

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

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

*Legislative Assembly Chamber,  
Sydney, 8 June, 1977.*

## **New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1977.**

An Act to provide for the determination, as at 1st January, 1974, of purchase money paid or payable on conversion of certain leases within irrigation areas.

**BE**

*Irrigation Areas (Conversion of Leases).*

**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 "Irrigation Areas Short title.  
(Conversion of Leases) Act, 1977".

**2.** In this Act—

**Interpre-  
tation.**

10     "Commission" means the Water Resources Commission  
constituted under section 4 of the Water Resources  
Commission Act, 1976;

"holding" means—

- (a) an irrigation farm lease of an area not  
exceeding 2 hectares;
- 15     (b) a non-irrigable lease of an area not  
exceeding 2 hectares; or
- (c) a town land lease,

made under or by operation of the Principal Act in  
respect of land within an irrigation area within the  
meaning of the Irrigation Act, 1912;

20     "Principal Act" means the Crown Lands Consolidation  
Act, 1913.

**3.**

*Irrigation Areas (Conversion of Leases).*

3. Section 4 applies to land within or formerly within a holding granted before 1st January, 1974, in respect of which a notification under section 145 (2) of the Principal Act— Application of sec. 4.
- 5 (a) was given during the period commencing on and including 1st January, 1974, and ending on and including the day preceding the date of assent to this Act; or
- 10 (b) is given during the period of 12 months commencing on the expiration of the period referred to in paragraph (a),
- but only if the Commission is satisfied, on such evidence as it thinks fit, that that land was, at the time of that notification, used primarily for residential purposes.
- 15 4. Notwithstanding the provisions of section 145 (3) of the Principal Act, the purchase money of land to which this section applies shall be agreed upon or determined as at 1st January, 1974, for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given. Determination of purchase money on conversion.
- 20 5. Where the purchase money of land to which section 4 applies has, after 1st January, 1974, but before the commencement of this Act, been agreed upon or determined for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given, purchase money shall be agreed upon or determined as referred to in section 4 for the purposes of that conversion notwithstanding the firstmentioned agreement or determination. Redetermination of purchase money determined since 1.1.1974.
- 30 6. Subject to section 8, the provisions of subsections (2) to (8), inclusive, of section 147A of the Principal Act apply to and in respect of an agreement or a determination referred to in section 4 in the same way as they apply to and in respect of an agreement or a determination referred to in section 147A (2) of the Principal Act. Application of sec. 147A of Principal Act.



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*Irrigation Areas (Conversion of Leases).*

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7. Notwithstanding the provisions of the Principal Act or any other Act, upon an agreement as to, or a determination of, purchase money of land as referred to in section 4 for the purposes of a conversion referred to in section 5 (being an agreement as to, or a determination at, a lower amount of purchase money than the amount of purchase money previously agreed upon or determined for the purposes of that conversion)—

Adjustment  
on redeter-  
mination of  
purchase  
money.

10 (a) the prior agreement as to, or determination of, purchase money for the purposes of that conversion shall cease to have effect;

15 (b) the purchase money agreed upon or determined as referred to in section 4 shall be, and shall be deemed for the purposes only of paragraph (c) always to have been, the purchase money of that land for the purposes of that conversion;

20 (c) the Rural Bank of New South Wales, through its Irrigation Agency, shall adjust the instalments of purchase money and interest paid or payable in respect of that land so as to be in accord with the purchase money referred to in paragraph (b) and, following the adjustment of instalments—

25 (i) apply any excess payment resulting from that adjustment towards any instalments of purchase money and interest payable in respect of the land; or

30 (ii) if no instalments of purchase money and interest remain payable in respect of the land, or if any excess payment remains after application as referred to in subparagraph (i), refund any excess payment resulting from that adjustment to the holder of the land;

(d)



*Irrigation Areas (Conversion of Leases).*

- 5 (d) the instalments of purchase money and interest payable in respect of that land after the agreement or determination as referred to in section 4 shall be the instalments as adjusted by the Rural Bank of New South Wales under paragraph (c);
- 10 (e) if stamp duty charged on the purchase money previously agreed upon or determined has been paid in respect of that conversion, the Commission shall direct the Commissioner of Stamp Duties to refund to the holder of that land an amount equivalent to the difference between the amount of stamp duty so paid and the amount of stamp duty that would have been payable in respect of the purchase money agreed upon or determined as referred to in section 4; and
- 15 (f) the Commissioner of Stamp Duties shall refund stamp duty in accordance with the Commission's direction.

