “or other  
public purposes”.

(4) (a) Section 75A (4)—

Omit the subsection, insert instead :—

10 (4) If the whole or part of the land is leased under  
section 74 or 76, notice of the application shall be  
published in the Gazette and a local newspaper, if  
any, not less than 4 weeks before the application is  
granted.

(b) Section 75A (4B)—

15 After section 75A (4A), insert :—

20 (4B) At any time before the expiration of the 4  
weeks mentioned in subsection (4), any person feeling  
aggrieved may lodge a complaint setting forth  
objections against the grant of the application, and  
those objections shall be duly heard and determined  
before the application is granted.

(5) Section 109 (5A)—

After “roadways”, insert “or other public purposes”.

(6) Section 136H—

25 After “roadways”, insert “or other public purposes”.



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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(7) (a) Section 136K (1)—

5           After “such purposes and”, insert “, subject to this section,”.

(b) Section 136K (1A)—

Omit the subsection, insert instead :—

10           (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is, at that commencement, not less than \$4, the minimum rent per annum shall—

15           (a) if it was less than \$6, be \$6; and

             (b) if it was or is, at the time when some other amount was or is prescribed as the minimum rent per annum for the purposes of this subsection, less than that other amount per annum, be that other amount.

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(c) Section 136K (6)–(11)—

After section 136K (5), insert :—

25           (6) Subject to subsection (1B), the rent per annum payable in respect of a permission to occupy Crown lands granted after the commencement of the Crown Lands (Amendment) Act, 1978 (other than a permission to occupy offered by tender) shall be determined by the local land board.

30           (7) Subject to subsections (1A) and (1B), the rent per annum payable in respect of a permissive occupancy of, or permission to occupy, Crown lands

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 in existence at, or granted after, the commencement  
of the Crown Lands (Amendment) Act, 1978, shall  
be redetermined by the local land board at such time  
or times as the Minister directs.

10 (8) Where the Minister gives a direction referred  
to in subsection (7), he shall give the holder of the  
permissive occupancy of, or permission to occupy,  
Crown lands in respect of which the direction is given  
notice of the direction. 01

(9) A notice under subsection (8)—

15 (a) may be given by sending it by post to the  
holder at his last known address; and 01

(b) if so given, shall be deemed to have been  
given at the time of posting.

20 (10) Any alteration in rent resulting from a  
redetermination under subsection (7) shall operate as  
from the expiration of 3 months after the date on  
which the Minister gave, or is deemed to have given,  
notice under subsection (8) of his direction in respect  
of that rent or as from such later date as the Minister  
may approve. 02

25 (11) Any term or condition contained in a per-  
missive occupancy of, or permission to occupy, Crown  
lands providing for the determination or redetermina-  
tion of the rent of that permissive occupancy or  
30 permission to occupy shall, on and from the com-  
mencement of the Crown Lands (Amendment) Act,  
1978, have no effect. 02

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(8) Section 183 (1A)—

5 After “roadways”, insert “or other public purposes”.

(9) Section 184 (1) (c)—

After “roadways”, insert “or other public purposes”.

(10) (a) Section 190 (4)—

Omit the subsection, insert instead :—

10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

15 (b) Section 190 (4B)—

After section 190 (4A), insert :—

20 (4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(11) Section 193A (4A)—

After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(12) Section 194A (g)—

5 At the end of section 194A, insert :—

- (g) Any areas required for roadways or other public purposes may be excluded by the Minister from the conversion and, on exclusion, shall be deemed to have been surrendered to the Crown.

10 (13) Section 307 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

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## SCHEDULE 2.

Sec. 4.

## AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

15 (1) Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—

- (a) In subsection (1) (b), after “that holding;”, insert “and”.
- 20 (b) From subsection (1) (c), omit “holding; and”, insert instead “holding.”.
- (c) Omit subsection (1) (d).

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*Crown Lands (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977—*continued.*

- 5 (2) Section 250B of the Crown Lands Consolidation Act, 1913,  
as to be inserted by section 5 of, and Schedule 7 to, the Crown  
Lands (Amendment) Act, 1977—
- (a) From subsection (2), omit “amount or each of the  
amounts, as the case may be”, insert instead “last  
amount due”.
- 10 (b) From subsection (3), omit “person”, insert instead  
“bona fide purchaser for value”.

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SCHEDULE 3.

Sec. 5.

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

1. In this Schedule, “permissive occupancy” means—
- 15 (a) a permissive occupancy of, or permission to occupy, Crown lands  
under the Crown Lands Consolidation Act, 1913; or
- (b) a permit to occupy land under the Closer Settlement Acts,  
in existence at the commencement of this Act, but does not include a  
permissive occupancy or a permission to occupy offered by tender if the  
20 rent thereof has not, since the granting of that permissive occupancy or  
permission to occupy, been redetermined by the Minister.
2. The holder of a permissive occupancy may, within 6 months after  
the commencement of this Act, apply in writing to the Minister to have  
the rent per annum payable in respect of the permissive occupancy  
25 determined by the local land board.
3. Upon reference by the Minister to the local land board of an  
application under clause 2, the local land board shall, subject to section  
136K (1A) and (1B) of the Crown Lands Consolidation Act, 1913, or

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

section 39 (1) and (2) of the Closer Settlement Act, 1904, as the case may be, determine the rent per annum payable in respect of the permissive  
5 occupancy the subject of the application.

4. Where the current rent per annum payable in respect of a permissive occupancy was determined by the Minister with effect on and from—

- 10 (a) 11th January, 1976, or with effect on and from a date between 11th January, 1976, and the commencement of this Act—any determination under clause 3 in respect of the permissive occupancy shall be made as at the date when the Minister's determination took effect; or
- 15 (b) a date before 11th January, 1976—any determination under clause 3 shall be made as at the date of receipt by the Minister of the application made under clause 2 in respect of the permissive occupancy.

5. Where a determination under clause 3 is made in respect of a permissive occupancy—

- 20 (a) in accordance with clause 4 (a)—the rent per annum as so determined shall be deemed to have been and to be the rent per annum payable in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date as at which the rent was determined; or
- 25 (b) in accordance with clause 4 (b)—the rent per annum as so determined shall be payable, or shall be deemed to have been payable, in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date on which the rent next becomes or became payable after the date of receipt by the Minister of the application for determination.

30 6. Upon a determination of rent under this Schedule any necessary adjustment of rental payments shall be made and any excess shall be applied towards rent due or becoming due in respect of the permissive occupancy or, if no such rent is due or becoming due, be refunded to the holder thereof.

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as  
5 part of that Act and shall, in its application to a permissive occupancy to which the Closer Settlement Acts apply, be construed as part of those Acts.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[16c]

Crown Lands (Amendment)

SCHEDULE 3—continued

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—continued.

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as if part of that Act and shall, in its application to a permissive occupancy to which the Crown Settlement Acts apply, be construed as part of those Acts.

BY AUTHORITY  
OF THE GOVERNMENT, PRINTED AND SOLD BY THE GOVERNMENT

[1978]



## **CROWN LANDS (AMENDMENT) BILL, 1978**

### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:—

    Closer Settlement (Amendment) Bill, 1978

    Western Lands (Amendment) Bill, 1978

The objects of this Bill are—

- (a) to enable the Minister to dispense with a determination by the local land board, or to determine a matter instead of referring it to a local land board, where the person to be affected is in agreement with the proposed dispensation or determination (“determine” includes redetermine, assess, inquire into, report upon, recommend and any other act or proceeding prescribed by regulation) (Schedule 1 (1), (4), (10));
- (b) to enable the exclusion and surrender to the Crown of land required for public purposes on the conversion or purchase of certain holdings (Schedule 1 (3), (5), (6), (8), (9), (11)–(13));
- (c) to provide for the determination, and redetermination at such times as directed by the Minister, of the rent of certain permissive occupancies by a local land board, instead of by the Minister (Schedule 1 (7));
- (d) in regard to the payment of arrears by incoming holders following transfers of holdings:—
  - (i) to remove the requirement that the due dates for payment of deferred, postponed or funded amounts be determined as if payment of the amounts had not been deferred, postponed or funded; and
  - (ii) to provide that a Minister’s certificate as to the amounts due shall—
    - (a) include the due date for payment in respect of the last amount due instead of each amount due; and
    - (b) protect only bona fide purchasers for value (Schedule 2);
- (e) to enable the holders of certain permissive occupancies existing at the commencement of the proposed Act to apply within 6 months after that commencement to have the rent determined by the local land board and—
  - (i) where the rent previously determined by the Minister took effect on a date on or after 11th January, 1976—to backdate that determination to that date; and

- (ii) where the rent previously determined by the Minister took effect before 11th January, 1976—to provide that the determination takes effect from the date the rent next becomes payable after receipt of the application for determination (Schedule 3); and
- (f) to make other provisions of a minor, consequential or ancillary nature.

EXPLANATORY NOTE

(This Explanatory Note relates to the Bill as introduced into Parliament.)

The following Bills are commensurate with the Bill:

Closter Settlements (Amendment) Bill, 1976

Western Land (Amendment) Bill, 1976

The objects of this Bill are:

(a) to enable the Minister to determine the amount of rent payable by a tenant in respect of a lease of land, or to determine a method of ascertaining the amount of rent payable by a tenant in respect of a lease of land, where the lease is a lease to which the provisions of the Landlord and Tenant (Amendment) Act, 1976 apply, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(b) to enable the exclusion of a lease of land from the provisions of the Landlord and Tenant (Amendment) Act, 1976, in relation to the determination of the amount of rent payable by a tenant in respect of a lease of land, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(c) to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(d) in regard to the payment of a sum of money by a tenant in respect of a lease of land, to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(e) to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(f) to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(g) to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(h) to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(i) to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(j) to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

(k) to provide that the provisions of the Landlord and Tenant (Amendment) Act, 1976, shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant, and to provide that the provisions of that Act shall apply to a lease of land in respect of which the Minister has determined the amount of rent payable by a tenant or has determined a method of ascertaining the amount of rent payable by a tenant;

## **CROWN LANDS (AMENDMENT) BILL, 1978**

No. , 1978.

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### **A BILL FOR**

An Act to amend the Crown Lands Consolidation Act, 1913, to provide for the determination of rents of permissive occupancies by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to make further provisions with regard to the exclusion of land required for public purposes on the

Act No. , 1978.

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*Crown Lands (Amendment).*

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conversion or purchase of holdings, and for certain other purposes; and to amend the Crown Lands (Amendment) Act, 1977.

[MR CRABTREE—7 February, 1978.]

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

- 5   **1.** This Act may be cited as the “Crown Lands (Amendment) Act, 1978”. Short title.
- 2.** This Act contains the following Schedules :— Schedules.
- SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS CONSOLIDATION ACT, 1913.**
- 10   **SCHEDULE 2.—AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.**
- SCHEDULE 3.—REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.**
- 15   **3.** The Crown Lands Consolidation Act, 1913, is amended in the manner set forth in Schedule 1. Amendment of Act No. 7, 1913.
- 4.** The Crown Lands (Amendment) Act, 1977, is amended in the manner set forth in Schedule 2. Amendment of Act No. 97, 1977.
- 5.** Schedule 3 has effect. Redetermination of rentals of permissive occupancies.

*Crown Lands (Amendment).*

6. The provisions of sections 57 (1) (c), 109 (5A), 136H, 183 (1A), 184 (1) (c), 193A (4A), 194A (g) and 307 (1) (c) of the Crown Lands Consolidation Act, 1913, as amended by this Act, shall be deemed to apply to a conversion or purchase, as the case may be, applied for under the Crown Lands Consolidation Act, 1913, before, but not confirmed, granted or approved, as the case may be, at, the commencement of this Act.

Transitional provision.

7. Any increase in rent purporting to have been effected after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, and before the commencement of this Act under section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force at any time before the commencement of this Act, being an increase that could have been effected had section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force after the commencement of this Act, then been in force is validated and, for the purposes of section 233A of the Crown Lands Consolidation Act, 1913, any such increase shall be deemed to have been effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971.

Validation.

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## SCHEDULE 1.

Sec. 3.

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913.

(1) Section 14A and short heading—

After section 14, insert :—

25 *Minister may deal with certain matters by agreement.*

14A. (1) In this section, “determine” includes redetermine, assess, inquire into, report upon, recommend and any other prescribed act or proceeding.

Determinations by Minister by agreement.

---

*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(2) Subject to subsection (3), where—

5 (a) by or under this Act or the regulations, it is provided that a local land board shall determine any matter; and

10 (b) the applicant or holder who would be affected by the determination, if made, agrees in writing to the Minister dispensing with that determination or determining that matter in a specified manner,

15 the Minister may, without the holding of a hearing, dispense with that determination or determine that matter in the specified manner, as the case may be.

20 (3) Where, in the opinion of the Minister, any person other than an applicant or a holder would be directly affected by a determination of a local board, if made, the Minister shall not take any action under subsection (2) in relation to the determination unless that person agrees in writing to that action being taken.

(4) Where the Minister dispenses with a determination as referred to in subsection (2) in relation to a matter—

25 (a) the local land board shall be deemed to have no jurisdiction in the matter; and

30 (b) any requirement to refer matters to the local land board shall, in so far as it would, but for this subsection, apply to the matter, be deemed to be repealed.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 (5) Subject to subsection (7), where the Minister determines a matter under subsection (2), the local land board shall be deemed to have no jurisdiction in the matter and the Minister's determination shall have the same effect as if it were a determination of the local land board.

