

**LAND COMMISSION (AMENDMENT) ACT, 1980,  
No. 124**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 124, 1980.**

An Act to amend the Land Commission Act, 1976, with respect to the imposition by the Land Commission of New South Wales of certain conditions or restrictions on land of which the Commission is the registered proprietor under the Real Property Act, 1900, and to extend the power of the Commission to delegate the exercise or performance of its functions. [Assented to, 27th November, 1980.]



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*Land Commission (Amendment).*

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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 :—

Short title.      **1.** This Act may be cited as the "Land Commission (Amendment) Act, 1980".

Amendment of Act No. 62, 1976.      **2.** The Land Commission Act, 1976, is amended—

Secs. 14A–14C.      (a) by inserting after section 14 the following sections :—

Imposition of conditions re sale of certain land.

14A. (1) In this section, a reference to a purchaser, in relation to land, is a reference to a purchaser from the Commission of the land.

(2) The Registrar-General shall, at the request of the Commission made in a manner approved by the Registrar-General, and on payment of the fee prescribed under the Real Property Act, 1900, make in the Register kept under that Act a recording appropriate to signify—

- (a) that land specified in the request, being land of which the Commission is then the registered proprietor, is, upon a sale to a purchaser, to be held by him subject to conditions specified or referred to in the request; or
- (b) that a recording made pursuant to paragraph (a) has ceased to have effect.

(3) The conditions referred to in subsection (2) (a) may include, in relation to the land so referred to, conditions for or with respect to—

- (a) the erection of any building on the land by the purchaser within a specified period;



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*Land Commission (Amendment).*

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(b) conferring on the Commission an option or right to repurchase the land if the purchaser has failed to comply with a condition referred to in paragraph (a);

(c) conferring on the Commission an option or right to repurchase the land if the purchaser wishes to sell or otherwise dispose of the land before the expiration of a specified period or requiring the purchaser to pay to the Commission a sum determined in a specified manner where the Commission does not exercise that option or right; or

(d) the determination of the repurchase price payable by the Commission pursuant to a condition referred to in paragraph (b) or (c).

(4) Where a recording pursuant to subsection (2) (a) has been made in respect of any land (being a recording that has not ceased to have effect) and the Commission subsequently enters into a contract for the sale of the land, each condition to which the recording relates has effect as a condition of the contract for the sale of the land.

(5) Section 14 (3) applies to and in respect of a condition referred to in subsection (4) in the same way as it applies to and in respect of a condition included in a contract of sale pursuant to section 14 (2).

14B. The Registrar-General shall, at the request of the Commission made in a manner approved by the Registrar-General, and on payment of the fee prescribed under the Real Property Act, 1900, make in the Register kept under that Act a recording appropriate to signify—

Restrictions on transfer of certain land.

(a) that land specified in the request, being land of which the Commission is then the registered proprietor, is held subject to the restriction



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*Land Commission (Amendment).*

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that the land may not be transferred, without a specified building or building of a specified class or description having been erected thereon, without the consent of the Commission; or

- (b) that a recording made pursuant to paragraph (a) has ceased to have effect.

Effect of recording.

14c. Where a recording pursuant to section 14A (2) (a) or 14B (a) has been made in respect of any land, the Registrar-General shall not register under the Real Property Act, 1900, a transfer of the land to or by a person other than the Commission unless it would be so registrable if this section had not been enacted and unless—

- (a) a recording has been made pursuant to section 14A (2) (b) or 14B (b), as the case may require, appropriate to signify that the recording made pursuant to section 14A (2) (a) or 14B (a) has ceased to have effect in respect of the land; or
- (b) the consent of the Commission to the transfer has been endorsed thereon.

Sec. 29.  
(Delegation.)

- (b) by omitting from section 29 (1) the words “to a commissioner or an officer or employee of the Commission the exercise” and by inserting instead the following words :—

to—

- (a) a commissioner;
- (b) an officer or employee of the Commission; or



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*Land Commission (Amendment).*

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- (c) an officer, employee or servant of any Department of the Government or public authority of whose services the Commission makes use pursuant to this Act,