8. For the purposes of this Act, section 147A of the Amendment of sec. 147A of Principal Act shall be deemed to be amended by omitting subsection (7) and by inserting instead the following subsection :—

25 (7) Where the purchase money of land within or formerly within an irrigation farm lease, a non-irrigable lease or a town land lease to which section 4 of the Irrigation Areas (Conversion of Leases) Act, 1977, applies is to be determined for the purpose of conversion into an irrigation farm purchase, a non-irrigable purchase or a

town

*Irrigation Areas (Conversion of Leases).*

town land purchase, as the case may be, the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.

5

(1) If in any case the purchase money has been paid in full, the Commission shall, in respect of that case, refer the matter to the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.

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(2) The Commission of Stamp Duties shall refer to the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.

**BY AUTHORITY**

**D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977**

[8c]

8. For the purposes of this Act section 147 of the Principal Act shall be deemed to be a case by or under the authority of the Government of New South Wales.

(3) Where the purchase money of land within or outside the boundaries of an irrigation area has been paid in full, the Commission shall, in respect of that case, refer the matter to the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.

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**IRRIGATION AREAS (CONVERSION OF LEASES)  
BILL, 1977**

No. ., 1977.

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**A BILL FOR**

An Act to provide for the determination, as at 1st January, 1974, of purchase money paid or payable on conversion of certain leases within irrigation areas.

[Mr GORDON—7 June, 1977.]

---

**BE**



*Irrigation Areas (Conversion of Leases).*

**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 "Irrigation Areas Short title.  
(Conversion of Leases) Act, 1977".

2. In this Act—

Interpre-  
tation.

10     "Commission" means the Water Resources Commission  
constituted under section 4 of the Water Resources  
Commission Act, 1976;

"holding" means—

(a) an irrigation farm lease of an area not  
exceeding 2 hectares;

15     (b) a non-irrigable lease of an area not  
exceeding 2 hectares; or

(c) a town land lease,

made under or by operation of the Principal Act in  
respect of land within an irrigation area within the  
meaning of the Irrigation Act, 1912;

20     "Principal Act" means the Crown Lands Consolidation  
Act, 1913.

3.

*Irrigation Areas (Conversion of Leases).*

3. Section 4 applies to land within or formerly within a holding granted before 1st January, 1974, in respect of which a notification under section 145 (2) of the Principal Act—
- (a) was given during the period commencing on and including 1st January, 1974, and ending on and including the day preceding the date of assent to this Act; or
- (b) is given during the period of 12 months commencing on the expiration of the period referred to in paragraph (a),
- but only if the Commission is satisfied, on such evidence as it thinks fit, that that land was, at the time of that notification, used primarily for residential purposes.
4. Notwithstanding the provisions of section 145 (3) of the Principal Act, the purchase money of land to which this section applies shall be agreed upon or determined as at 1st January, 1974, for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given.
5. Where the purchase money of land to which section 4 applies has, after 1st January, 1974, but before the commencement of this Act, been agreed upon or determined for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given, purchase money shall be agreed upon or determined as referred to in section 4 for the purposes of that conversion notwithstanding the firstmentioned agreement or determination.
6. Subject to section 8, the provisions of subsections (2) to (8), inclusive, of section 147A of the Principal Act apply to and in respect of an agreement or a determination referred to in section 4 in the same way as they apply to and in respect of an agreement or a determination referred to in section 147A (2) of the Principal Act.