(6) Where the Minister—

10 (a) dispenses with a determination as referred to in subsection (2) in relation to a matter; or

(b) determines a matter under subsection (2),

15 and the Minister would, but for this subsection, be prohibited from doing a thing in relation to the matter, except after receiving a recommendation or report from a local land board, the Minister may do the thing notwithstanding that no such report or recommendation is received.

(7) Where the Minister has determined a matter

20 under subsection (2) with the agreement of a person or persons whose agreement is necessary to enable him to make the determination, he may, if that person agrees or those persons agree in writing to his reversing the determination or to his altering or amending the determination in a specified manner, reverse, alter or amend in accordance

25 with the agreement the determination so made and, thereupon, the provisions of subsections (5) and (6) shall cease to apply to the determination so made but shall apply to the determination as reversed, altered or amended in accordance with this subsection.

30 (2) Section 34—  
Omit "for trespass".

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(3) Section 57 (1) (c)—

- 5 After “roadways” wherever occurring, insert “or other public purposes”.

(4) (a) Section 75A (4)—

Omit the subsection, insert instead :—

- 10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

(b) Section 75A (4B)—

- 15 After section 75A (4A), insert :—

- 20 (4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(5) Section 109 (5A)—

After “roadways”, insert “or other public purposes”.

(6) Section 136H—

- 25 After “roadways”, insert “or other public purposes”.



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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(7) (a) Section 136K (1)—

5           After “such purposes and”, insert “, subject to this section.”.

(b) Section 136K (1A)—

Omit the subsection, insert instead :—

10           (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is, at that commencement, not less than \$4, the minimum rent per annum shall—

15           (a) if it was less than \$6, be \$6; and

            (b) if it was or is, at the time when some other amount was or is prescribed as the minimum rent per annum for the purposes of this subsection, less than that other amount  
20           per annum, be that other amount.

(c) Section 136K (6)–(11)—

After section 136K (5), insert :—

25           (6) Subject to subsection (1B), the rent per annum payable in respect of a permission to occupy Crown lands granted after the commencement of the Crown Lands (Amendment) Act, 1978 (other than a permission to occupy offered by tender) shall be determined by the local land board.

30           (7) Subject to subsections (1A) and (1B), the rent per annum payable in respect of a permissive occupancy of, or permission to occupy, Crown lands

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 in existence at, or granted after, the commencement  
of the Crown Lands (Amendment) Act, 1978, shall  
be redetermined by the local land board at such time  
or times as the Minister directs.

10 (8) Where the Minister gives a direction referred  
to in subsection (7), he shall give the holder of the  
permissive occupancy of, or permission to occupy,  
Crown lands in respect of which the direction is given  
notice of the direction.

(9) A notice under subsection (8)—

15 (a) may be given by sending it by post to the  
holder at his last known address; and

(b) if so given, shall be deemed to have been  
given at the time of posting.

20 (10) Any alteration in rent resulting from a  
redetermination under subsection (7) shall operate as  
from the expiration of 3 months after the date on  
which the Minister gave, or is deemed to have given,  
notice under subsection (8) of his direction in respect  
of that rent or as from such later date as the Minister  
may approve.

25 (11) Any term or condition contained in a per-  
missive occupancy of, or permission to occupy, Crown  
lands providing for the determination or redetermina-  
tion of the rent of that permissive occupancy or  
30 permission to occupy shall, on and from the com-  
mencement of the Crown Lands (Amendment) Act,  
1978, have no effect.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(8) Section 183 (1A)—

5 After “roadways”, insert “or other public purposes”.

(9) Section 184 (1) (c)—

After “roadways”, insert “or other public purposes”.

(10) (a) Section 190 (4)—

Omit the subsection, insert instead :—

10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

15 (b) Section 190 (4B)—

After section 190 (4A), insert :—

20 (4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(11) Section 193A (4A)—

After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(12) Section 194A (g)—

5 At the end of section 194A, insert :—

- (g) Any areas required for roadways or other public purposes may be excluded by the Minister from the conversion and, on exclusion, shall be deemed to have been surrendered to the Crown.

10 (13) Section 307 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

15 (1) Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—

- (a) In subsection (1) (b), after “that holding;” insert “and”.
- 20 (b) From subsection (1) (c), omit “holding; and”, insert instead “holding.”.
- (c) Omit subsection (1) (d).

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*Crown Lands (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977—*continued.*

- 5 (2) Section 250B of the Crown Lands Consolidation Act, 1913,  
as to be inserted by section 5 of, and Schedule 7 to, the Crown  
Lands (Amendment) Act, 1977—
- (a) From subsection (2), omit “amount or each of the  
amounts, as the case may be”, insert instead “last  
amount due”.
- 10 (b) From subsection (3), omit “person”, insert instead  
“bona fide purchaser for value”.

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SCHEDULE 3.

Sec. 5.

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

1. In this Schedule, “permissive occupancy” means—
- 15 (a) a permissive occupancy of, or permission to occupy, Crown lands  
under the Crown Lands Consolidation Act, 1913; or
- (b) a permit to occupy land under the Closer Settlement Acts,  
in existence at the commencement of this Act, but does not include a  
permissive occupancy or a permission to occupy offered by tender if the  
20 rent thereof has not, since the granting of that permissive occupancy or  
permission to occupy, been redetermined by the Minister.
2. The holder of a permissive occupancy may, within 6 months after  
the commencement of this Act, apply in writing to the Minister to have  
the rent per annum payable in respect of the permissive occupancy  
25 determined by the local land board.
3. Upon reference by the Minister to the local land board of an  
application under clause 2, the local land board shall, subject to section  
136K (1A) and (1B) of the Crown Lands Consolidation Act, 1913, or

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

section 39 (1) and (2) of the Closer Settlement Act, 1904, as the case may be, determine the rent per annum payable in respect of the permissive  
5 occupancy the subject of the application.

4. Where the current rent per annum payable in respect of a permissive occupancy was determined by the Minister with effect on and from—

- 10 (a) 11th January, 1976, or with effect on and from a date between 11th January, 1976, and the commencement of this Act—any determination under clause 3 in respect of the permissive occupancy shall be made as at the date when the Minister's determination took effect; or
- 15 (b) a date before 11th January, 1976—any determination under clause 3 shall be made as at the date of receipt by the Minister of the application made under clause 2 in respect of the permissive occupancy.

5. Where a determination under clause 3 is made in respect of a permissive occupancy—

- 20 (a) in accordance with clause 4 (a)—the rent per annum as so determined shall be deemed to have been and to be the rent per annum payable in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date as at which the rent was determined; or
- 25 (b) in accordance with clause 4 (b)—the rent per annum as so determined shall be payable, or shall be deemed to have been payable, in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date on which the rent next becomes or became payable after the date of receipt by the Minister of the application for determination.

30 6. Upon a determination of rent under this Schedule any necessary adjustment of rental payments shall be made and any excess shall be applied towards rent due or becoming due in respect of the permissive occupancy or, if no such rent is due or becoming due, be refunded to the holder thereof.

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

**REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.***

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as  
5 part of that Act and shall, in its application to a permissive occupancy to which the Closer Settlement Acts apply, be construed as part of those Acts.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[16c]

REDETERMINATION OF RENTALS OR PERMISSIVE OCCUPANCY - continued

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act 1913 applies, be construed as part of that Act and shall, in its application to a permissive occupancy to which the Crown Lands Act applies, be construed as part of that Act.



## CROWN LANDS (AMENDMENT) BILL, 1978

### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:—

Closer Settlement (Amendment) Bill, 1978

Western Lands (Amendment) Bill, 1978

The objects of this Bill are—

- (a) to enable the Minister to dispense with a determination by the local land board, or to determine a matter instead of referring it to a local land board, where the person to be affected is in agreement with the proposed dispensation or determination (“determine” includes redetermine, assess, inquire into, report upon, recommend and any other act or proceeding prescribed by regulation) (Schedule 1 (1), (4), (10));
- (b) to enable the exclusion and surrender to the Crown of land required for public purposes on the conversion or purchase of certain holdings (Schedule 1 (3), (5), (6), (8), (9), (11)–(13));
- (c) to provide for the determination, and redetermination at such times as directed by the Minister, of the rent of certain permissive occupancies by a local land board, instead of by the Minister (Schedule 1 (7));
- (d) in regard to the payment of arrears by incoming holders following transfers of holdings:—
  - (i) to remove the requirement that the due dates for payment of deferred, postponed or funded amounts be determined as if payment of the amounts had not been deferred, postponed or funded; and
  - (ii) to provide that a Minister’s certificate as to the amounts due shall—
    - (a) include the due date for payment in respect of the last amount due instead of each amount due; and
    - (b) protect only bona fide purchasers for value (Schedule 2);
- (e) to enable the holders of certain permissive occupancies existing at the commencement of the proposed Act to apply within 6 months after that commencement to have the rent determined by the local land board and—
  - (i) where the rent previously determined by the Minister took effect on a date on or after 11th January, 1976—to backdate that determination to that date; and

- (ii) where the rent previously determined by the Minister took effect before 11th January, 1976—to provide that the determination takes effect from the date the rent next becomes payable after receipt of the application for determination (Schedule 3); and
  - (f) to make other provisions of a minor, consequential or ancillary nature.
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**CROWN LANDS (AMENDMENT) BILL, 1978**

No.           , 1978.

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**A BILL FOR**

An Act to amend the Crown Lands Consolidation Act, 1913, to provide for the determination of rents of permissive occupancies by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to make further provisions with regard to the exclusion of land required for public purposes on the

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*Crown Lands (Amendment).*

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conversion or purchase of holdings, and for certain other purposes; and to amend the Crown Lands (Amendment) Act, 1977.

[MR CRABTREE—7 February, 1978.]

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

- 5   **1.** This Act may be cited as the "Crown Lands (Amendment) Act, 1978". Short title.
- 2.** This Act contains the following Schedules :— Schedules.
- SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS CONSOLIDATION ACT, 1913.**
- 10   **SCHEDULE 2.—AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.**
- SCHEDULE 3.—REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.**
- 15   **3.** The Crown Lands Consolidation Act, 1913, is amended Amendment  
of Act No.  
7, 1913.  
in the manner set forth in Schedule 1.
- 4.** The Crown Lands (Amendment) Act, 1977, is amended Amendment  
of Act No.  
97, 1977.  
in the manner set forth in Schedule 2.
- 5.** Schedule 3 has effect. Redetermin-  
ation of  
rentals of  
permissive  
occupancies.

*Crown Lands (Amendment).*

6. The provisions of sections 57 (1) (c), 109 (5A), 136H, Transitional provision.  
183 (1A), 184 (1) (c), 193A (4A), 194A (g) and 307 (1) (c)  
of the Crown Lands Consolidation Act, 1913, as amended by  
this Act, shall be deemed to apply to a conversion or purchase,  
5 as the case may be, applied for under the Crown Lands Consolida-  
tion Act, 1913, before, but not confirmed, granted or approved,  
as the case may be, at, the commencement of this Act.

7. Any increase in rent purporting to have been effected after Validation.  
the commencement of the Crown Lands and Other Acts (Amend-  
10 ment) Act, 1971, and before the commencement of this Act  
under section 136K (1A) of the Crown Lands Consolidation Act,  
1913, as in force at any time before the commencement of this  
Act, being an increase that could have been effected had section  
136K (1A) of the Crown Lands Consolidation Act, 1913, as in  
15 force after the commencement of this Act, then been in force is  
validated and, for the purposes of section 233A of the Crown  
Lands Consolidation Act, 1913, any such increase shall be deemed  
to have been effected by the amendments made by the Crown  
Lands and Other Acts (Amendment) Act, 1971.

20

## SCHEDULE 1.

Sec. 3.

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913.

(1) Section 14A and short heading—

After section 14, insert :—

25

*Minister may deal with certain matters by agreement.*

14A. (1) In this section, "determine" includes redeter- Determinations by  
mine, assess, inquire into, report upon, recommend and Minister by  
any other prescribed act or proceeding. agreement.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(2) Subject to subsection (3), where—

5 (a) by or under this Act or the regulations, it is provided that a local land board shall determine any matter; and

10 (b) the applicant or holder who would be affected by the determination, if made, agrees in writing to the Minister dispensing with that determination or determining that matter in a specified manner,

15 the Minister may, without the holding of a hearing, dispense with that determination or determine that matter in the specified manner, as the case may be.

20 (3) Where, in the opinion of the Minister, any person other than an applicant or a holder would be directly affected by a determination of a local board, if made, the Minister shall not take any action under subsection (2) in relation to the determination unless that person agrees in writing to that action being taken.

(4) Where the Minister dispenses with a determination as referred to in subsection (2) in relation to a matter—

25 (a) the local land board shall be deemed to have no jurisdiction in the matter; and

30 (b) any requirement to refer matters to the local land board shall, in so far as it would, but for this subsection, apply to the matter, be deemed to be repealed.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 (5) Subject to subsection (7), where the Minister determines a matter under subsection (2), the local land board shall be deemed to have no jurisdiction in the matter and the Minister's determination shall have the same effect as if it were a determination of the local land board.

