

AGRICULTURAL HOLDINGS (AMENDMENT) ACT 1989

No. 12

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Agricultural Holdings Act 1941 No. 55
- SCHEDULE 1—AMENDMENTS RELATING TO LEASES AND SHARE-FARMING AGREEMENTS**
- SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION**
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AGRICULTURAL HOLDINGS (AMENDMENT) ACT 1989 No. 12

NEW SOUTH WALES



Act No. 12, 1989

An Act to amend the Agricultural Holdings Act 1941 to repeal provisions fixing minimum terms for leases of, and share-farming agreements for, certain agricultural holdings and provisions relating to notices to quit; and for other purposes. [Assented to 18 April 1989]

Agricultural Holdings (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Agricultural Holdings (Amendment) Act 1989.

Commencement

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).

(2) Schedule 2 and section 3 in its application to that Schedule commence on the date of assent.

Amendment of Agricultural Holdings Act 1941 No. 55

3. The Agricultural Holdings Act 1941 is amended as set out in Schedules 1 and 2.

**SCHEDULE 1—AMENDMENTS RELATING TO LEASES AND
SHARE-FARMING AGREEMENTS**

(Sec. 3)

- (1) Section 4 (**Definitions**)—

Section 4 (1), definition of “Contract of tenancy”—

Omit the definition, insert instead:

“Contract of tenancy” means a letting of land or an agreement for letting land.

- (2) Part 5, heading—

Omit “EXTENSION OF TENANCIES AND”.

- (3) Section 22 (**Construction of provisions of contracts of tenancy relating to term of tenancy**)—

Omit the section.

- (4) Section 23 (**Extension of tenancies under leases for a term of two years or upwards**)—

Omit the section.

- (5) Section 24 (**Notices to quit**)—

Omit the section.

- (6) Section 39—

After section 38, insert:

Savings and transitional provisions

39. The Third Schedule has effect.

Agricultural Holdings (Amendment) 1989

**SCHEDULE 1—AMENDMENTS RELATING TO LEASES AND
SHARE-FARMING AGREEMENTS—*continued***

(7) Third Schedule—

After the Second Schedule, insert:

THIRD SCHEDULE—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 39)

Agricultural Holdings (Amendment) Act 1989

Section 22, 23 or 24 (as in force immediately before its repeal by the Agricultural Holdings (Amendment) Act 1989) continues to apply to—

- (a) a contract of tenancy of a holding that was in force immediately before its repeal; and
- (b) a contract of tenancy of a holding that commences or is renewed after its repeal because of the exercise of an option granted before its repeal.

SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

(Sec. 3)

(1) Long title—

- (a) After “tenant farmers” wherever occurring, insert “and share-farmers”.
- (b) Omit “to provide for the extension of tenancies of certain rural holdings;”.

(2) Section 2 (**Arrangement**)—

Omit the section.

(3) Section 3 (**Repeal and savings**)—

Omit the section.

(4) Part 2 (**Transitory Provisions**)—

Omit the Part.

(5) Section 33 (**Recovery of compensation from trustee etc.**)—

Section 33 (d)—

Omit “Conveyancing Act, 1919–1939”, insert instead “Conveyancing Act 1919”.

(6) First Schedule, Part 3, item (26)—

Omit “Dairy Industry Marketing Authority Act, 1979,”, insert instead “Dairy Industry Act 1979”.

[*Minister's second reading speech made in—
Legislative Assembly on 15 November 1988
Legislative Council on 11 April 1989*]

AGRICULTURAL HOLDINGS (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Agricultural Holdings Act 1941 so as—

- (a) to repeal provisions which convert a contract of tenancy of an agricultural holding for a fixed term of less than 2 years into a contract of tenancy for a term of 2 years; and
- (b) to repeal provisions which convert a contract of tenancy for a term of 2 years or more into a tenancy from year to year on the expiration of that term, if a specified period of notice to quit is not given; and
- (c) to repeal provisions which require the giving of a specified period of notice to quit an agricultural holding; and
- (d) to extend the remaining provisions that relate to tenancies from year to year to other periodic tenancies; and
- (e) to make provisions which save the terms of existing tenancies.

The Bill also contains amendments to the Principal Act by way of statute law revision.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation, except for the amendments to the Principal Act by way of statute law revision which are to commence on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

SCHEDULE 1—AMENDMENTS RELATING TO LEASES AND SHARE-FARMING AGREEMENTS

Definition of “contract of tenancy”

Schedule 1 (1) substitutes the definition of “contract of tenancy” in section 4 (1) so as to apply the Principal Act to leases that (because of the repeal of section 22 by Schedule 1 (3)) will not be converted into tenancies for terms of years.