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*Irrigation Areas (Conversion of Leases).*

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7. Notwithstanding the provisions of the Principal Act or any other Act, upon an agreement as to, or a determination of, purchase money of land as referred to in section 4 for the purposes of a conversion referred to in section 5 (being an agreement as to, or a determination at, a lower amount of purchase money than the amount of purchase money previously agreed upon or determined for the purposes of that conversion)—
- Adjustment on redetermination of purchase money.
- 10 (a) the prior agreement as to, or determination of, purchase money for the purposes of that conversion shall cease to have effect;
- 15 (b) the purchase money agreed upon or determined as referred to in section 4 shall be, and shall be deemed for the purposes only of paragraph (c) always to have been, the purchase money of that land for the purposes of that conversion;
- 20 (c) the Rural Bank of New South Wales, through its Irrigation Agency, shall adjust the instalments of purchase money and interest paid or payable in respect of that land so as to be in accord with the purchase money referred to in paragraph (b) and, following the adjustment of instalments—
- 25 (i) apply any excess payment resulting from that adjustment towards any instalments of purchase money and interest payable in respect of the land; or
- 30 (ii) if no instalments of purchase money and interest remain payable in respect of the land, or if any excess payment remains after application as referred to in subparagraph (i), refund any excess payment resulting from that adjustment to the holder of the land;

(d)



*Irrigation Areas (Conversion of Leases).*

- 5 (d) the instalments of purchase money and interest payable in respect of that land after the agreement or determination as referred to in section 4 shall be the instalments as adjusted by the Rural Bank of New South Wales under paragraph (c);
- 10 (e) if stamp duty charged on the purchase money previously agreed upon or determined has been paid in respect of that conversion, the Commission shall direct the Commissioner of Stamp Duties to refund to the holder of that land an amount equivalent to the difference between the amount of stamp duty so paid and the amount of stamp duty that would have been payable in respect of the purchase money agreed upon or determined as referred to in section 4; and
- 15 (f) the Commissioner of Stamp Duties shall refund stamp duty in accordance with the Commission's direction.

8. For the purposes of this Act, section 147A of the Amendment of sec. 147A of Principal Act shall be deemed to be amended by omitting subsection (7) and by inserting instead the following Act.  
subsection :—

25 (7) Where the purchase money of land within or formerly within an irrigation farm lease, a non-irrigable lease or a town land lease to which section 4 of the Irrigation Areas (Conversion of Leases) Act, 1977, applies is to be determined for the purpose of conversion into an irrigation farm purchase, a non-irrigable purchase or a

town

*Irrigation Areas (Conversion of Leases).*

5 town land purchase, as the case may be, the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

## IRRIGATION AREAS (CONVERSION OF LEASES) BILL, 1977

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### EXPLANATORY NOTE

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

THE objects of this Bill are to allow certain leases within irrigation areas to be converted to purchases at values existing as at 1st January, 1974, and to allow redetermination, as at 1st January, 1974, of the values of certain leases within irrigation areas determined for the purpose of conversion to purchases since that date.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3 provides that section 4 of the proposed Act applies to certain leases under the Crown Lands Consolidation Act, 1913, granted before 1st January, 1974, within irrigation areas (being irrigation farm leases and non-irrigable leases of an area not exceeding 2 hectares, and town land leases, used primarily for residential purposes) in respect of which notifications of intention to convert to purchases—

- (a) were given during the period commencing on 1st January, 1974, and ending on the day preceding the date of assent to the proposed Act; or
- (b) are given during the period of 12 months commencing on the expiration of the period referred to in paragraph (a).

Clause 4 enables the purchase price upon conversion of leases to which the proposed section will apply to be agreed upon or determined as at 1st January, 1974.

Clause 5 provides that, where a purchase price has been agreed upon or determined before the commencement of the proposed Act for the purposes of a conversion, a purchase price shall be agreed upon or determined as referred to in clause 4 notwithstanding that prior agreement or determination.

Clause 6 applies certain provisions of section 147A of the Crown Lands Consolidation Act, 1913, to agreements or determinations referred to in clause 4.

