

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 9, 1976.

An Act to amend the Western Lands Act, 1901. [Assented to, 24th March, 1976.]

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 "Western Lands (Amendment) Act, 1976".

2.

Western Lands (Amendment).

2. The Western Lands Act, 1901, is amended in the manner set forth in Schedule 1. Amendment of Act No. 70, 1901.

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE WESTERN LANDS ACT, 1901.

(1) Section 18E (2) (b)—

Omit the paragraph, insert instead :—

(b) the application may be granted only as to such part of the land the subject of the application as, together with any other lands held by the applicant in fee simple or under a lease in perpetuity, would not (assuming that part and any such other lands to be reasonably improved and used for the purpose for which they are reasonably fitted) substantially exceed one home maintenance area ;

(2) (a) Section 18G (1A) (a)—

Omit “1945, pursuant to section twenty-three or thirty-nine, or”, insert instead “1934, pursuant to section 23 or 39, a lease for the purpose of grazing granted pursuant to section 28A, other than such a lease for grazing that is declared under subsection (1B) to be a lease to which this subsection does not apply, or a lease”.

(b) Section 18G (1B)—

After section 18G (1A), insert :—

(1B) The Minister may, by instrument in writing, declare any lease for the purpose of grazing granted pursuant to section 28A to be a lease to which subsection (1A) does not apply if

SCHEDULE

Western Lands (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WESTERN LANDS ACT, 1901—
continued.

he is of the opinion that having regard to the carrying capacity of the land comprised in the lease it should not be subject to the provisions of that subsection.

(3) (a) Section 18H (2)—

After “person” where firstly occurring, insert “, whether or not as an executor or administrator”.

(b) Section 18H (2)—

Omit “make application”, insert instead “, except in the case of the executor or administrator, make application”.

(c) Section 18H (2)—

After “such person” where secondly occurring, insert “, not being the executor or administrator,”.

(d) Section 18H (2)—

Omit “or does not”, insert instead “or, whether or not he is the executor or administrator, does not”.

(e) Section 18H (2)—

After “such person” where thirdly occurring, insert “, being the executor or administrator,”.

(4) (a) Section 19c (1)—

After “centum”, insert “or such other rate as may from time to time be prescribed”.

SCHEDULE

Western Lands (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WESTERN LANDS ACT, 1901—
continued.

(b) Section 19C (2), (3)—

Omit the subsections, insert instead :—

(2) Subsection (1) applies to and in respect of a lease granted under section 28A for the purpose of agriculture, grazing and agriculture combined or mixed farming or for any similar purpose or purposes in the same way as it applies to and in respect of a lease in respect of land set apart for any such purpose or purposes, but does not apply to or in respect of a lease granted under section 28A before the date of assent to the Western Lands (Amendment) Act, 1976, until such date as is fixed by the local land board on an application made by the lessee within twelve months after that date of assent.

(5) (a) Section 24 (2)—

After “grazing” where firstly occurring, insert “or agriculture”.

(6) Section 28BB (2) (b), (b1)—

Omit section 28BB (2) (b), insert instead :—

(b) The application for conversion may be granted only as to such part of the land the subject of the application as, together with any other lands held by the applicant in fee simple, would not (assuming that part and any such other lands to be reasonably improved and used for the purpose for which they are reasonably fitted) substantially exceed one home maintenance area.

SCHEDULE

Western Lands (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE WESTERN LANDS ACT, 1901—
continued.

- (b1) For the purpose of paragraph (b)—
- (i) lands held by the spouse of an applicant under this section shall be deemed to be lands held by the applicant; and
 - (ii) lands held under annual lease, preferential occupation license, occupation license, permissive occupancy or Western Lands lease having not more than five years to run when the application referred to in paragraph (b) is made shall not be taken into account for the purpose of ascertaining whether or not any lands substantially exceed one home maintenance area.
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