Agricultural Holdings (Amendment) 1988

At present the Principal Act does not apply to periodic tenancies of agricultural holdings (other than tenancies from year to year). The new definition extends the provisions of the Act to all periodic tenancies of agricultural holdings.

Repeal of provisions extending certain contracts of tenancy and share-farming agreements

Schedule 1 (3) and (4) repeal sections 22 (Construction of provisions of contracts of tenancy relating to term of tenancy) and 23 (Extension of tenancies under leases for a term of two years or upwards).

This removes provisions which automatically convert a contract of tenancy of, or a share-farming agreement for, an agricultural holding for a fixed term of less than 2 years into a tenancy or an agreement for a term of 2 years.

It also removes provisions which convert a contract of tenancy of, or a share-farming agreement for, an agricultural holding for a term of 2 years or more into a tenancy or an agreement from year to year at the expiration of that term, if a specified period of notice to quit is not given.

Schedule 1 (2) contains a minor amendment to the heading to Part 5 consequential on the repeal of those sections.

Repeal of provisions relating to notice to quit

Schedule 1 (5) repeals section 24 (Notices to quit). This removes provisions that require a landlord or landowner, when giving a tenant or share-farmer notice to quit an agricultural holding, to give at least 12 months' notice from the end of the current year of the tenancy or share-farming agreement.

Savings provisions

Schedule 1 (6) and (7) enact savings provisions which continue the effect of sections 22, 23 and 24 for contracts of tenancy and share-farming agreements entered into before the repeal of those sections or entered into or renewed after that repeal pursuant to an option granted before that repeal.

SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

The Bill amends the Principal Act by way of statute law revision—

- (a) by amending the long title of the Principal Act so that it will more accurately describe the content of that Act after amendment by the proposed Act (Schedule 2 (1)); and
- (b) by repealing section 2 (Arrangement) which lists the provisions of the Act, because the practice now is to preface each Act with a table of provisions (Schedule 2 (2)); and
- (c) by repealing section 3 (Repeal and savings) and Part 2 (Transitory provisions) which contain savings and transitional provisions made as a consequence of the enactment of the Principal Act, but not so as to affect any saving made by section 30 of the Interpretation Act as a consequence of that repeal (Schedule 2 (3) and (4)); and
- (d) by amending section 33 (Recovery of compensation from trustee etc.) to update a reference to the Conveyancing Act 1919 so as to accord with current style (Schedule 2 (5)); and

Agricultural Holdings (Amendment) 1988

- (e) by amending item (26) in Part 3 of the First Schedule to update a reference to the Dairy Industry Act 1979 (Schedule 2 (6)).
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AGRICULTURAL HOLDINGS (AMENDMENT) BILL 1988

NEW SOUTH WALES



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SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 1: INTRODUCTION TO QUANTUM MECHANICS

1.1 THE SCHRÖDINGER EQUATION

1.2 THE HEISENBERG UNCERTAINTY PRINCIPLE

1.3 THE TUNNELING EFFECT

1.4 THE HYDROGEN ATOM

1.5 THE SPIN OF THE ELECTRON

1.6 THE PAULI EXCLUSION PRINCIPLE

1.7 THE ADDITION OF ANGULAR MOMENTUM

1.8 THE HYPERFINE SPLITTING

1.9 THE ZEEMAN EFFECT

1.10 THE STARK EFFECT

1.11 THE FINITE SQUARE WELL

1.12 THE HARMONIC OSCILLATOR

1.13 THE ROTATIONAL SPECTRA

1.14 THE VIBRATIONAL SPECTRA

1.15 THE DIATOMIC MOLECULES

1.16 THE QUANTUM THEORY OF LIGHT

1.17 THE PHOTOELECTRIC EFFECT

1.18 THE COMPTON EFFECT

1.19 THE DE BROGLIE WAVELENGTH

1.20 THE QUANTUM MECHANICS OF PARTICLES

AGRICULTURAL HOLDINGS (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

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(2) Schedule 2 and section 3 in its application to that Schedule commence on the date of assent.

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3. The Agricultural Holdings Act 1941 is amended as set out in Schedules 1 and 2.

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Omit the section.

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Omit the section.

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Omit the section.

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39. The Third Schedule has effect.

Agricultural Holdings (Amendment) 1988

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its repeal; and
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its repeal because of the exercise of an option granted before its repeal.

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- (b) Omit “to provide for the extension of tenancies of certain rural holdings;”.

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Omit the section.

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Omit the Part.

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Section 33 (d)—

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1919”.

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