10 (6) Where the Minister—  
(a) dispenses with a determination as referred to in subsection (2) in relation to a matter; or  
(b) determines a matter under subsection (2),  
and the Minister would, but for this subsection, be  
15 prohibited from doing a thing in relation to the matter, except after receiving a recommendation or report from a local land board, the Minister may do the thing notwithstanding that no such report or recommendation is received.

20 (7) Where the Minister has determined a matter under subsection (2) with the agreement of a person or persons whose agreement is necessary to enable him to make the determination, he may, if that person agrees or those persons agree in writing to his reversing the determination or to his altering or amending the determination in a  
25 specified manner, reverse, alter or amend in accordance with the agreement the determination so made and, thereupon, the provisions of subsections (5) and (6) shall cease to apply to the determination so made but shall apply to the determination as reversed, altered or amended in accordance with this subsection.

30 (2) Section 34—

Omit "for trespass".

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(3) Section 57 (1) (c)—

5 After “roadways” wherever occurring, insert “or other public purposes”.

(4) (a) Section 75A (4)—

Omit the subsection, insert instead :—

10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

(b) Section 75A (4B)—

15 After section 75A (4A), insert :—

20 (4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(5) Section 109 (5A)—

After “roadways”, insert “or other public purposes”.

(6) Section 136H—

25 After “roadways”, insert “or other public purposes”.



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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(7) (a) Section 136K (1)—

5           After “such purposes and”, insert “, subject to this section,”.

(b) Section 136K (1A)—

Omit the subsection, insert instead :—

10           (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is, at that commencement, not less than \$4, the minimum rent per annum shall—

15           (a) if it was less than \$6, be \$6; and

            (b) if it was or is, at the time when some other amount was or is prescribed as the minimum rent per annum for the purposes of this subsection, less than that other amount per annum, be that other amount.

20

(c) Section 136K (6)–(11)—

After section 136K (5), insert :—

25           (6) Subject to subsection (1B), the rent per annum payable in respect of a permission to occupy Crown lands granted after the commencement of the Crown Lands (Amendment) Act, 1978 (other than a permission to occupy offered by tender) shall be determined by the local land board.

30           (7) Subject to subsections (1A) and (1B), the rent per annum payable in respect of a permissive occupancy of, or permission to occupy, Crown lands

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 in existence at, or granted after, the commencement  
of the Crown Lands (Amendment) Act, 1978, shall  
be redetermined by the local land board at such time  
or times as the Minister directs.

10 (8) Where the Minister gives a direction referred  
to in subsection (7), he shall give the holder of the  
permissive occupancy of, or permission to occupy,  
Crown lands in respect of which the direction is given  
notice of the direction.

(9) A notice under subsection (8)—

15 (a) may be given by sending it by post to the  
holder at his last known address; and

(b) if so given, shall be deemed to have been  
given at the time of posting.

20 (10) Any alteration in rent resulting from a  
redetermination under subsection (7) shall operate as  
from the expiration of 3 months after the date on  
which the Minister gave, or is deemed to have given,  
notice under subsection (8) of his direction in respect  
of that rent or as from such later date as the Minister  
may approve.

25 (11) Any term or condition contained in a per-  
missive occupancy of, or permission to occupy, Crown  
lands providing for the determination or redetermina-  
tion of the rent of that permissive occupancy or  
permission to occupy shall, on and from the com-  
30 mencement of the Crown Lands (Amendment) Act,  
1978, have no effect.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

- (8) Section 183 (1A)—  
5 After “roadways”, insert “or other public purposes”.
- (9) Section 184 (1) (c)—  
After “roadways”, insert “or other public purposes”.
- (10) (a) Section 190 (4)—  
Omit the subsection, insert instead :—  
10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.
- 15 (b) Section 190 (4B)—  
After section 190 (4A), insert :—  
(4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth  
20 objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.
- (11) Section 193A (4A)—  
After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(12) Section 194A (g)—

5 At the end of section 194A, insert :—

- (g) Any areas required for roadways or other public purposes may be excluded by the Minister from the conversion and, on exclusion, shall be deemed to have been surrendered to the Crown.

10 (13) Section 307 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

---

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

15 (1) Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—

- (a) In subsection (1) (b), after “that holding;”, insert “and”.
- 20 (b) From subsection (1) (c), omit “holding; and”, insert instead “holding.”.
- (c) Omit subsection (1) (d).

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*Crown Lands (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977—*continued.*

- 5 (2) Section 250B of the Crown Lands Consolidation Act, 1913,  
as to be inserted by section 5 of, and Schedule 7 to, the Crown  
Lands (Amendment) Act, 1977—
- (a) From subsection (2), omit “amount or each of the  
amounts, as the case may be”, insert instead “last  
amount due”.
- 10 (b) From subsection (3), omit “person”, insert instead  
“bona fide purchaser for value”.

---

SCHEDULE 3.

Sec. 5.

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

1. In this Schedule, “permissive occupancy” means—
- 15 (a) a permissive occupancy of, or permission to occupy, Crown lands  
under the Crown Lands Consolidation Act, 1913; or
- (b) a permit to occupy land under the Closer Settlement Acts,  
in existence at the commencement of this Act, but does not include a  
permissive occupancy or a permission to occupy offered by tender if the  
20 rent thereof has not, since the granting of that permissive occupancy or  
permission to occupy, been redetermined by the Minister.
2. The holder of a permissive occupancy may, within 6 months after  
the commencement of this Act, apply in writing to the Minister to have  
the rent per annum payable in respect of the permissive occupancy  
25 determined by the local land board.
3. Upon reference by the Minister to the local land board of an  
application under clause 2, the local land board shall, subject to section  
136K (1A) and (1B) of the Crown Lands Consolidation Act, 1913, or

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*REDETERMINATION OF RENTALS OF PERMISSIVE  
OCCUPANCIES—*continued.*

section 39 (1) and (2) of the Closer Settlement Act, 1904, as the case  
5 may be, determine the rent per annum payable in respect of the permissive  
occupancy the subject of the application.

4. Where the current rent per annum payable in respect of a permissive  
occupancy was determined by the Minister with effect on and from—

- 10 (a) 11th January, 1976, or with effect on and from a date between  
11th January, 1976, and the commencement of this Act—any  
determination under clause 3 in respect of the permissive  
occupancy shall be made as at the date when the Minister's  
determination took effect; or
- 15 (b) a date before 11th January, 1976—any determination under  
clause 3 shall be made as at the date of receipt by the Minister  
of the application made under clause 2 in respect of the  
permissive occupancy.

5. Where a determination under clause 3 is made in respect of a  
permissive occupancy—

- 20 (a) in accordance with clause 4 (a)—the rent per annum as so  
determined shall be deemed to have been and to be the rent  
per annum payable in respect of the permissive occupancy with  
effect on and from the expiration of the day next preceding the  
date as at which the rent was determined; or
- 25 (b) in accordance with clause 4 (b)—the rent per annum as so  
determined shall be payable, or shall be deemed to have been  
payable, in respect of the permissive occupancy with effect on  
and from the expiration of the day next preceding the date on  
which the rent next becomes or became payable after the date
- 30 of receipt by the Minister of the application for determination.

6. Upon a determination of rent under this Schedule any necessary  
adjustment of rental payments shall be made and any excess shall be  
applied towards rent due or becoming due in respect of the permissive  
occupancy or, if no such rent is due or becoming due, be refunded to the  
35 holder thereof.

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as part of that Act and shall, in its application to a permissive occupancy to which the Closer Settlement Acts apply, be construed as part of those Acts.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

Section 1.01

Section 1.02

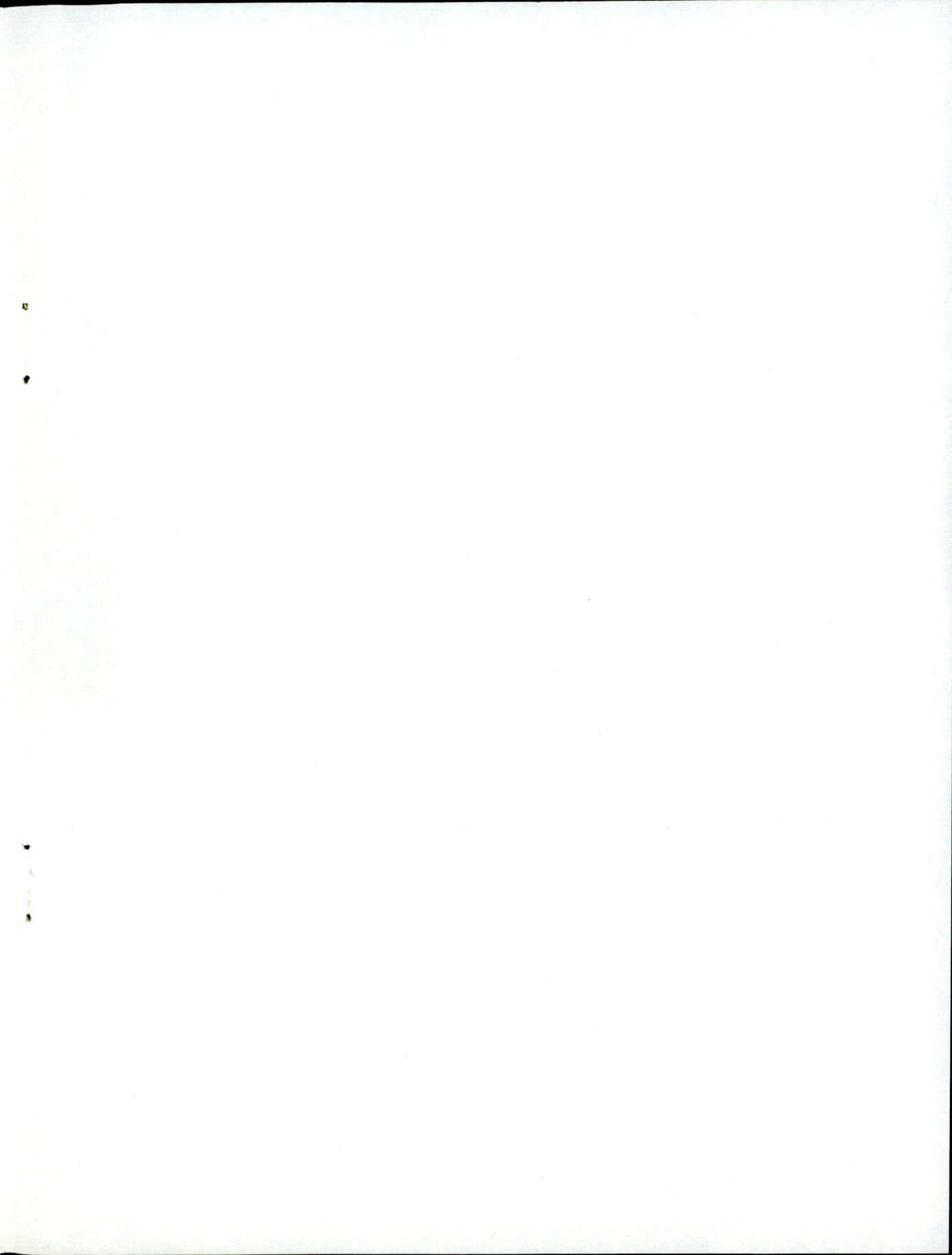
Report of the Board of Directors of the Corporation

7. This schedule shall be subject to the provisions of the Act which the Board of Directors shall be required to file with the Secretary of State as part of the annual report of the Corporation and shall be subject to the provisions of the Act which the Board of Directors shall be required to file with the Secretary of State.

BY AUTHORITY

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Texas at Austin, this 10th day of June, 1907.





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# CONCURRENCE COPY

## CROWN LANDS (AMENDMENT) BILL, 1978

### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:—

- Closer Settlement (Amendment) Bill, 1978
- Western Lands (Amendment) Bill, 1978

The objects of this Bill are—

- (a) to enable the Minister to dispense with a determination by the local land board, or to determine a matter instead of referring it to a local land board, where the person to be affected is in agreement with the proposed dispensation or determination (“determine” includes redetermine, assess, inquire into, report upon, recommend and any other act or proceeding prescribed by regulation) (Schedule 1 (1), (4), (10));
- (b) to enable the exclusion and surrender to the Crown of land required for public purposes on the conversion or purchase of certain holdings (Schedule 1 (3), (5), (6), (8), (9), (11)–(13));
- (c) to provide for the determination, and redetermination at such times as directed by the Minister, of the rent of certain permissive occupancies by a local land board, instead of by the Minister (Schedule 1 (7));
- (d) in regard to the payment of arrears by incoming holders following transfers of holdings:—
  - (i) to remove the requirement that the due dates for payment of deferred, postponed or funded amounts be determined as if payment of the amounts had not been deferred, postponed or funded; and
  - (ii) to provide that a Minister’s certificate as to the amounts due shall—
    - (a) include the due date for payment in respect of the last amount due instead of each amount due; and
    - (b) protect only bona fide purchasers for value (Schedule 2);
- (e) to enable the holders of certain permissive occupancies existing at the commencement of the proposed Act to apply within 6 months after that commencement to have the rent determined by the local land board and—
  - (i) where the rent previously determined by the Minister took effect on a date on or after 11th January, 1976—to backdate that determination to that date; and

- (ii) where the rent previously determined by the Minister took effect before 11th January, 1976—to provide that the determination takes effect from the date the rent next becomes payable after receipt of the application for determination (Schedule 3); and
- (f) to make other provisions of a minor, consequential or ancillary nature.

