



HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 27 May 1998

CROWN PASTORAL LAND BILL

Proposed Amendments

Hon. JOHN LUXTON, in Committee, to move the following amendments:

Clause 2A: To insert, after *clause 2*, the following clause:

2A. Act binds the Crown—This Act (except for Part 4) binds the Crown.

Clause 5: To omit the expression “1 December” (at line 15 on page 11), and substitute the expression “30 November”.

Clause 6: To omit lines 32 to 36 on page 11, and lines 1 to 11 on page 12, and substitute the following:

under a pastoral lease granted after 29 November 1979 is pastoral land, the yearly rent payable under it for the period between—

- (a) Its commencement; and
- (b) The expiration of 11 years from 1 January or July (whichever is the sooner) next following its commencement,—

continues to be 2.25% of the land’s rental value, as determined by the former Land Settlement Board (or, as the case requires, the Commissioner) at the time the lease was granted.

Clause 7: To omit lines 19 to 21 on page 12, and substitute the following:

be calculated as for the renewal of a renewable lease; but—

- (a) As if the references in Part VIII of the Land Act 1948 to 4½ percent were references to 2.25%; and
- (b) With the rental value of the land ascertained under section 131 of that Act not including any potential value that the land may have—
 - (i) For subdivision for building purposes; or
 - (ii) For commercial or industrial use.

Clause 13: To add to *paragraph (f) of subclause (1)* the words “on the land”.

To insert, after *subclause (2)*, the following subclause:

(2A) Except to the extent that it expresses a contrary intention,—

- (a) A consent under **subsection (2)** to drain any land includes a consent to undertake ongoing maintenance of any drainage works formed pursuant to the consent and in accordance with every condition, direction, and restriction subject to which the Commissioner gave it:
- (b) A consent under **subsection (2)** to top-dress any land includes a consent to undertake an ongoing programme of top-dressing on the land or any part of it,—
 - (i) In accordance with every condition, direction, and restriction subject to which the Commissioner gave it; and
 - (ii) Using the fertiliser or mixture of fertilisers consented to,—
 - to maintain the pasture created or enhanced by the top-dressing consented to:
- (c) A consent under **subsection (2)** to sow any land with seed includes a consent to undertake an ongoing programme of sowing on the land or any part of it,—
 - (i) In accordance with every condition, direction, and restriction subject to which the Commissioner gave it; and
 - (ii) Using the species or mixture of species consented to,—
 - to maintain the pasture created or enhanced by the sowing consented to:
- (d) A consent under **subsection (2)** to form a road, path, or track on any land includes a consent to undertake ongoing maintenance of any road, path, or track formed pursuant to the consent and in accordance with every condition, direction, and restriction subject to which the Commissioner gave it:
- (e) A consent under **subsection (2)** to do a thing not specified in **paragraphs (a) to (f) of subsection (1)** includes a consent to undertake ongoing maintenance of any thing constructed or formed pursuant to the consent and in accordance with every condition, direction, and restriction subject to which the Commissioner gave it.

To insert in *subclause (4)*, after the words “**subsection (1)**” at line 23 on page 21, the words “(but not **subsection (2A)**)”.

Clause 24B: To omit the words “either or both” (at line 20 on page 38), and substitute the words “any or all”.

Clause 24F (2): To omit *paragraph (b)*, and substitute the following paragraph:

- (b) The management of the land concerned in a way that is ecologically sustainable:

Clause 29Q: To omit the word “specifies” (at line 4 on page 64), and substitute the words “is accompanied by a notice under **section 26 (4)** specifying”.

Clause 31D (5) (b) (ii): To omit the words “that Act” (at line 10 on page 66), and substitute the words “the Land Act 1948”.

EXPLANATORY NOTE

Proposed new *clause 2A* provides expressly for a matter that would otherwise be implicit only—that the Act resulting from the enactment of *clauses 2 to 33* of this Bill will bind the Crown.

The amendments to *clauses 6 and 7* have the effect of omitting from *clause 6* and inserting in *clause 7* a matter (a requirement that, for the purpose of calculating the rent payable on the renewal of a pastoral lease, the rental value of the land held under it should be ascertained on the basis that it does not include any potential value the land may have for subdivision, or for commercial or industrial use) that should always have been included in *clause 7*.

Proposed new *section 13 (2A)*, and the amendment to *clause 13 (4)* have the effect that, unless the Commissioner of Crown Lands expressly excludes such an outcome when granting the consent concerned, a consent given under *section 13* to the holder of pastoral land to enable the doing of certain things that create a structure or an enhanced pasture includes consent to undertake ongoing maintenance of the structure or pasture created.

The amendment to *clause 24F (2)* brings its wording into line with the wording of *clause 20* (which specifies the objects of *Part 2*).

The amendments to *clauses 5, 13 (1), 24B, 29Q, and 31D* are drafting amendments only.