

Crown Land Acts (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purposes of the Bill.

Clause 2 provides for the Bill to come into operation on the day on which it receives Royal Assent.

Clause 3 inserts new sections 130A, 130B, 130C and 130D into the **Land Act 1958**.

Section 130A provides that where a grazing licence has been granted and the term has expired, if the land has been continuously used for grazing and the licence fees paid, then the licence is deemed to have been extended and remains in force.

Section 130B provides that the sending of a notice for payment of an annual grazing licence fee constitutes an offer of renewal. It also provides that the receipt of the appropriate fee is sufficient evidence of renewal of such a licence, which remains in force for the period in respect of which the fee is paid. The clause also ensures that a grazing licence may, on the death of a licensee, be transferred to his or her successors in law.

Section 130C provides that a licence does not expire merely because of the death of the licensee however this does not affect other licence expiring provisions.

Section 130D provides that sections 130A, 130B and 130C have effect, other provisions notwithstanding and even though there has been no application for a new licence. However, these provisions do not relieve a person from liability for breach of a licence, give rise to an entitlement for compensation greater than existed previously, or prevent a new licence being granted. Sections 130A, 130B and 130C apply even if the original licence has been lost if it appears from the Director-General's records that a licence was originally granted. If the records do not show the licence period, the period is presumed to be 7 years.

Clause 4 amends section 133A of the **Land Act 1958** to provide that on payment of the appropriate fee before the expiry of an agistment permit, that permit is deemed to be renewed for the same period as the previous permit.

Clause 5 substitutes section 140E of the **Land Act 1958** to provide that a notice for payment of a licence renewal fee constitutes an offer to renew a licence and that on payment of the fee specified in the notice, the licence is renewed for the same period and subject to the same conditions as the previous licence.

Clause 6 amends section 17B of the **Crown Land (Reserves) Act 1978** to provide for the Minister to approve the granting of licences in respect of certain reserved Crown lands where the Minister is satisfied and states in the approval that there are special reasons for granting the licence and that to do so is not detrimental to the use and enjoyment of any adjacent reserved land or, in the case of other reserved lands, the Minister is satisfied that to grant the licence is not detrimental to the purpose for which the land is reserved.

Clause 7 amends section 17D of the **Crown Land (Reserves) Act 1978** to provide for the Minister to approve the granting of leases in respect of certain Crown lands where the Minister is satisfied and states in the approval that there are special reasons for granting

the lease and that to do so is not detrimental to the use and enjoyment of any adjacent reserved land or, in the case of other reserved lands, the Minister is satisfied that to grant the lease is not detrimental to the purpose for which the land is reserved.

Clause 8 inserts section 17^{DA} into the **Crown Land (Reserves) Act 1978** to provide that approvals which include a statement provided for in proposed sections 17^B (3) (a) and 17^D (3) (a) must be made by the Minister by Order published in the Government Gazette. The clause further provides that such an Order must be tabled in both Houses of Parliament within 5 sitting days of being published and may be disallowed by resolution of either House within 10 sitting days of being tabled and that sections 5, 6 and 6^A of the **Subordinate Legislation Act 1962** apply to such an Order as if it were a statutory rule within the meaning of that Act.

Clause 9 substitutes section 31^{AA} of the **National Parks Act 1975** to provide for the Minister, after consultation with the National Parks Advisory Council, to issue leases in respect of land in the Mt Buffalo National Park for a period not exceeding 21 years, subject to terms and conditions determined by the Minister. The clause sets out the purposes for which such leases may be issued.

Clause 10 amends section 3 of the **Conservation, Forests and Lands Act 1987** to update the definitions of “**Chief Administrator**” and “**Department**” following the proclamation of the **Public Sector Management Act 1992**.

Clause 11 amends section 6 of the **Conservation, Forests and Lands Act 1987** to effect the change in name of the body corporate previously known as “Director-General of Conservation and Environment” to “Secretary to the Department of Conservation and Natural Resources”. The clause also provides that the Secretary is the successor in law of the Director-General.

Clause 12 provides transitional arrangements to ensure that any acts done under the seal or in the name of the predecessors of the Secretary to the Department of Conservation and Natural Resources as a body corporate, remain valid.