# CROWN LANDS (AMENDMENT) BILL, 1978

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

1. This Act may be cited as the Crown Lands (Amendment) Act, 1978.
2. This Act contains the following Schedules:—

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## A BILL FOR

An Act to amend the Crown Lands Consolidation Act, 1913, to provide for the determination of rents of permissive occupancies by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to make further provisions with regard to the exclusion of land required for public purposes on the

Act No. , 1978.

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*Crown Lands (Amendment).*

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conversion or purchase of holdings, and for certain other purposes; and to amend the Crown Lands (Amendment) Act, 1977.

[MR CRABTREE—7 February, 1978.]

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

5    **1.** This Act may be cited as the “Crown Lands (Amendment) Act, 1978”. Short title.

**2.** This Act contains the following Schedules :— Schedules.

**SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE  
          CROWN LANDS CONSOLIDATION ACT, 1913.**

10    **SCHEDULE 2.—AMENDMENTS TO THE CROWN LANDS  
          (AMENDMENT) ACT, 1977.**

**SCHEDULE 3.—REDETERMINATION OF RENTALS OF  
          PERMISSIVE OCCUPANCIES.**

15    **3.** The Crown Lands Consolidation Act, 1913, is amended Amendment  
of Act No.  
7, 1913.  
in the manner set forth in Schedule 1.

**4.** The Crown Lands (Amendment) Act, 1977, is amended Amendment  
of Act No.  
97, 1977.  
in the manner set forth in Schedule 2.

**5.** Schedule 3 has effect. Redetermi-  
nation of  
rentals of  
permissive  
occupancies.

*Crown Lands (Amendment).*

6. The provisions of sections 57 (1) (c), 109 (5A), 136H, 183 (1A), 184 (1) (c), 193A (4A), 194A (g) and 307 (1) (c) of the Crown Lands Consolidation Act, 1913, as amended by this Act, shall be deemed to apply to a conversion or purchase, as the case may be, applied for under the Crown Lands Consolidation Act, 1913, before, but not confirmed, granted or approved, as the case may be, at, the commencement of this Act.

Transitional provision.

7. Any increase in rent purporting to have been effected after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, and before the commencement of this Act under section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force at any time before the commencement of this Act, being an increase that could have been effected had section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force after the commencement of this Act, then been in force is validated and, for the purposes of section 233A of the Crown Lands Consolidation Act, 1913, any such increase shall be deemed to have been effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971.

20

## SCHEDULE 1.

Sec. 3.

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913.

(1) Section 14A and short heading—

After section 14, insert :—

25

*Minister may deal with certain matters by agreement.*

14A. (1) In this section, "determine" includes redetermine, assess, inquire into, report upon, recommend and any other prescribed act or proceeding.

Determinations by Minister by agreement.

---

*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(2) Subject to subsection (3), where—

5           (a) by or under this Act or the regulations, it is  
provided that a local land board shall determine  
any matter; and

10           (b) the applicant or holder who would be affected  
by the determination, if made, agrees in writing  
to the Minister dispensing with that determina-  
tion or determining that matter in a specified  
manner,

15           the Minister may, without the holding of a hearing,  
dispense with that determination or determine that matter  
in the specified manner, as the case may be.

20           (3) Where, in the opinion of the Minister, any  
person other than an applicant or a holder would be  
directly affected by a determination of a local board, if  
made, the Minister shall not take any action under subsec-  
tion (2) in relation to the determination unless that  
person agrees in writing to that action being taken.

(4) Where the Minister dispenses with a  
determination as referred to in subsection (2) in relation to  
a matter—

25           (a) the local land board shall be deemed to have no  
jurisdiction in the matter; and

30           (b) any requirement to refer matters to the local land  
board shall, in so far as it would, but for this  
subsection, apply to the matter, be deemed to  
be repealed.



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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 (5) Subject to subsection (7), where the Minister determines a matter under subsection (2), the local land board shall be deemed to have no jurisdiction in the matter and the Minister's determination shall have the same effect as if it were a determination of the local land board.

10 (6) Where the Minister—  
(a) dispenses with a determination as referred to in subsection (2) in relation to a matter; or  
(b) determines a matter under subsection (2),  
and the Minister would, but for this subsection, be prohibited from doing a thing in relation to the matter,  
15 except after receiving a recommendation or report from a local land board, the Minister may do the thing notwithstanding that no such report or recommendation is received.

20 (7) Where the Minister has determined a matter under subsection (2) with the agreement of a person or persons whose agreement is necessary to enable him to make the determination, he may, if that person agrees or those persons agree in writing to his reversing the determination or to his altering or amending the determination in a specified manner, reverse, alter or amend in accordance  
25 with the agreement the determination so made and, thereupon, the provisions of subsections (5) and (6) shall cease to apply to the determination so made but shall apply to the determination as reversed, altered or amended in accordance with this subsection.

30 (2) Section 34—

Omit "for trespass".

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(3) Section 57 (1) (c)—

5 After “roadways” wherever occurring, insert “or other  
public purposes”.

(4) (a) Section 75A (4)—

Omit the subsection, insert instead :—

10 (4) If the whole or part of the land is leased under  
section 74 or 76, notice of the application shall be  
published in the Gazette and a local newspaper, if  
any, not less than 4 weeks before the application is  
granted.

(b) Section 75A (4B)—

15 After section 75A (4A), insert :—

20 (4B) At any time before the expiration of the 4  
weeks mentioned in subsection (4), any person feeling  
aggrieved may lodge a complaint setting forth  
objections against the grant of the application, and  
those objections shall be duly heard and determined  
before the application is granted.

(5) Section 109 (5A)—

After “roadways”, insert “or other public purposes”.

(6) Section 136H—

25 After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(7) (a) Section 136K (1)—

5           After “such purposes and”, insert “, subject to this section,”.

(b) Section 136K (1A)—

Omit the subsection, insert instead :—

10           (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is, at that commencement, not less than \$4, the minimum rent per annum shall—

15           (a) if it was less than \$6, be \$6; and

            (b) if it was or is, at the time when some other amount was or is prescribed as the minimum rent per annum for the purposes of this subsection, less than that other amount per annum, be that other amount.

20

(c) Section 136K (6)–(11)—

After section 136K (5), insert :—

25           (6) Subject to subsection (1B), the rent per annum payable in respect of a permission to occupy Crown lands granted after the commencement of the Crown Lands (Amendment) Act, 1978 (other than a permission to occupy offered by tender) shall be determined by the local land board.

30           (7) Subject to subsections (1A) and (1B), the rent per annum payable in respect of a permissive occupancy of, or permission to occupy, Crown lands

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 in existence at, or granted after, the commencement  
of the Crown Lands (Amendment) Act, 1978, shall  
be redetermined by the local land board at such time  
or times as the Minister directs.

10 (8) Where the Minister gives a direction referred  
to in subsection (7), he shall give the holder of the  
permissive occupancy of, or permission to occupy,  
Crown lands in respect of which the direction is given  
notice of the direction. 01

(9) A notice under subsection (8)—

15 (a) may be given by sending it by post to the  
holder at his last known address; and 01

(b) if so given, shall be deemed to have been  
given at the time of posting.

20 (10) Any alteration in rent resulting from a  
redetermination under subsection (7) shall operate as  
from the expiration of 3 months after the date on  
which the Minister gave, or is deemed to have given,  
notice under subsection (8) of his direction in respect  
of that rent or as from such later date as the Minister  
may approve. 02

25 (11) Any term or condition contained in a per-  
missive occupancy of, or permission to occupy, Crown  
lands providing for the determination or redetermina-  
tion of the rent of that permissive occupancy or  
30 permission to occupy shall, on and from the com-  
mencement of the Crown Lands (Amendment) Act,  
1978, have no effect. 02

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

- (8) Section 183 (1A)—  
5 After “roadways”, insert “or other public purposes”.
- (9) Section 184 (1) (c)—  
After “roadways”, insert “or other public purposes”.
- (10) (a) Section 190 (4)—  
Omit the subsection, insert instead :—  
10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.
- 15 (b) Section 190 (4B)—  
After section 190 (4A), insert :—  
20 (4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.
- (11) Section 193A (4A)—  
After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(12) Section 194A (g)—

5 At the end of section 194A, insert :—

- (g) Any areas required for roadways or other public purposes may be excluded by the Minister from the conversion and, on exclusion, shall be deemed to have been surrendered to the Crown.

10 (13) Section 307 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

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SCHEDULE 2.

Sec. 4.

## AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

15 (1) Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—

- (a) In subsection (1) (b), after “that holding;”, insert “and”.
- 20 (b) From subsection (1) (c), omit “holding; and”, insert instead “holding.”.
- (c) Omit subsection (1) (d).

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*Crown Lands (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977—*continued.*

- 5 (2) Section 250B of the Crown Lands Consolidation Act, 1913,  
as to be inserted by section 5 of, and Schedule 7 to, the Crown  
Lands (Amendment) Act, 1977—
- (a) From subsection (2), omit “amount or each of the  
amounts, as the case may be”, insert instead “last  
amount due”.
- 10 (b) From subsection (3), omit “person”, insert instead  
“bona fide purchaser for value”.

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SCHEDULE 3.

Sec. 5.

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

1. In this Schedule, “permissive occupancy” means—
- 15 (a) a permissive occupancy of, or permission to occupy, Crown lands  
under the Crown Lands Consolidation Act, 1913; or
- (b) a permit to occupy land under the Closer Settlement Acts,  
in existence at the commencement of this Act, but does not include a  
permissive occupancy or a permission to occupy offered by tender if the  
20 rent thereof has not, since the granting of that permissive occupancy or  
permission to occupy, been redetermined by the Minister.
2. The holder of a permissive occupancy may, within 6 months after  
the commencement of this Act, apply in writing to the Minister to have  
the rent per annum payable in respect of the permissive occupancy  
25 determined by the local land board.
3. Upon reference by the Minister to the local land board of an  
application under clause 2, the local land board shall, subject to section  
136K (1A) and (1B) of the Crown Lands Consolidation Act, 1913, or

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

section 39 (1) and (2) of the Closer Settlement Act, 1904, as the case may be, determine the rent per annum payable in respect of the permissive  
5 occupancy the subject of the application.

4. Where the current rent per annum payable in respect of a permissive occupancy was determined by the Minister with effect on and from—

- 10 (a) 11th January, 1976, or with effect on and from a date between 11th January, 1976, and the commencement of this Act—any determination under clause 3 in respect of the permissive occupancy shall be made as at the date when the Minister's determination took effect; or
- 15 (b) a date before 11th January, 1976—any determination under clause 3 shall be made as at the date of receipt by the Minister of the application made under clause 2 in respect of the permissive occupancy.

5. Where a determination under clause 3 is made in respect of a permissive occupancy—

- 20 (a) in accordance with clause 4 (a)—the rent per annum as so determined shall be deemed to have been and to be the rent per annum payable in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date as at which the rent was determined; or
- 25 (b) in accordance with clause 4 (b)—the rent per annum as so determined shall be payable, or shall be deemed to have been payable, in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date on which the rent next becomes or became payable after the date of receipt by the Minister of the application for determination.

30 6. Upon a determination of rent under this Schedule any necessary adjustment of rental payments shall be made and any excess shall be applied towards rent due or becoming due in respect of the permissive occupancy or, if no such rent is due or becoming due, be refunded to the holder thereof.



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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as  
5 part of that Act and shall, in its application to a permissive occupancy to which the Closer Settlement Acts apply, be construed as part of those Acts.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[16c]

Crown Lands (Amendment)

SCHEDULE 3—continued

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—continued.

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as if part of that Act and shall, in its application to a permissive occupancy to which the Crown Settlement Acts apply, be construed as part of those Acts.

BY AUTHORITY  
OF THE GOVERNMENT, PRINTED AND SOLD BY THE GOVERNMENT

[1978]

## **CROWN LANDS (AMENDMENT) BILL, 1978**

### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:—

    Closer Settlement (Amendment) Bill, 1978

    Western Lands (Amendment) Bill, 1978

The objects of this Bill are—

- (a) to enable the Minister to dispense with a determination by the local land board, or to determine a matter instead of referring it to a local land board, where the person to be affected is in agreement with the proposed dispensation or determination (“determine” includes redetermine, assess, inquire into, report upon, recommend and any other act or proceeding prescribed by regulation) (Schedule 1 (1), (4), (10));
- (b) to enable the exclusion and surrender to the Crown of land required for public purposes on the conversion or purchase of certain holdings (Schedule 1 (3), (5), (6), (8), (9), (11)–(13));
- (c) to provide for the determination, and redetermination at such times as directed by the Minister, of the rent of certain permissive occupancies by a local land board, instead of by the Minister (Schedule 1 (7));
- (d) in regard to the payment of arrears by incoming holders following transfers of holdings:—
  - (i) to remove the requirement that the due dates for payment of deferred, postponed or funded amounts be determined as if payment of the amounts had not been deferred, postponed or funded; and
  - (ii) to provide that a Minister’s certificate as to the amounts due shall—
    - (a) include the due date for payment in respect of the last amount due instead of each amount due; and
    - (b) protect only bona fide purchasers for value (Schedule 2);
- (e) to enable the holders of certain permissive occupancies existing at the commencement of the proposed Act to apply within 6 months after that commencement to have the rent determined by the local land board and—
  - (i) where the rent previously determined by the Minister took effect on a date on or after 11th January, 1976—to backdate that determination to that date; and



# CROWN LANDS (AMENDMENT) BILL, 1978

No. , 1978.