Clause 7 allows adjustment of purchase money and instalments of purchase money, refunds of excess payments and refunds of excess stamp duty consequent upon reductions in purchase money in respect of conversions referred to in clause 5.

Clause 8 deems section 147A of the Crown Lands Consolidation Act, 1913, to be amended in certain respects consequential to the provisions of the proposed Act.



# INVESTIGATION AREA (CONVERSION OF LISTS) JULY 1957

## EXPLANATORY NOTE

The following information is to be used as a guide in the interpretation of the data.

The data are presented in two columns. The first column contains the name of the person, and the second column contains the date of birth. The data are presented in alphabetical order of the name.

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**PROOF**

**IRRIGATION AREAS (CONVERSION OF LEASES)  
BILL, 1977**

No. , 1977.

---

**A BILL FOR**

An Act to provide for the determination, as at 1st January, 1974, of purchase money paid or payable on conversion of certain leases within irrigation areas.

[Mr GORDON—7 June, 1977.]

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*Irrigation Areas (Conversion of Leases).*

**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 "Irrigation Areas Short title.  
(Conversion of Leases) Act, 1977".

**2.** In this Act—

Interpre-  
tation.

- 10     "Commission" means the Water Resources Commission  
constituted under section 4 of the Water Resources  
Commission Act, 1976;

"holding" means—

- (a) an irrigation farm lease of an area not  
exceeding 2 hectares;
- 15     (b) a non-irrigable lease of an area not  
exceeding 2 hectares; or
- (c) a town land lease,

made under or by operation of the Principal Act in  
respect of land within an irrigation area within the  
meaning of the Irrigation Act, 1912;

- 20     "Principal Act" means the Crown Lands Consolidation  
Act, 1913.



*Irrigation Areas (Conversion of Leases).*

3. Section 4 applies to land within or formerly within a holding granted before 1st January, 1974, in respect of which a notification under section 145 (2) of the Principal Act—

- 5 (a) was given during the period commencing on and including 1st January, 1974, and ending on and including the day preceding the date of assent to this Act; or
- 10 (b) is given during the period of 12 months commencing on the expiration of the period referred to in paragraph (a),

but only if the Commission is satisfied, on such evidence as it thinks fit, that that land was, at the time of that notification, used primarily for residential purposes.

4. Notwithstanding the provisions of section 145 (3) of the Principal Act, the purchase money of land to which this section applies shall be agreed upon or determined as at 1st January, 1974, for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given.

20 5. Where the purchase money of land to which section 4 applies has, after 1st January, 1974, but before the commencement of this Act, been agreed upon or determined for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given, purchase money shall be agreed upon or determined as referred to in section 4 for the purposes of that conversion notwithstanding the firstmentioned agreement or determination.

6. Subject to section 8, the provisions of subsections (2) to (8), inclusive, of section 147A of the Principal Act apply to and in respect of an agreement or a determination referred to in section 4 in the same way as they apply to and in respect of an agreement or a determination referred to in section 147A (2) of the Principal Act.

*Irrigation Areas (Conversion of Leases).*

7. Notwithstanding the provisions of the Principal Act or any other Act, upon an agreement as to, or a determination of, purchase money of land as referred to in section 4 for the purposes of a conversion referred to in section 5 (being an agreement as to, or a determination at, a lower amount of purchase money than the amount of purchase money previously agreed upon or determined for the purposes of that conversion)—
- Adjustment on redetermination of purchase money.
- 10 (a) the prior agreement as to, or determination of, purchase money for the purposes of that conversion shall cease to have effect;
- 15 (b) the purchase money agreed upon or determined as referred to in section 4 shall be, and shall be deemed for the purposes only of paragraph (c) always to have been, the purchase money of that land for the purposes of that conversion;
- 20 (c) the Rural Bank of New South Wales, through its Irrigation Agency, shall adjust the instalments of purchase money and interest paid or payable in respect of that land so as to be in accord with the purchase money referred to in paragraph (b) and, following the adjustment of instalments—
- 25 (i) apply any excess payment resulting from that adjustment towards any instalments of purchase money and interest payable in respect of the land; or
- 30 (ii) if no instalments of purchase money and interest remain payable in respect of the land, or if any excess payment remains after application as referred to in subparagraph (i), refund any excess payment resulting from that adjustment to the holder of the land;

