

**CLOSER SETTLEMENT (AMENDMENT) ACT,  
1978, No. 29**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 29, 1978.**

An Act to amend the Closer Settlement Acts to provide for the determination of rents of permits to occupy by local land boards, to enable the Minister, by agreement, to determine certain matters now determined by local land boards, to provide for the exclusion of land required for public purposes

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*Closer Settlement (Amendment).*

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on the conversion of certain holdings, and for certain other purposes; and to amend the Closer Settlement (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 "Closer Settlement (Amendment) Act, 1978".

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

**SCHEDULE 1.—AMENDMENTS TO THE CLOSER SETTLEMENT ACT, 1904.**

**SCHEDULE 2.—AMENDMENT TO THE CLOSER SETTLEMENT AMENDMENT (CONVERSION) ACT, 1943.**

**SCHEDULE 3.—AMENDMENTS TO THE CLOSER SETTLEMENT (AMENDMENT) ACT, 1977.**

Amendment of Act No. 37, 1904.      **3.** The Closer Settlement Act, 1904, is amended in the manner set forth in Schedule 1.

Amendment of Act No. 38, 1943.      **4.** The Closer Settlement Amendment (Conversion) Act, 1943, is amended in the manner set forth in Schedule 2.

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*Closer Settlement (Amendment).*

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5. The Closer Settlement (Amendment) Act, 1977, is amended in the manner set forth in Schedule 3. Amendment  
of Act No.  
78, 1977.

6. The provisions of section 4A (6) of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by Schedule 2, shall be deemed to apply to a conversion applied for under that Act before, but not granted 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 39 of the Closer Settlement Act, 1904, as in force at any time before the commencement of this Act, being an increase that could have been effected had section 39 of the Closer Settlement Act, 1904, as in force after the commencement of this Act, then been in force is validated and, for the purposes of section 15A of the Closer Settlement Amendment (Conversion) Act, 1943, 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.

AMENDMENTS TO THE CLOSER SETTLEMENT ACT, 1904.

(1) (a) Section 39—

Omit "The Minister may grant", insert instead "(1)  
The Minister may grant".

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*Closer Settlement (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CLOSER SETTLEMENT ACT, 1904—  
*continued.*

## (b) Section 39—

Omit “is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars and where some other amount per annum is prescribed shall be that other amount per annum.”, insert instead :—

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 section, less than that other amount per annum, be that other amount.

## (c) Section 39—

Omit “Where any such permit to occupy is granted”, insert instead “(2) Where any permit to occupy is granted under subsection (1)”.

## (d) Section 39—

Omit “this section”, insert instead “this subsection”.

## (e) Section 39 (3)—(8)—

At the end of section 39, insert :—

(3) Subject to subsection (2), the rent per annum payable in respect of a permit to occupy granted after the commencement of the Closer Settlement (Amendment) Act, 1978 (other than a permit to occupy offered by tender) shall be determined by the local land board.

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*Closer Settlement (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLOSER SETTLEMENT ACT, 1904—  
*continued.*

(4) Subject to subsections (1) and (2), the rent per annum payable in respect of a permit to occupy in existence at, or granted after, the commencement of the Closer Settlement (Amendment) Act, 1978, shall be redetermined by the local land board at such time or times as the Minister directs.

(5) Where the Minister gives a direction referred to in subsection (4), he shall give the holder of the permit to occupy in respect of which the direction is given notice of the direction.

(6) A notice under subsection (5)—

- (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.

(7) Any alteration in rent resulting from a redetermination under subsection (4) 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 (5) of his direction in respect of that rent or as from such later date as the Minister may approve.

(8) Any term or condition contained in a permit to occupy providing for the determination or redetermination of the rent of the permit to occupy shall, on and from the commencement of the Closer Settlement (Amendment) Act, 1978, have no effect.

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*Closer Settlement (Amendment).*


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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE CLOSER SETTLEMENT ACT, 1904—  
*continued.*

(9) The provisions of section 166 of the Crown Lands Consolidation Act, 1913, apply to a determination or redetermination of rent by a local land board under this section in the same way as those provisions apply to a determination of rent by a local land board under the Crown Lands Acts.

## (2) Section 43—

After section 42, insert :—

Determinations by Minister by agreement.

43. (1) In this section, “determine” includes redetermine, assess and any other prescribed act or proceeding.

(2) Subject to subsection (3), where—

- (a) by or under the Closer Settlement Acts or the regulations under those Acts, 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 determining that matter in a specified manner,

the Minister may, without the holding of a hearing, determine that matter in the specified manner.

(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 land 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.

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*Closer Settlement (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CLOSER SETTLEMENT ACT, 1904—  
*continued.*

(4) Subject to subsection (5), 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.

(5) 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 subsection (4) 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.

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SCHEDULE 2.

Sec. 4.

AMENDMENT TO THE CLOSER SETTLEMENT AMENDMENT  
(CONVERSION) ACT, 1943.

Section 4A (6)—

After "roadways", insert "or other public purposes".

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*Closer Settlement (Amendment).*

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Sec. 5.

## SCHEDULE 3.

AMENDMENTS TO THE CLOSER SETTLEMENT (AMENDMENT)  
ACT, 1977.

- (1) Section 3A of the Closer Settlement (Amendment) Act, 1937, as to be inserted by section 7 of, and Schedule 4 to, the Closer Settlement (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).
  
  - (2) Section 3B of the Closer Settlement (Amendment) Act, 1937, as to be inserted by section 7 of, and Schedule 4 to, the Closer Settlement (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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