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## A BILL FOR

An Act to amend the Crown Lands Consolidation Act, 1913, to provide for the determination of rents of permissive occupancies by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to make further provisions with regard to the exclusion of land required for public purposes on the

Act No. , 1978.

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*Crown Lands (Amendment).*

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conversion or purchase of holdings, and for certain other purposes; and to amend the Crown Lands (Amendment) Act, 1977.

[MR CRABTREE—7 February, 1978.]

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

- 5   **1.** This Act may be cited as the "Crown Lands (Amendment) Act, 1978". Short title.
- 2.** This Act contains the following Schedules :— Schedules.
- SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS CONSOLIDATION ACT, 1913.**
- 10   **SCHEDULE 2.—AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.**
- SCHEDULE 3.—REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.**
- 15   **3.** The Crown Lands Consolidation Act, 1913, is amended in the manner set forth in Schedule 1. Amendment of Act No. 7, 1913.
- 4.** The Crown Lands (Amendment) Act, 1977, is amended in the manner set forth in Schedule 2. Amendment of Act No. 97, 1977.
- 5.** Schedule 3 has effect. Redetermination of rentals of permissive occupancies.

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*Crown Lands (Amendment).*

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6. The provisions of sections 57 (1) (c), 109 (5A), 136H, Transitional provision. 183 (1A), 184 (1) (c), 193A (4A), 194A (g) and 307 (1) (c) of the Crown Lands Consolidation Act, 1913, as amended by this Act, shall be deemed to apply to a conversion or purchase, as the case may be, applied for under the Crown Lands Consolidation Act, 1913, before, but not confirmed, granted or approved, as the case may be, at the commencement of this Act.

7. Any increase in rent purporting to have been effected after Validation. the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, and before the commencement of this Act under section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force at any time before the commencement of this Act, being an increase that could have been effected had section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force after the commencement of this Act, then been in force is validated and, for the purposes of section 233A of the Crown Lands Consolidation Act, 1913, any such increase shall be deemed to have been effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971.

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SCHEDULE 1.

Sec. 3.

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913.

(1) Section 14A and short heading—

After section 14, insert :—

25 *Minister may deal with certain matters by agreement.*

14A. (1) In this section, “determine” includes redetermine, assess, inquire into, report upon, recommend and any other prescribed act or proceeding. Determinations by Minister by agreement.

---

*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(2) Subject to subsection (3), where—

5 (a) by or under this Act or the regulations, it is provided that a local land board shall determine any matter; and

10 (b) the applicant or holder who would be affected by the determination, if made, agrees in writing to the Minister dispensing with that determination or determining that matter in a specified manner,

15 the Minister may, without the holding of a hearing, dispense with that determination or determine that matter in the specified manner, as the case may be.

20 (3) Where, in the opinion of the Minister, any person other than an applicant or a holder would be directly affected by a determination of a local board, if made, the Minister shall not take any action under subsection (2) in relation to the determination unless that person agrees in writing to that action being taken.

(4) Where the Minister dispenses with a determination as referred to in subsection (2) in relation to a matter—

25 (a) the local land board shall be deemed to have no jurisdiction in the matter; and

30 (b) any requirement to refer matters to the local land board shall, in so far as it would, but for this subsection, apply to the matter, be deemed to be repealed.



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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 (5) Subject to subsection (7), where the Minister determines a matter under subsection (2), the local land board shall be deemed to have no jurisdiction in the matter and the Minister's determination shall have the same effect as if it were a determination of the local land board.

(6) Where the Minister—

10 (a) dispenses with a determination as referred to in subsection (2) in relation to a matter; or

(b) determines a matter under subsection (2),

15 and the Minister would, but for this subsection, be prohibited from doing a thing in relation to the matter, except after receiving a recommendation or report from a local land board, the Minister may do the thing notwithstanding that no such report or recommendation is received.

(7) Where the Minister has determined a matter

20 under subsection (2) with the agreement of a person or persons whose agreement is necessary to enable him to make the determination, he may, if that person agrees or those persons agree in writing to his reversing the determination or to his altering or amending the determination in a specified manner, reverse, alter or amend in accordance

25 with the agreement the determination so made and, thereupon, the provisions of subsections (5) and (6) shall cease to apply to the determination so made but shall apply to the determination as reversed, altered or amended in accordance with this subsection.

30 (2) Section 34—  
Omit "for trespass".

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(3) Section 57 (1) (c)—

- 5 After “roadways” wherever occurring, insert “or other public purposes”.

(4) (a) Section 75A (4)—

Omit the subsection, insert instead :—

- 10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

(b) Section 75A (4B)—

- 15 After section 75A (4A), insert :—

- 20 (4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(5) Section 109 (5A)—

After “roadways”, insert “or other public purposes”.

(6) Section 136H—

- 25 After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(7) (a) Section 136K (1)—

5           After “such purposes and”, insert “, subject to this section.”.

(b) Section 136K (1A)—

Omit the subsection, insert instead :—

10           (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is, at that commencement, not less than \$4, the minimum rent per annum shall—

15           (a) if it was less than \$6, be \$6; and

            (b) if it was or is, at the time when some other amount was or is prescribed as the minimum rent per annum for the purposes of this subsection, less than that other amount  
20           per annum, be that other amount.

(c) Section 136K (6)–(11)—

After section 136K (5), insert :—

25           (6) Subject to subsection (1B), the rent per annum payable in respect of a permission to occupy Crown lands granted after the commencement of the Crown Lands (Amendment) Act, 1978 (other than a permission to occupy offered by tender) shall be determined by the local land board.

30           (7) Subject to subsections (1A) and (1B), the rent per annum payable in respect of a permissive occupancy of, or permission to occupy, Crown lands

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 in existence at, or granted after, the commencement  
of the Crown Lands (Amendment) Act, 1978, shall  
be redetermined by the local land board at such time  
or times as the Minister directs.

10 (8) Where the Minister gives a direction referred  
to in subsection (7), he shall give the holder of the  
permissive occupancy of, or permission to occupy,  
Crown lands in respect of which the direction is given  
notice of the direction.

(9) A notice under subsection (8)—

15 (a) may be given by sending it by post to the  
holder at his last known address; and

(b) if so given, shall be deemed to have been  
given at the time of posting.

20 (10) Any alteration in rent resulting from a  
redetermination under subsection (7) shall operate as  
from the expiration of 3 months after the date on  
which the Minister gave, or is deemed to have given,  
notice under subsection (8) of his direction in respect  
of that rent or as from such later date as the Minister  
may approve.

25 (11) Any term or condition contained in a per-  
missive occupancy of, or permission to occupy, Crown  
lands providing for the determination or redetermina-  
tion of the rent of that permissive occupancy or  
30 permission to occupy shall, on and from the com-  
mencement of the Crown Lands (Amendment) Act,  
1978, have no effect.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(8) Section 183 (1A)—

5 After “roadways”, insert “or other public purposes”.

(9) Section 184 (1) (c)—

After “roadways”, insert “or other public purposes”.

(10) (a) Section 190 (4)—

Omit the subsection, insert instead :—

10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

15 (b) Section 190 (4B)—

After section 190 (4A), insert :—

20 (4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(11) Section 193A (4A)—

After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(12) Section 194A (g)—

5 At the end of section 194A, insert :—

- (g) Any areas required for roadways or other public purposes may be excluded by the Minister from the conversion and, on exclusion, shall be deemed to have been surrendered to the Crown.

10 (13) Section 307 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

15 (1) Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—

- (a) In subsection (1) (b), after “that holding;”, insert “and”.
- 20 (b) From subsection (1) (c), omit “holding; and”, insert instead “holding.”.
- (c) Omit subsection (1) (d).

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*Crown Lands (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977—*continued.*

- 5 (2) Section 250B of the Crown Lands Consolidation Act, 1913,  
as to be inserted by section 5 of, and Schedule 7 to, the Crown  
Lands (Amendment) Act, 1977—
- (a) From subsection (2), omit “amount or each of the  
amounts, as the case may be”, insert instead “last  
amount due”.
- 10 (b) From subsection (3), omit “person”, insert instead  
“bona fide purchaser for value”.

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SCHEDULE 3.

Sec. 5.

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

1. In this Schedule, “permissive occupancy” means—
- 15 (a) a permissive occupancy of, or permission to occupy, Crown lands  
under the Crown Lands Consolidation Act, 1913; or
- (b) a permit to occupy land under the Closer Settlement Acts,  
in existence at the commencement of this Act, but does not include a  
permissive occupancy or a permission to occupy offered by tender if the  
20 rent thereof has not, since the granting of that permissive occupancy or  
permission to occupy, been redetermined by the Minister.
2. The holder of a permissive occupancy may, within 6 months after  
the commencement of this Act, apply in writing to the Minister to have  
the rent per annum payable in respect of the permissive occupancy  
25 determined by the local land board.
3. Upon reference by the Minister to the local land board of an  
application under clause 2, the local land board shall, subject to section  
136K (1A) and (1B) of the Crown Lands Consolidation Act, 1913, or

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

section 39 (1) and (2) of the Closer Settlement Act, 1904, as the case may be, determine the rent per annum payable in respect of the permissive  
5 occupancy the subject of the application.

4. Where the current rent per annum payable in respect of a permissive occupancy was determined by the Minister with effect on and from—

- 10 (a) 11th January, 1976, or with effect on and from a date between 11th January, 1976, and the commencement of this Act—any determination under clause 3 in respect of the permissive occupancy shall be made as at the date when the Minister's determination took effect; or
- 15 (b) a date before 11th January, 1976—any determination under clause 3 shall be made as at the date of receipt by the Minister of the application made under clause 2 in respect of the permissive occupancy.

5. Where a determination under clause 3 is made in respect of a permissive occupancy—

- 20 (a) in accordance with clause 4 (a)—the rent per annum as so determined shall be deemed to have been and to be the rent per annum payable in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date as at which the rent was determined; or
- 25 (b) in accordance with clause 4 (b)—the rent per annum as so determined shall be payable, or shall be deemed to have been payable, in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date on which the rent next becomes or became payable after the date of receipt by the Minister of the application for determination.

30 6. Upon a determination of rent under this Schedule any necessary adjustment of rental payments shall be made and any excess shall be applied towards rent due or becoming due in respect of the permissive occupancy or, if no such rent is due or becoming due, be refunded to the holder thereof.



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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

**REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.***

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as  
5 part of that Act and shall, in its application to a permissive occupancy to which the Closer Settlement Acts apply, be construed as part of those Acts.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[16c]

REDETERMINATION OF RENTALS BY PERMISSIVE OCCUPANTS—continued

7. This Schedule shall, in its application to a permissive occupant to which the Crown Lands Consolidation Act 1913 applies, be construed as part of that Act and shall, in its application to a permissive occupant to which the Crown Lands Act applies, be construed as part of that Act.

**CROWN LANDS (AMENDMENT) BILL, 1978**

**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:—

Closer Settlement (Amendment) Bill, 1978

Western Lands (Amendment) Bill, 1978

The objects of this Bill are—

- (a) to enable the Minister to dispense with a determination by the local land board, or to determine a matter instead of referring it to a local land board, where the person to be affected is in agreement with the proposed dispensation or determination (“determine” includes redetermine, assess, inquire into, report upon, recommend and any other act or proceeding prescribed by regulation) (Schedule 1 (1), (4), (10));
- (b) to enable the exclusion and surrender to the Crown of land required for public purposes on the conversion or purchase of certain holdings (Schedule 1 (3), (5), (6), (8), (9), (11)–(13));
- (c) to provide for the determination, and redetermination at such times as directed by the Minister, of the rent of certain permissive occupancies by a local land board, instead of by the Minister (Schedule 1 (7));
- (d) in regard to the payment of arrears by incoming holders following transfers of holdings:—
  - (i) to remove the requirement that the due dates for payment of deferred, postponed or funded amounts be determined as if payment of the amounts had not been deferred, postponed or funded; and
  - (ii) to provide that a Minister’s certificate as to the amounts due shall—
    - (a) include the due date for payment in respect of the last amount due instead of each amount due; and
    - (b) protect only bona fide purchasers for value (Schedule 2);
- (e) to enable the holders of certain permissive occupancies existing at the commencement of the proposed Act to apply within 6 months after that commencement to have the rent determined by the local land board and—
  - (i) where the rent previously determined by the Minister took effect on a date on or after 11th January, 1976—to backdate that determination to that date; and

- (ii) where the rent previously determined by the Minister took effect before 11th January, 1976—to provide that the determination takes effect from the date the rent next becomes payable after receipt of the application for determination (Schedule 3); and
  - (f) to make other provisions of a minor, consequential or ancillary nature.
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**CROWN LANDS (AMENDMENT) BILL, 1978**

No.           , 1978.

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**A BILL FOR**

An Act to amend the Crown Lands Consolidation Act, 1913, to provide for the determination of rents of permissive occupancies by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to make further provisions with regard to the exclusion of land required for public purposes on the

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*Crown Lands (Amendment).*

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conversion or purchase of holdings, and for certain other purposes; and to amend the Crown Lands (Amendment) Act, 1977.