(d)

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*Irrigation Areas (Conversion of Leases).*

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- 5 (d) the instalments of purchase money and interest payable in respect of that land after the agreement or determination as referred to in section 4 shall be the instalments as adjusted by the Rural Bank of New South Wales under paragraph (c);
- 10 (e) if stamp duty charged on the purchase money previously agreed upon or determined has been paid in respect of that conversion, the Commission shall direct the Commissioner of Stamp Duties to refund to the holder of that land an amount equivalent to the difference between the amount of stamp duty so paid and the amount of stamp duty that would have been payable in respect of the purchase money agreed upon or determined as referred to in section 4; and
- 15 (f) the Commissioner of Stamp Duties shall refund stamp duty in accordance with the Commission's direction.

20 8. For the purposes of this Act, section 147A of the Amendment of sec. 147A of Principal Act shall be deemed to be amended by omitting subsection (7) and by inserting instead the following Act.  
subsection :—

- 25 (7) Where the purchase money of land within or formerly within an irrigation farm lease, a non-irrigable lease or a town land lease to which section 4 of the Irrigation Areas (Conversion of Leases) Act, 1977, applies is to be determined for the purpose of conversion into an irrigation farm purchase, a non-irrigable purchase or a

town



*Irrigation Areas (Conversion of Leases).*

5 town land purchase, as the case may be, the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.

**IRRIGATION AREAS  
(CONVERSION OF LEASES) ACT, 1977**

**New South Wales**



**ANNO VICESIMO SEXTO**

**ELIZABETHÆ II REGINÆ**

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**Act No. 61, 1977.**

An Act to provide for the determination, as at 1st January, 1974, of purchase money paid or payable on conversion of certain leases within irrigation areas. [Assented to, 7th September, 1977.]

**BE**

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*Irrigation Areas (Conversion of Leases).*

---

**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 "Irrigation Areas (Conversion of Leases) Act, 1977".

**Interpre-  
tation.**

**2.** In this Act—

"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976;

"holding" means—

(a) an irrigation farm lease of an area not exceeding 2 hectares;

(b) a non-irrigable lease of an area not exceeding 2 hectares; or

(c) a town land lease,

made under or by operation of the Principal Act in respect of land within an irrigation area within the meaning of the Irrigation Act, 1912;

"Principal Act" means the Crown Lands Consolidation Act, 1913.



*Irrigation Areas (Conversion of Leases).*

3. Section 4 applies to land within or formerly within a holding granted before 1st January, 1974, in respect of which a notification under section 145 (2) of the Principal Act— Application of sec. 4.

- (a) was given during the period commencing on and including 1st January, 1974, and ending on and including the day preceding the date of assent to this Act; or
- (b) is given during the period of 12 months commencing on the expiration of the period referred to in paragraph (a),

but only if the Commission is satisfied, on such evidence as it thinks fit, that that land was, at the time of that notification, used primarily for residential purposes.

4. Notwithstanding the provisions of section 145 (3) of the Principal Act, the purchase money of land to which this section applies shall be agreed upon or determined as at 1st January, 1974, for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given. Determination of purchase money on conversion.

5. Where the purchase money of land to which section 4 applies has, after 1st January, 1974, but before the commencement of this Act, been agreed upon or determined for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given, purchase money shall be agreed upon or determined as referred to in section 4 for the purposes of that conversion notwithstanding the firstmentioned agreement or determination. Redetermination of purchase money determined since 1.1.1974.

6. Subject to section 8, the provisions of subsections (2) to (8), inclusive, of section 147A of the Principal Act apply to and in respect of an agreement or a determination referred to in section 4 in the same way as they apply to and in respect of an agreement or a determination referred to in section 147A (2) of the Principal Act. Application of sec. 147A of Principal Act.