the exercise

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 27th November, 1980.*

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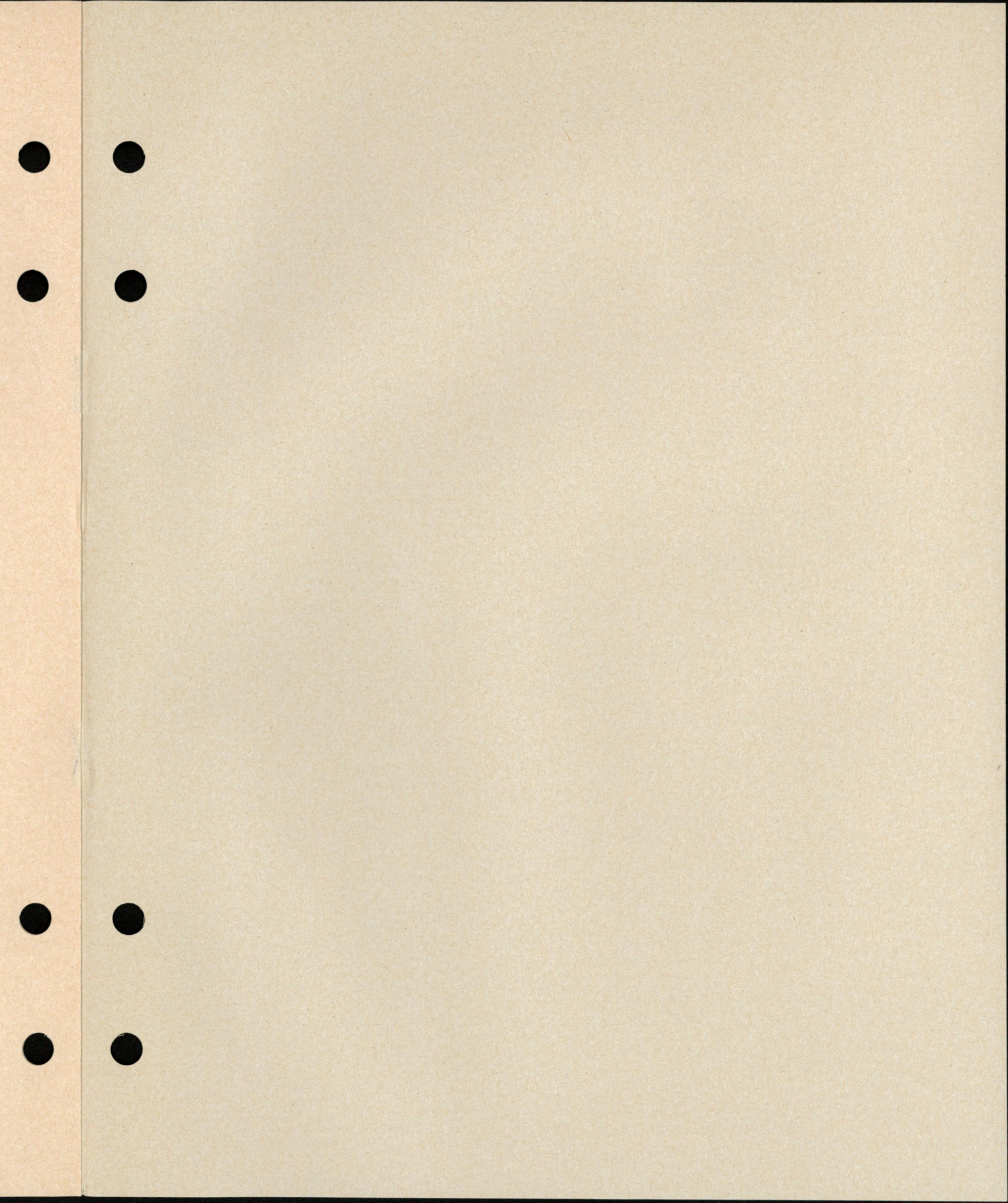
BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980















## LAND COMMISSION (AMENDMENT) BILL, 1980

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### EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to enable the Land Commission of New South Wales (“the Commission”) to impose in respect of land of which the Commission is the registered proprietor under the Real Property Act, 1900—
  - (i) conditions designed to ensure the development of that land after its sale by the Commission (clause 2 (a)—proposed section 14A); or
  - (ii) a restriction on the transfer of that land as vacant land after its transfer by the Commission (clause 2 (a)—proposed section 14B),by the making of appropriate recordings in the Register kept under the Real Property Act, 1900; and
- (b) to enable the Commission to delegate to an officer, employee or servant of a Department of the Government or public authority of whose services the Commission makes use the exercise or performance of any function of the Commission (clause 2(b)).



LAND COMMISSION (AMENDMENT) BILL, 1930

EXPLANATORY NOTE

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

The objects of this Bill are—

(a) to enable the Land Commission of New South Wales (the Commission) to impose in respect of land of which the Commission is the registered proprietor under the Real Property Act, 1900—

(i) conditions designed to ensure the development of that land after its sale by the Commission (clause 2 (a))—proposed section 14A; or

(ii) a restriction on the transfer of that land as vacant land after its transfer by the Commission (clause 2 (a))—proposed section 14B, by the making of appropriate recordings in the Register kept under the Real Property Act, 1900; and

(b) to enable the Commission to delegate to an officer, employee or servant of a Department of the Government or public authority of whose services the Commission makes use the exercise or performance of any function of the Commission (clause 2(b)).