[MR CRABTREE—7 February, 1978.]

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

- 5   **1.** This Act may be cited as the "Crown Lands (Amendment) Act, 1978". Short title.
- 2.** This Act contains the following Schedules :— Schedules.
- SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS CONSOLIDATION ACT, 1913.**
- 10   **SCHEDULE 2.—AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.**
- SCHEDULE 3.—REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.**
- 15   **3.** The Crown Lands Consolidation Act, 1913, is amended Amendment  
of Act No.  
7, 1913.  
in the manner set forth in Schedule 1.
- 4.** The Crown Lands (Amendment) Act, 1977, is amended Amendment  
of Act No.  
97, 1977.  
in the manner set forth in Schedule 2.
- 5.** Schedule 3 has effect. Redetermin-  
ation of  
rentals of  
permissive  
occupancies.

*Crown Lands (Amendment).*

6. The provisions of sections 57 (1) (c), 109 (5A), 136H, 183 (1A), 184 (1) (c), 193A (4A), 194A (g) and 307 (1) (c) of the Crown Lands Consolidation Act, 1913, as amended by this Act, shall be deemed to apply to a conversion or purchase, as the case may be, applied for under the Crown Lands Consolidation Act, 1913, before, but not confirmed, granted or approved, as the case may be, at, the commencement of this Act.

Transitional provision.

7. Any increase in rent purporting to have been effected after the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, and before the commencement of this Act under section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force at any time before the commencement of this Act, being an increase that could have been effected had section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force after the commencement of this Act, then been in force is validated and, for the purposes of section 233A of the Crown Lands Consolidation Act, 1913, any such increase shall be deemed to have been effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971.

Validation.

20

## SCHEDULE 1.

Sec. 3.

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913.

(1) Section 14A and short heading—

After section 14, insert :—

25

*Minister may deal with certain matters by agreement.*

14A. (1) In this section, "determine" includes redetermine, assess, inquire into, report upon, recommend and any other prescribed act or proceeding.

Determinations by Minister by agreement.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(2) Subject to subsection (3), where—

5 (a) by or under this Act or the regulations, it is provided that a local land board shall determine any matter; and

10 (b) the applicant or holder who would be affected by the determination, if made, agrees in writing to the Minister dispensing with that determination or determining that matter in a specified manner,

15 the Minister may, without the holding of a hearing, dispense with that determination or determine that matter in the specified manner, as the case may be.

20 (3) Where, in the opinion of the Minister, any person other than an applicant or a holder would be directly affected by a determination of a local board, if made, the Minister shall not take any action under subsection (2) in relation to the determination unless that person agrees in writing to that action being taken.

(4) Where the Minister dispenses with a determination as referred to in subsection (2) in relation to a matter—

25 (a) the local land board shall be deemed to have no jurisdiction in the matter; and

30 (b) any requirement to refer matters to the local land board shall, in so far as it would, but for this subsection, apply to the matter, be deemed to be repealed.



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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 (5) Subject to subsection (7), where the Minister determines a matter under subsection (2), the local land board shall be deemed to have no jurisdiction in the matter and the Minister's determination shall have the same effect as if it were a determination of the local land board.

10 (6) Where the Minister—  
(a) dispenses with a determination as referred to in subsection (2) in relation to a matter; or  
(b) determines a matter under subsection (2),  
and the Minister would, but for this subsection, be  
15 prohibited from doing a thing in relation to the matter, except after receiving a recommendation or report from a local land board, the Minister may do the thing notwithstanding that no such report or recommendation is received.

20 (7) Where the Minister has determined a matter under subsection (2) with the agreement of a person or persons whose agreement is necessary to enable him to make the determination, he may, if that person agrees or those persons agree in writing to his reversing the determination or to his altering or amending the determination in a  
25 specified manner, reverse, alter or amend in accordance with the agreement the determination so made and, thereupon, the provisions of subsections (5) and (6) shall cease to apply to the determination so made but shall apply to the determination as reversed, altered or amended in accordance with this subsection.

30 (2) Section 34—

Omit "for trespass".

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(3) Section 57 (1) (c)—

5 After “roadways” wherever occurring, insert “or other public purposes”.

(4) (a) Section 75A (4)—

Omit the subsection, insert instead :—

10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

(b) Section 75A (4B)—

15 After section 75A (4A), insert :—

20 (4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(5) Section 109 (5A)—

After “roadways”, insert “or other public purposes”.

(6) Section 136H—

25 After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(7) (a) Section 136K (1)—

5           After “such purposes and”, insert “, subject to this section,”.

(b) Section 136K (1A)—

Omit the subsection, insert instead :—

10           (1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is, at that commencement, not less than \$4, the minimum rent per annum shall—

15           (a) if it was less than \$6, be \$6; and

20           (b) if it was or is, at the time when some other amount was or is prescribed as the minimum rent per annum for the purposes of this subsection, less than that other amount per annum, be that other amount.

(c) Section 136K (6)–(11)—

After section 136K (5), insert :—

25           (6) Subject to subsection (1B), the rent per annum payable in respect of a permission to occupy Crown lands granted after the commencement of the Crown Lands (Amendment) Act, 1978 (other than a permission to occupy offered by tender) shall be determined by the local land board.

30           (7) Subject to subsections (1A) and (1B), the rent per annum payable in respect of a permissive occupancy of, or permission to occupy, Crown lands

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

5 in existence at, or granted after, the commencement  
of the Crown Lands (Amendment) Act, 1978, shall  
be redetermined by the local land board at such time  
or times as the Minister directs.

10 (8) Where the Minister gives a direction referred  
to in subsection (7), he shall give the holder of the  
permissive occupancy of, or permission to occupy,  
Crown lands in respect of which the direction is given  
notice of the direction.

(9) A notice under subsection (8)—

15 (a) may be given by sending it by post to the  
holder at his last known address; and

(b) if so given, shall be deemed to have been  
given at the time of posting.

20 (10) Any alteration in rent resulting from a  
redetermination under subsection (7) shall operate as  
from the expiration of 3 months after the date on  
which the Minister gave, or is deemed to have given,  
notice under subsection (8) of his direction in respect  
of that rent or as from such later date as the Minister  
may approve.

25 (11) Any term or condition contained in a per-  
missive occupancy of, or permission to occupy, Crown  
lands providing for the determination or redetermina-  
tion of the rent of that permissive occupancy or  
permission to occupy shall, on and from the com-  
30 mencement of the Crown Lands (Amendment) Act,  
1978, have no effect.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

- (8) Section 183 (1A)—  
5 After “roadways”, insert “or other public purposes”.
- (9) Section 184 (1) (c)—  
After “roadways”, insert “or other public purposes”.
- (10) (a) Section 190 (4)—  
Omit the subsection, insert instead :—  
10 (4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.
- 15 (b) Section 190 (4B)—  
After section 190 (4A), insert :—  
(4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth  
20 objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.
- (11) Section 193A (4A)—  
After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(12) Section 194A (g)—

5 At the end of section 194A, insert :—

- (g) Any areas required for roadways or other public purposes may be excluded by the Minister from the conversion and, on exclusion, shall be deemed to have been surrendered to the Crown.

10 (13) Section 307 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

15 (1) Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—

- (a) In subsection (1) (b), after “that holding;”, insert “and”.
- 20 (b) From subsection (1) (c), omit “holding; and”, insert instead “holding.”.
- (c) Omit subsection (1) (d).

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*Crown Lands (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977—*continued.*

- 5 (2) Section 250B of the Crown Lands Consolidation Act, 1913,  
as to be inserted by section 5 of, and Schedule 7 to, the Crown  
Lands (Amendment) Act, 1977—
- (a) From subsection (2), omit “amount or each of the  
amounts, as the case may be”, insert instead “last  
amount due”.
- 10 (b) From subsection (3), omit “person”, insert instead  
“bona fide purchaser for value”.

---

SCHEDULE 3.

Sec. 5.

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

1. In this Schedule, “permissive occupancy” means—
- 15 (a) a permissive occupancy of, or permission to occupy, Crown lands  
under the Crown Lands Consolidation Act, 1913; or
- (b) a permit to occupy land under the Closer Settlement Acts,  
in existence at the commencement of this Act, but does not include a  
permissive occupancy or a permission to occupy offered by tender if the  
20 rent thereof has not, since the granting of that permissive occupancy or  
permission to occupy, been redetermined by the Minister.
2. The holder of a permissive occupancy may, within 6 months after  
the commencement of this Act, apply in writing to the Minister to have  
the rent per annum payable in respect of the permissive occupancy  
25 determined by the local land board.
3. Upon reference by the Minister to the local land board of an  
application under clause 2, the local land board shall, subject to section  
136K (1A) and (1B) of the Crown Lands Consolidation Act, 1913, or

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

REDETERMINATION OF RENTALS OF PERMISSIVE  
OCCUPANCIES—*continued.*

section 39 (1) and (2) of the Closer Settlement Act, 1904, as the case  
5 may be, determine the rent per annum payable in respect of the permissive  
occupancy the subject of the application.

4. Where the current rent per annum payable in respect of a permissive  
occupancy was determined by the Minister with effect on and from—

- 10 (a) 11th January, 1976, or with effect on and from a date between  
11th January, 1976, and the commencement of this Act—any  
determination under clause 3 in respect of the permissive  
occupancy shall be made as at the date when the Minister's  
determination took effect; or
- 15 (b) a date before 11th January, 1976—any determination under  
clause 3 shall be made as at the date of receipt by the Minister  
of the application made under clause 2 in respect of the  
permissive occupancy.

5. Where a determination under clause 3 is made in respect of a  
permissive occupancy—

- 20 (a) in accordance with clause 4 (a)—the rent per annum as so  
determined shall be deemed to have been and to be the rent  
per annum payable in respect of the permissive occupancy with  
effect on and from the expiration of the day next preceding the  
date as at which the rent was determined; or
- 25 (b) in accordance with clause 4 (b)—the rent per annum as so  
determined shall be payable, or shall be deemed to have been  
payable, in respect of the permissive occupancy with effect on  
and from the expiration of the day next preceding the date on  
which the rent next becomes or became payable after the date
- 30 of receipt by the Minister of the application for determination.

6. Upon a determination of rent under this Schedule any necessary  
adjustment of rental payments shall be made and any excess shall be  
applied towards rent due or becoming due in respect of the permissive  
occupancy or, if no such rent is due or becoming due, be refunded to the  
35 holder thereof.



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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as part of that Act and shall, in its application to a permissive occupancy to which the Closer Settlement Acts apply, be construed as part of those Acts.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

Act No. 107

General Land Office

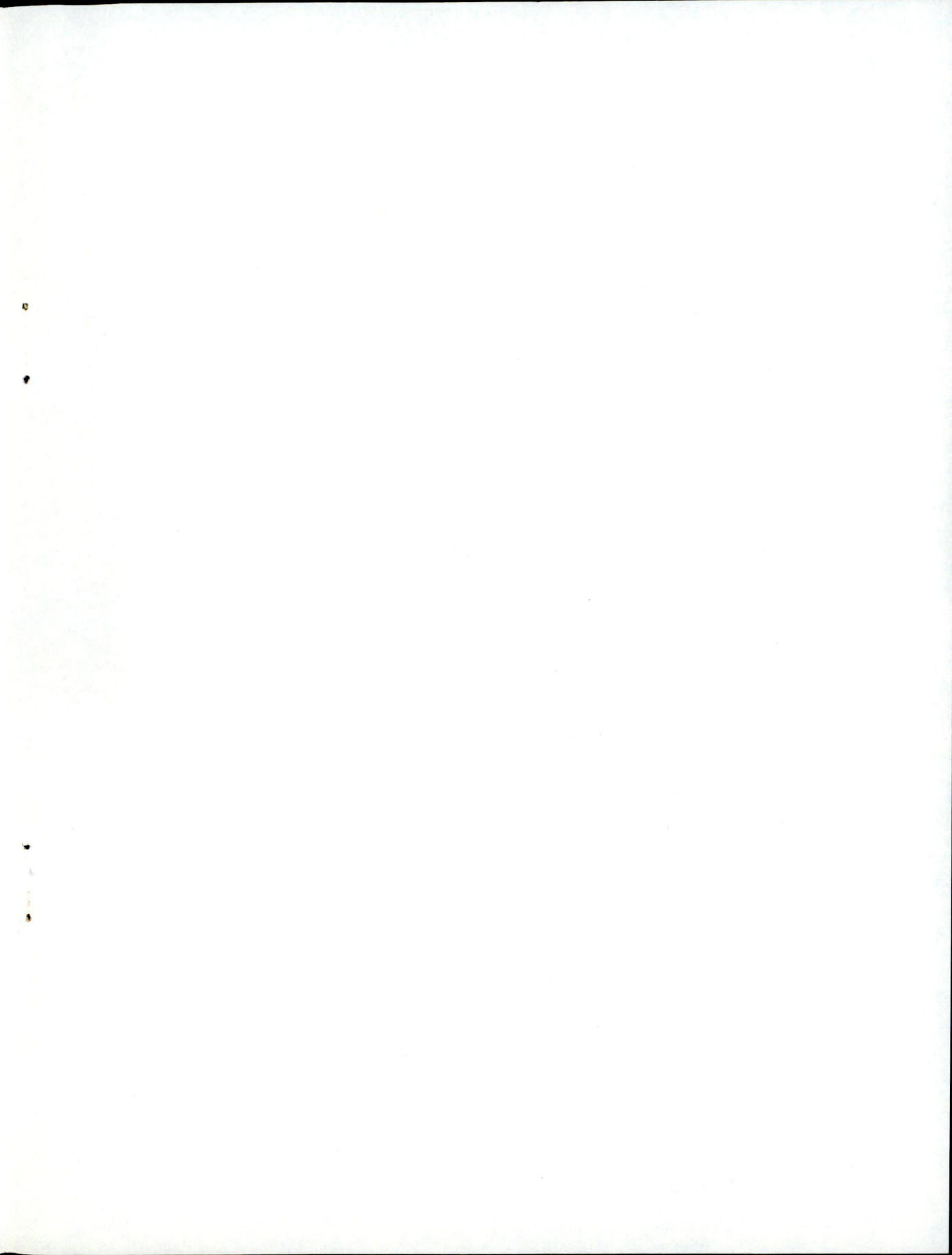
Section 1, 1913

Department of the Interior, Bureau of Land Management

7. This schedule shall in its application to a tract of land which the Crown Land Consolidation Act, 1913, shall be construed as part of that Act and shall in its application to a tract of land which the Forest Reserves Act applies be construed as part of that Act.