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*Irrigation Areas (Conversion of Leases).*

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Adjustment  
on redeter-  
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money.

7. Notwithstanding the provisions of the Principal Act or any other Act, upon an agreement as to, or a determination of, purchase money of land as referred to in section 4 for the purposes of a conversion referred to in section 5 (being an agreement as to, or a determination at, a lower amount of purchase money than the amount of purchase money previously agreed upon or determined for the purposes of that conversion)—

- (a) the prior agreement as to, or determination of, purchase money for the purposes of that conversion shall cease to have effect;
- (b) the purchase money agreed upon or determined as referred to in section 4 shall be, and shall be deemed for the purposes only of paragraph (c) always to have been, the purchase money of that land for the purposes of that conversion;
- (c) the Rural Bank of New South Wales, through its Irrigation Agency, shall adjust the instalments of purchase money and interest paid or payable in respect of that land so as to be in accord with the purchase money referred to in paragraph (b) and, following the adjustment of instalments—
  - (i) apply any excess payment resulting from that adjustment towards any instalments of purchase money and interest payable in respect of the land; or
  - (ii) if no instalments of purchase money and interest remain payable in respect of the land, or if any excess payment remains after application as referred to in subparagraph (i), refund any excess payment resulting from that adjustment to the holder of the land;

(d)



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*Irrigation Areas (Conversion of Leases).*

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- (d) the instalments of purchase money and interest payable in respect of that land after the agreement or determination as referred to in section 4 shall be the instalments as adjusted by the Rural Bank of New South Wales under paragraph (c);
- (e) if stamp duty charged on the purchase money previously agreed upon or determined has been paid in respect of that conversion, the Commission shall direct the Commissioner of Stamp Duties to refund to the holder of that land an amount equivalent to the difference between the amount of stamp duty so paid and the amount of stamp duty that would have been payable in respect of the purchase money agreed upon or determined as referred to in section 4; and
- (f) the Commissioner of Stamp Duties shall refund stamp duty in accordance with the Commission's direction.

8. For the purposes of this Act, section 147A of the Principal Act shall be deemed to be amended by omitting subsection (7) and by inserting instead the following subsection :—

Amendment  
of sec. 147A  
of Principal  
Act.

(7) Where the purchase money of land within or formerly within an irrigation farm lease, a non-irrigable lease or a town land lease to which section 4 of the Irrigation Areas (Conversion of Leases) Act, 1977, applies is to be determined for the purpose of conversion into an irrigation farm purchase, a non-irrigable purchase or a

town

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*Irrigation Areas (Conversion of Leases).*

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town land purchase, as the case may be, the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977









*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

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

*Legislative Assembly Chamber,  
Sydney, 18 August, 1977.*

## **New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\* : \*\*\*\*\*

**Act No. 61, 1977.**

An Act to provide for the determination, as at 1st January, 1974, of purchase money paid or payable on conversion of certain leases within irrigation areas.  
[Assented to, 7th September, 1977.]

**BE**

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

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*



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*Irrigation Areas (Conversion of Leases).*

---

**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 "Irrigation Areas (Conversion of Leases) Act, 1977".

**Interpre-  
tation.**

2. In this Act—

"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976;

"holding" means—

(a) an irrigation farm lease of an area not exceeding 2 hectares;

(b) a non-irrigable lease of an area not exceeding 2 hectares; or

(c) a town land lease,

made under or by operation of the Principal Act in respect of land within an irrigation area within the meaning of the Irrigation Act, 1912;

"Principal Act" means the Crown Lands Consolidation Act, 1913.

3.



*Irrigation Areas (Conversion of Leases).*

3. Section 4 applies to land within or formerly within a holding granted before 1st January, 1974, in respect of which a notification under section 145 (2) of the Principal Act—

Application of sec. 4.