Act No. 1980  
**LAND COMMISSION (AMENDMENT) BILL, 1980**

Bill 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 "Land Commission (Amendment) Act, 1980".

2. The Land Commission Act, 1976, is amended—

(a) by inserting after section 14 the following sections:—

14A. (1) In this section a reference to a purchaser, in relation to land, is a reference to a purchaser from certain land.

**A BILL FOR**

An Act to amend the Land Commission Act, 1976, with respect to the imposition by the Land Commission of New South Wales of certain conditions or restrictions on land of which the Commission is the registered proprietor under the Real Property Act, 1900, and to extend the power of the Commission to delegate the exercise or performance of its functions.

[MR SHEAHAN—17 September, 1980.]



*Land Commission (Amendment).*

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

5 1. This Act may be cited as the "Land Commission Short title. (Amendment) Act, 1980".

2. The Land Commission Act, 1976, is amended—

Amendment  
of Act No.  
62, 1976.

(a) by inserting after section 14 the following sections :— Secs.  
14A-14C.

10 14A. (1) In this section, a reference to a purchaser, in relation to land, is a reference to a purchaser from the Commission of the land. Imposition  
of  
conditions  
re sale of  
certain land.

15 (2) The Registrar-General shall, at the request of the Commission made in a manner approved by the Registrar-General, and on payment of the fee prescribed under the Real Property Act, 1900, make in the Register kept under that Act a recording appropriate to signify—

20 (a) that land specified in the request, being land of which the Commission is then the registered proprietor, is, upon a sale to a purchaser, to be held by him subject to conditions specified or referred to in the request; or

(b) that a recording made pursuant to paragraph (a) has ceased to have effect.

25 (3) The conditions referred to in subsection (2) (a) may include, in relation to the land so referred to, conditions for or with respect to—

(a) the erection of any building on the land by the purchaser within a specified period;



*Land Commission (Amendment).*

- (b) conferring on the Commission an option or right to repurchase the land if the purchaser has failed to comply with a condition referred to in paragraph (a);
- 5 (c) conferring on the Commission an option or right to repurchase the land if the purchaser wishes to sell or otherwise dispose of the land before the expiration of a specified period or requiring the purchaser to pay to the Commission a sum determined in a specified manner where the Commission does not exercise that option or right; or
- 10 (d) the determination of the repurchase price payable by the Commission pursuant to a condition referred to in paragraph (b) or (c).
- 15 (4) Where a recording pursuant to subsection (2) (a) has been made in respect of any land (being a recording that has not ceased to have effect) and the Commission subsequently enters into a contract for the sale of the land, each condition to which the recording relates has effect as a condition of the contract for the sale of the land.
- 20 (5) Section 14 (3) applies to and in respect of a condition referred to in subsection (4) in the same way as it applies to and in respect of a condition included in a contract of sale pursuant to section 14 (2).
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30 14B. The Registrar-General shall, at the request of the Commission made in a manner approved by the Registrar-General, and on payment of the fee prescribed under the Real Property Act, 1900, make in the Register kept under that Act a recording appropriate to signify—

- (a) that land specified in the request, being land of which the Commission is then the registered proprietor, is held subject to the restriction

Restrictions on transfer of certain land.



Land Commission (Amendment).

5 that the land may not be transferred, without a specified building or building of a specified class or description having been erected thereon, without the consent of the Commission; or

(b) that a recording made pursuant to paragraph (a) has ceased to have effect.

10 14c. Where a recording pursuant to section 14A (2) (a) or 14B (a) has been made in respect of any land, the Registrar-General shall not register under the Real Property Act, 1900, a transfer of the land to or by a person other than the Commission unless it would be so registrable if this section had not been enacted and unless—

15 (a) a recording has been made pursuant to section 14A (2) (b) or 14B (b), as the case may require, appropriate to signify that the recording made pursuant to section 14A (2) (a) or 14B (a) has ceased to have effect in respect of the land; or

20 (b) the consent of the Commission to the transfer has been endorsed thereon.

25 (b) by omitting from section 29 (1) the words "to a commissioner or an officer or employee of the Commission (Delegation.)" and by inserting instead the following words:—

- to—
- (a) a commissioner;
- (b) an officer or employee of the Commission; or



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*Land Commission (Amendment).*

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(c) an officer, employee or servant of any Department of the Government or public authority of whose services the Commission makes use pursuant to this Act,

5 the exercise

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

(20c)



Land Commission (Amendment)

(c) an officer, employee or servant of any Department of the Government or public authority whose services the Commission makes available pursuant to this Act.

13. Where a person is appointed as a member of the Commission under section 14(1) of the Land Commission Act, 1974, he shall not be eligible for re-appointment to the Commission unless he has been re-appointed by the Commission after the expiry of three years from the date of his appointment.

BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

(30c)