BY AUTHORITY

THE SECRETARY OF THE INTERIOR



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**CROWN LANDS (AMENDMENT) ACT, 1978, No. 31**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

\* \* \* \* \*

**Act No. 31, 1978.**

An Act to amend the Crown Lands Consolidation Act, 1913, to provide for the determination of rents of permissive occupancies by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to make further provisions with regard to the exclusion of land required for public purposes on the

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*Crown Lands (Amendment).*


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conversion or purchase of holdings, and for certain other purposes; and to amend the Crown Lands (Amendment) Act, 1977. [Assented to, 28th March, 1978.]

**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 (Amendment) Act, 1978".

Schedules.     **2.** This Act contains the following Schedules :—

SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE  
CROWN LANDS CONSOLIDATION ACT, 1913.

SCHEDULE 2.—AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977.

SCHEDULE 3.—REDETERMINATION OF RENTALS OF  
PERMISSIVE OCCUPANCIES.

Amendment of Act No. 7, 1913.     **3.** The Crown Lands Consolidation Act, 1913, is amended in the manner set forth in Schedule 1.

Amendment of Act No. 97, 1977.     **4.** The Crown Lands (Amendment) Act, 1977, is amended in the manner set forth in Schedule 2.

Redetermination of rentals of permissive occupancies.     **5.** Schedule 3 has effect.

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*Crown Lands (Amendment).*


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6. The provisions of sections 57 (1) (c), 109 (5A), 136H, Transitional 183 (1A), 184 (1) (c), 193A (4A), 194A (g) and 307 (1) (c) provision. of the Crown Lands Consolidation Act, 1913, as amended by this Act, shall be deemed to apply to a conversion or purchase, as the case may be, applied for under the Crown Lands Consolidation Act, 1913, before, but not confirmed, granted or approved, as the case may be, at, the commencement of this Act.

7. Any increase in rent purporting to have been effected after Validation. the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, and before the commencement of this Act under section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force at any time before the commencement of this Act, being an increase that could have been effected had section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force after the commencement of this Act, then been in force is validated and, for the purposes of section 233A of the Crown Lands Consolidation Act, 1913, any such increase shall be deemed to have been effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971.

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 SCHEDULE 1.

Sec. 3. †

 MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
 CONSOLIDATION ACT, 1913.

(1) Section 14A and short heading—

After section 14, insert :—

*Minister may deal with certain matters by agreement.*

14A. (1) In this section, “determine” includes redetermine, assess, inquire into, report upon, recommend and any other prescribed act or proceeding. Determinations by Minister by agreement.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(2) Subject to subsection (3), where—

(a) by or under this Act or the regulations, it is provided that a local land board shall determine any matter; and

(b) the applicant or holder who would be affected by the determination, if made, agrees in writing to the Minister dispensing with that determination or determining that matter in a specified manner,

the Minister may, without the holding of a hearing, dispense with that determination or determine that matter in the specified manner, as the case may be.

(3) Where, in the opinion of the Minister, any person other than an applicant or a holder would be directly affected by a determination of a local board, if made, the Minister shall not take any action under subsection (2) in relation to the determination unless that person agrees in writing to that action being taken.

(4) Where the Minister dispenses with a determination as referred to in subsection (2) in relation to a matter—

(a) the local land board shall be deemed to have no jurisdiction in the matter; and

(b) any requirement to refer matters to the local land board shall, in so far as it would, but for this subsection, apply to the matter, be deemed to be repealed.



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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(5) Subject to subsection (7), where the Minister determines a matter under subsection (2), the local land board shall be deemed to have no jurisdiction in the matter and the Minister's determination shall have the same effect as if it were a determination of the local land board.

(6) Where the Minister—

- (a) dispenses with a determination as referred to in subsection (2) in relation to a matter; or
- (b) determines a matter under subsection (2),

and the Minister would, but for this subsection, be prohibited from doing a thing in relation to the matter, except after receiving a recommendation or report from a local land board, the Minister may do the thing notwithstanding that no such report or recommendation is received.

(7) Where the Minister has determined a matter under subsection (2) with the agreement of a person or persons whose agreement is necessary to enable him to make the determination, he may, if that person agrees or those persons agree in writing to his reversing the determination or to his altering or amending the determination in a specified manner, reverse, alter or amend in accordance with the agreement the determination so made and, thereupon, the provisions of subsections (5) and (6) shall cease to apply to the determination so made but shall apply to the determination as reversed, altered or amended in accordance with this subsection.

(2) Section 34—

Omit "for trespass".

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

## (3) Section 57 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

## (4) (a) Section 75A (4)—

Omit the subsection, insert instead :—

(4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

## (b) Section 75A (4B)—

After section 75A (4A), insert :—

(4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

## (5) Section 109 (5A)—

After “roadways”, insert “or other public purposes”.

## (6) Section 136H—

After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(7) (a) Section 136K (1)—

After “such purposes and”, insert “, subject to this section,”.

(b) Section 136K (1A)—

Omit the subsection, insert instead :—

(1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is, at that commencement, not less than \$4, the minimum rent per annum shall—

(a) if it was less than \$6, be \$6; and

(b) if it was or is, at the time when some other amount was or is prescribed as the minimum rent per annum for the purposes of this subsection, less than that other amount per annum, be that other amount.

(c) Section 136K (6)–(11)—

After section 136K (5), insert :—

(6) Subject to subsection (1B), the rent per annum payable in respect of a permission to occupy Crown lands granted after the commencement of the Crown Lands (Amendment) Act, 1978 (other than a permission to occupy offered by tender) shall be determined by the local land board.

(7) Subject to subsections (1A) and (1B), the rent per annum payable in respect of a permissive occupancy of, or permission to occupy, Crown lands

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

in existence at, or granted after, the commencement of the Crown Lands (Amendment) Act, 1978, shall be redetermined by the local land board at such time or times as the Minister directs.

(8) Where the Minister gives a direction referred to in subsection (7), he shall give the holder of the permissive occupancy of, or permission to occupy, Crown lands in respect of which the direction is given notice of the direction.

(9) A notice under subsection (8)—

- (a) may be given by sending it by post to the holder at his last known address; and
- (b) if so given, shall be deemed to have been given at the time of posting.

(10) Any alteration in rent resulting from a redetermination under subsection (7) shall operate as from the expiration of 3 months after the date on which the Minister gave, or is deemed to have given, notice under subsection (8) of his direction in respect of that rent or as from such later date as the Minister may approve.

(11) Any term or condition contained in a permissive occupancy of, or permission to occupy, Crown lands providing for the determination or redetermination of the rent of that permissive occupancy or permission to occupy shall, on and from the commencement of the Crown Lands (Amendment) Act, 1978, have no effect.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(8) Section 183 (1A)—

After “roadways”, insert “or other public purposes”.

(9) Section 184 (1) (c)—

After “roadways”, insert “or other public purposes”.

(10) (a) Section 190 (4)—

Omit the subsection, insert instead :—

(4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

(b) Section 190 (4B)—

After section 190 (4A), insert :—

(4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(11) Section 193A (4A)—

After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

## (12) Section 194A (g)—

At the end of section 194A, insert :—

- (g) Any areas required for roadways or other public purposes may be excluded by the Minister from the conversion and, on exclusion, shall be deemed to have been surrendered to the Crown.

## (13) Section 307 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

## Sec. 4.

## SCHEDULE 2.

## AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

## (1) Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—

- (a) In subsection (1) (b), after “that holding;”, insert “and”.
- (b) From subsection (1) (c), omit “holding; and”, insert instead “holding.”.
- (c) Omit subsection (1) (d).

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*Crown Lands (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977—*continued.*

- (2) Section 250B of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—
- (a) From subsection (2), omit “amount or each of the amounts, as the case may be”, insert instead “last amount due”.
  - (b) From subsection (3), omit “person”, insert instead “bona fide purchaser for value”.

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SCHEDULE 3.

**Sec. 5.**

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

1. In this Schedule, “permissive occupancy” means—

- (a) a permissive occupancy of, or permission to occupy, Crown lands under the Crown Lands Consolidation Act, 1913; or
- (b) a permit to occupy land under the Closer Settlement Acts,

in existence at the commencement of this Act, but does not include a permissive occupancy or a permission to occupy offered by tender if the rent thereof has not, since the granting of that permissive occupancy or permission to occupy, been redetermined by the Minister.

2. The holder of a permissive occupancy may, within 6 months after the commencement of this Act, apply in writing to the Minister to have the rent per annum payable in respect of the permissive occupancy determined by the local land board.

3. Upon reference by the Minister to the local land board of an application under clause 2, the local land board shall, subject to section 136K (1A) and (1B) of the Crown Lands Consolidation Act, 1913, or

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

section 39 (1) and (2) of the Closer Settlement Act, 1904, as the case may be, determine the rent per annum payable in respect of the permissive occupancy the subject of the application.

4. Where the current rent per annum payable in respect of a permissive occupancy was determined by the Minister with effect on and from—

- (a) 11th January, 1976, or with effect on and from a date between 11th January, 1976, and the commencement of this Act—any determination under clause 3 in respect of the permissive occupancy shall be made as at the date when the Minister's determination took effect; or
- (b) a date before 11th January, 1976—any determination under clause 3 shall be made as at the date of receipt by the Minister of the application made under clause 2 in respect of the permissive occupancy.

5. Where a determination under clause 3 is made in respect of a permissive occupancy—

- (a) in accordance with clause 4 (a)—the rent per annum as so determined shall be deemed to have been and to be the rent per annum payable in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date as at which the rent was determined; or
- (b) in accordance with clause 4 (b)—the rent per annum as so determined shall be payable, or shall be deemed to have been payable, in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date on which the rent next becomes or became payable after the date of receipt by the Minister of the application for determination.

6. Upon a determination of rent under this Schedule any necessary adjustment of rental payments shall be made and any excess shall be applied towards rent due or becoming due in respect of the permissive occupancy or, if no such rent is due or becoming due, be refunded to the holder thereof.



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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

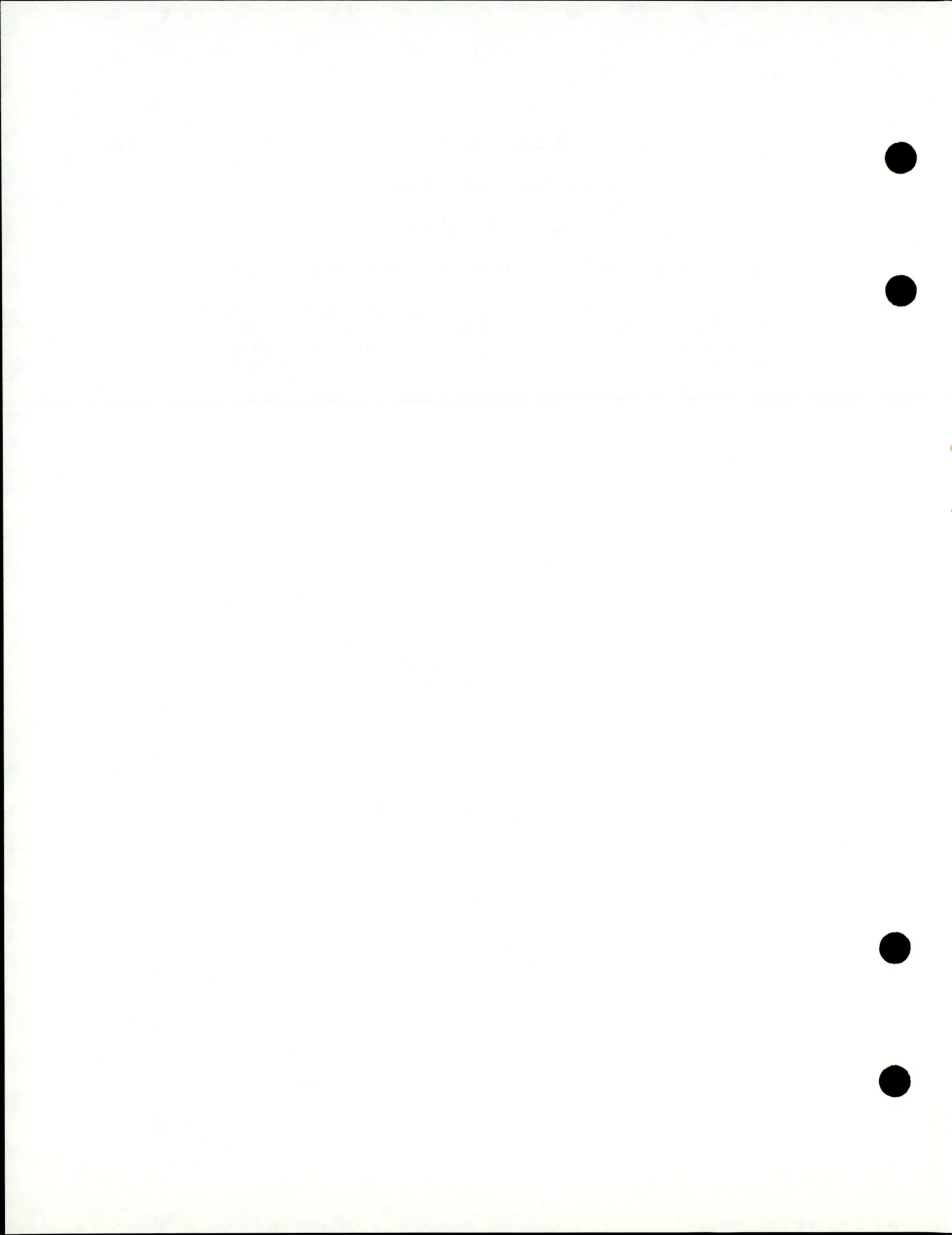
REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as part of that Act and shall, in its application to a permissive occupancy to which the Closer Settlement Acts apply, be construed as part of those Acts.