- (a) was given during the period commencing on and including 1st January, 1974, and ending on and including the day preceding the date of assent to this Act; or
- (b) is given during the period of 12 months commencing on the expiration of the period referred to in paragraph (a),

but only if the Commission is satisfied, on such evidence as it thinks fit, that that land was, at the time of that notification, used primarily for residential purposes.

4. Notwithstanding the provisions of section 145 (3) of the Principal Act, the purchase money of land to which this section applies shall be agreed upon or determined as at 1st January, 1974, for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given.

Determination of purchase money on conversion.

5. Where the purchase money of land to which section 4 applies has, after 1st January, 1974, but before the commencement of this Act, been agreed upon or determined for the purposes of the conversion in respect of which the notification under section 145 (2) of the Principal Act was given, purchase money shall be agreed upon or determined as referred to in section 4 for the purposes of that conversion notwithstanding the firstmentioned agreement or determination.

Redetermination of purchase money determined since 1.1.1974.

6. Subject to section 8, the provisions of subsections (2) to (8), inclusive, of section 147A of the Principal Act apply to and in respect of an agreement or a determination referred to in section 4 in the same way as they apply to and in respect of an agreement or a determination referred to in section 147A (2) of the Principal Act.

Application of sec. 147A of Principal Act.

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*Irrigation Areas (Conversion of Leases).*

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Adjustment  
on redeter-  
mination of  
purchase  
money.

7. Notwithstanding the provisions of the Principal Act or any other Act, upon an agreement as to, or a determination of, purchase money of land as referred to in section 4 for the purposes of a conversion referred to in section 5 (being an agreement as to, or a determination at, a lower amount of purchase money than the amount of purchase money previously agreed upon or determined for the purposes of that conversion)—

- (a) the prior agreement as to, or determination of, purchase money for the purposes of that conversion shall cease to have effect;
- (b) the purchase money agreed upon or determined as referred to in section 4 shall be, and shall be deemed for the purposes only of paragraph (c) always to have been, the purchase money of that land for the purposes of that conversion;
- (c) the Rural Bank of New South Wales, through its Irrigation Agency, shall adjust the instalments of purchase money and interest paid or payable in respect of that land so as to be in accord with the purchase money referred to in paragraph (b) and, following the adjustment of instalments—
  - (i) apply any excess payment resulting from that adjustment towards any instalments of purchase money and interest payable in respect of the land; or
  - (ii) if no instalments of purchase money and interest remain payable in respect of the land, or if any excess payment remains after application as referred to in subparagraph (i), refund any excess payment resulting from that adjustment to the holder of the land;

(d)



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*Irrigation Areas (Conversion of Leases).*

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- (d) the instalments of purchase money and interest payable in respect of that land after the agreement or determination as referred to in section 4 shall be the instalments as adjusted by the Rural Bank of New South Wales under paragraph (c);
- (e) if stamp duty charged on the purchase money previously agreed upon or determined has been paid in respect of that conversion, the Commission shall direct the Commissioner of Stamp Duties to refund to the holder of that land an amount equivalent to the difference between the amount of stamp duty so paid and the amount of stamp duty that would have been payable in respect of the purchase money agreed upon or determined as referred to in section 4; and
- (f) the Commissioner of Stamp Duties shall refund stamp duty in accordance with the Commission's direction.

8. For the purposes of this Act, section 147A of the Principal Act shall be deemed to be amended by omitting subsection (7) and by inserting instead the following subsection :—

Amendment  
of sec. 147A  
of Principal  
Act.

(7) Where the purchase money of land within or formerly within an irrigation farm lease, a non-irrigable lease or a town land lease to which section 4 of the Irrigation Areas (Conversion of Leases) Act, 1977, applies is to be determined for the purpose of conversion into an irrigation farm purchase, a non-irrigable purchase or a

town

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*Irrigation Areas (Conversion of Leases).*

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town land purchase, as the case may be, the Special Land Board or the Land and Valuation Court on appeal or reference to it as in this section provided shall fix as the purchase money the fair market value of the land irrespective of any improvements thereon.

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

A. R. CUTLER,  
Governor.

*Government House,  
Sydney, 7th September, 1977.*