*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, 28th March, 1978.*







**CROWN LANDS (AMENDMENT) ACT, 1978, No. 31**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 31, 1978.**

An Act to amend the Crown Lands Consolidation Act, 1913, to provide for the determination of rents of permissive occupancies by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to make further provisions with regard to the exclusion of land required for public purposes on the

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*Crown Lands (Amendment).*


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conversion or purchase of holdings, and for certain other purposes; and to amend the Crown Lands (Amendment) Act, 1977. [Assented to, 28th March, 1978.]

**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 (Amendment) Act, 1978".

Schedules.     **2.** This Act contains the following Schedules :—

SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE  
CROWN LANDS CONSOLIDATION ACT, 1913.

SCHEDULE 2.—AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977.

SCHEDULE 3.—REDETERMINATION OF RENTALS OF  
PERMISSIVE OCCUPANCIES.

Amendment of Act No. 7, 1913.     **3.** The Crown Lands Consolidation Act, 1913, is amended in the manner set forth in Schedule 1.

Amendment of Act No. 97, 1977.     **4.** The Crown Lands (Amendment) Act, 1977, is amended in the manner set forth in Schedule 2.

Redetermination of rentals of permissive occupancies.     **5.** Schedule 3 has effect.

---

*Crown Lands (Amendment).*


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6. The provisions of sections 57 (1) (c), 109 (5A), 136H, Transitional 183 (1A), 184 (1) (c), 193A (4A), 194A (g) and 307 (1) (c) provision. of the Crown Lands Consolidation Act, 1913, as amended by this Act, shall be deemed to apply to a conversion or purchase, as the case may be, applied for under the Crown Lands Consolidation Act, 1913, before, but not confirmed, granted or approved, as the case may be, at, the commencement of this Act.

7. Any increase in rent purporting to have been effected after Validation. the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, and before the commencement of this Act under section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force at any time before the commencement of this Act, being an increase that could have been effected had section 136K (1A) of the Crown Lands Consolidation Act, 1913, as in force after the commencement of this Act, then been in force is validated and, for the purposes of section 233A of the Crown Lands Consolidation Act, 1913, any such increase shall be deemed to have been effected by the amendments made by the Crown Lands and Other Acts (Amendment) Act, 1971.

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 SCHEDULE 1.

Sec. 3. †

 MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
 CONSOLIDATION ACT, 1913.

(1) Section 14A and short heading—

After section 14, insert :—

*Minister may deal with certain matters by agreement.*

14A. (1) In this section, “determine” includes redetermine, assess, inquire into, report upon, recommend and any other prescribed act or proceeding. Determinations by Minister by agreement.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(2) Subject to subsection (3), where—

(a) by or under this Act or the regulations, it is provided that a local land board shall determine any matter; and

(b) the applicant or holder who would be affected by the determination, if made, agrees in writing to the Minister dispensing with that determination or determining that matter in a specified manner,

the Minister may, without the holding of a hearing, dispense with that determination or determine that matter in the specified manner, as the case may be.

(3) Where, in the opinion of the Minister, any person other than an applicant or a holder would be directly affected by a determination of a local board, if made, the Minister shall not take any action under subsection (2) in relation to the determination unless that person agrees in writing to that action being taken.

(4) Where the Minister dispenses with a determination as referred to in subsection (2) in relation to a matter—

(a) the local land board shall be deemed to have no jurisdiction in the matter; and

(b) any requirement to refer matters to the local land board shall, in so far as it would, but for this subsection, apply to the matter, be deemed to be repealed.



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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(5) Subject to subsection (7), where the Minister determines a matter under subsection (2), the local land board shall be deemed to have no jurisdiction in the matter and the Minister's determination shall have the same effect as if it were a determination of the local land board.

(6) Where the Minister—

- (a) dispenses with a determination as referred to in subsection (2) in relation to a matter; or
- (b) determines a matter under subsection (2),

and the Minister would, but for this subsection, be prohibited from doing a thing in relation to the matter, except after receiving a recommendation or report from a local land board, the Minister may do the thing notwithstanding that no such report or recommendation is received.

(7) Where the Minister has determined a matter under subsection (2) with the agreement of a person or persons whose agreement is necessary to enable him to make the determination, he may, if that person agrees or those persons agree in writing to his reversing the determination or to his altering or amending the determination in a specified manner, reverse, alter or amend in accordance with the agreement the determination so made and, thereupon, the provisions of subsections (5) and (6) shall cease to apply to the determination so made but shall apply to the determination as reversed, altered or amended in accordance with this subsection.

(2) Section 34—

Omit "for trespass".

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

## (3) Section 57 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

## (4) (a) Section 75A (4)—

Omit the subsection, insert instead :—

(4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

## (b) Section 75A (4B)—

After section 75A (4A), insert :—

(4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

## (5) Section 109 (5A)—

After “roadways”, insert “or other public purposes”.

## (6) Section 136H—

After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(7) (a) Section 136K (1)—

After “such purposes and”, insert “, subject to this section,”.

(b) Section 136K (1A)—

Omit the subsection, insert instead :—

(1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, is, at that commencement, not less than \$4, the minimum rent per annum shall—

(a) if it was less than \$6, be \$6; and

(b) if it was or is, at the time when some other amount was or is prescribed as the minimum rent per annum for the purposes of this subsection, less than that other amount per annum, be that other amount.

(c) Section 136K (6)–(11)—

After section 136K (5), insert :—

(6) Subject to subsection (1B), the rent per annum payable in respect of a permission to occupy Crown lands granted after the commencement of the Crown Lands (Amendment) Act, 1978 (other than a permission to occupy offered by tender) shall be determined by the local land board.

(7) Subject to subsections (1A) and (1B), the rent per annum payable in respect of a permissive occupancy of, or permission to occupy, Crown lands

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

in existence at, or granted after, the commencement of the Crown Lands (Amendment) Act, 1978, shall be redetermined by the local land board at such time or times as the Minister directs.

(8) Where the Minister gives a direction referred to in subsection (7), he shall give the holder of the permissive occupancy of, or permission to occupy, Crown lands in respect of which the direction is given notice of the direction.

(9) A notice under subsection (8)—

- (a) may be given by sending it by post to the holder at his last known address; and
- (b) if so given, shall be deemed to have been given at the time of posting.

(10) Any alteration in rent resulting from a redetermination under subsection (7) shall operate as from the expiration of 3 months after the date on which the Minister gave, or is deemed to have given, notice under subsection (8) of his direction in respect of that rent or as from such later date as the Minister may approve.

(11) Any term or condition contained in a permissive occupancy of, or permission to occupy, Crown lands providing for the determination or redetermination of the rent of that permissive occupancy or permission to occupy shall, on and from the commencement of the Crown Lands (Amendment) Act, 1978, have no effect.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

(8) Section 183 (1A)—

After “roadways”, insert “or other public purposes”.

(9) Section 184 (1) (c)—

After “roadways”, insert “or other public purposes”.

(10) (a) Section 190 (4)—

Omit the subsection, insert instead :—

(4) If the whole or part of the land is leased under section 74 or 76, notice of the application shall be published in the Gazette and a local newspaper, if any, not less than 4 weeks before the application is granted.

(b) Section 190 (4B)—

After section 190 (4A), insert :—

(4B) At any time before the expiration of the 4 weeks mentioned in subsection (4), any person feeling aggrieved may lodge a complaint setting forth objections against the grant of the application, and those objections shall be duly heard and determined before the application is granted.

(11) Section 193A (4A)—

After “roadways”, insert “or other public purposes”.

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*Crown Lands (Amendment).*

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SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE CROWN LANDS  
CONSOLIDATION ACT, 1913—*continued.*

## (12) Section 194A (g)—

At the end of section 194A, insert :—

- (g) Any areas required for roadways or other public purposes may be excluded by the Minister from the conversion and, on exclusion, shall be deemed to have been surrendered to the Crown.

## (13) Section 307 (1) (c)—

After “roadways” wherever occurring, insert “or other public purposes”.

## Sec. 4.

## SCHEDULE 2.

## AMENDMENTS TO THE CROWN LANDS (AMENDMENT) ACT, 1977.

## (1) Section 250A of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—

- (a) In subsection (1) (b), after “that holding;”, insert “and”.
- (b) From subsection (1) (c), omit “holding; and”, insert instead “holding.”.
- (c) Omit subsection (1) (d).

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*Crown Lands (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE CROWN LANDS  
(AMENDMENT) ACT, 1977—*continued.*

- (2) Section 250B of the Crown Lands Consolidation Act, 1913, as to be inserted by section 5 of, and Schedule 7 to, the Crown Lands (Amendment) Act, 1977—
- (a) From subsection (2), omit “amount or each of the amounts, as the case may be”, insert instead “last amount due”.
  - (b) From subsection (3), omit “person”, insert instead “bona fide purchaser for value”.

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SCHEDULE 3.

**Sec. 5.**

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES.

1. In this Schedule, “permissive occupancy” means—

- (a) a permissive occupancy of, or permission to occupy, Crown lands under the Crown Lands Consolidation Act, 1913; or
- (b) a permit to occupy land under the Closer Settlement Acts,

in existence at the commencement of this Act, but does not include a permissive occupancy or a permission to occupy offered by tender if the rent thereof has not, since the granting of that permissive occupancy or permission to occupy, been redetermined by the Minister.

2. The holder of a permissive occupancy may, within 6 months after the commencement of this Act, apply in writing to the Minister to have the rent per annum payable in respect of the permissive occupancy determined by the local land board.

3. Upon reference by the Minister to the local land board of an application under clause 2, the local land board shall, subject to section 136K (1A) and (1B) of the Crown Lands Consolidation Act, 1913, or

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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

section 39 (1) and (2) of the Closer Settlement Act, 1904, as the case may be, determine the rent per annum payable in respect of the permissive occupancy the subject of the application.

4. Where the current rent per annum payable in respect of a permissive occupancy was determined by the Minister with effect on and from—

- (a) 11th January, 1976, or with effect on and from a date between 11th January, 1976, and the commencement of this Act—any determination under clause 3 in respect of the permissive occupancy shall be made as at the date when the Minister's determination took effect; or
- (b) a date before 11th January, 1976—any determination under clause 3 shall be made as at the date of receipt by the Minister of the application made under clause 2 in respect of the permissive occupancy.

5. Where a determination under clause 3 is made in respect of a permissive occupancy—

- (a) in accordance with clause 4 (a)—the rent per annum as so determined shall be deemed to have been and to be the rent per annum payable in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date as at which the rent was determined; or
- (b) in accordance with clause 4 (b)—the rent per annum as so determined shall be payable, or shall be deemed to have been payable, in respect of the permissive occupancy with effect on and from the expiration of the day next preceding the date on which the rent next becomes or became payable after the date of receipt by the Minister of the application for determination.

6. Upon a determination of rent under this Schedule any necessary adjustment of rental payments shall be made and any excess shall be applied towards rent due or becoming due in respect of the permissive occupancy or, if no such rent is due or becoming due, be refunded to the holder thereof.



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*Crown Lands (Amendment).*

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SCHEDULE 3—*continued.*

REDETERMINATION OF RENTALS OF PERMISSIVE OCCUPANCIES—*continued.*

7. This Schedule shall, in its application to a permissive occupancy to which the Crown Lands Consolidation Act, 1913, applies, be construed as part of that Act and shall, in its application to a permissive occupancy to which the Closer Settlement Acts apply, be construed as part of those Acts.

*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, 28th March, 1978.*

