**CROWN LANDS ACT AMENDMENT BILL 1978**

**Legislative Council, 16 March 1978, pages 2263-4**

Second reading

**The Hon. T. M. CASEY (Minister of Lands)** obtained leave and introduced a Bill for an Act to amend the Crown Lands Act, 1929-1977. Read a first time.

The Hon. T. M. CASEY: I move: That this Bill be now read a second time. It makes miscellaneous amendments to the Crown Lands Act and it will be convenient to explain it in terms of its various clauses. I seek leave to have the explanation of the clauses inserted in Hansard without my reading it. Leave granted.

 Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 9 of the principal Act which sets out the powers of the Minister. This clause empowers the Minister to develop and connect services to Crown lands for any residential, commercial, industrial or other purpose. To meet demand, particularly in country areas, the Department of Lands must provide subdivided land for various purposes but has no authority, except in irrigation areas, to develop and service these subdivisions to the degree required of private developers under the Planning and Development Act. Justifiably, this generally attracts criticism from local governing authorities and appears inequitable to private developers.

Clause 4 amends section 53 of the principal Act by extending the Minister’s present authority to resume leasehold land. This clause is to be read in conjunction with clause 19. In most localities there are insufficient vacant Crown lands available which are suitable for subdivision and development to meet the increasing needs of the community for serviced residential, industrial and commercial sites. It is therefore necessary to either resume leasehold land or acquire freehold property. Currently, resumption is permitted only where the land is required for mining, for public purposes or for sites for towns. Freehold land can be acquired in terms of section 260 of the principal Act provided it is proclaimed a town pursuant to that Act, but such action is often impractical. The principal Act provides for the payment of compensation in both cases.

Clauses 5 to 19 amend various sections of Part VIII of the principal Act which relates to the Lyrup village settlement. Clause 5 amends section 85 of the principal Act by extending membership of the Lyrup Village Association from lessees of horticultural blocks only to all lessees of land within the district subject to qualification by the rules of the association. The effect of this amendment is that all lessees who are supplied with water in commercial quantities will have a say in the administration of the association. However, where a lease is held by two or more persons, this clause restricts membership to the lessee whose name appears first in the lease.

Clause 6 amends section 87 of the principal Act which requires that land within the district can be set apart only for horticultural or commonage purposes or for irrigation headworks. It is considered expedient that certain land within the district be made available for leasing for caravan park purposes while other land could be set aside for recreation or other purposes. The present requirement whereby the Minister shall cause the lands to be subdivided in a specified manner is no longer applicable. The clause makes provision for land within the area to be used for any purpose and for any subdivision of the land to be approved by the Minister.

Clause 7 provides for amendments to section 88a of the principal Act which are consequential to earlier provisions in this Bill relating to extended membership of the association, the use of the land for purposes other than horticulture, commonage and irrigation works, and to subdivision of the land. The clause also deletes other redundant provisions. Clause 8 repeals sections 90 to 93 of the principal Act. These sections refer to valuations which were carried out many years ago following the original subdivision of the area and have no further application. Clause 9 makes further consequential amendments to section 94 of the principal Act and strikes out unnecessary provisions. Clause 10 repeals the unnecessary provisions of section 95 of the principal Act. Clause 11 makes further consequential amendments resulting from extended land usage as provided earlier in this Bill.

Clause 12 repeals sections 97 and 98 of the principal Act. These sections refer to payment of the amounts of the valuations referred to previously and as payment has been completed, they are now redundant. Clause 13 makes more consequential amendments due to the earlier provisions which lift restrictions on land use. Clause 14 repeals section 100 of the principal Act. This section deals with the execution of leases and sufficient provision is made elsewhere in the Act to ensure that any new leases are signed by the appropriate party. Clause 15 is necessary due to the new provisions relating to the eligibility of membership of the association.

Clauses 16 and 17 are complementary. Section 104 of the principal Act mainly refers to the association’s management of the irrigation works but it also empowers the association to charge its members for the use of those works. However, no authority is provided whereby the association can make a charge on its members and the occupiers of land within the district to offset the administrative and other expenses incurred. Clause 16 deletes the reference in section 104 of the Act to the charge which can currently be made for any use of the irrigation works. Clause 17 enacts section 106 of the principal Act. This section not only provides the authority for the association to make various charges and require the payment of contributions from its members and other occupiers, but it also provides the necessary machinery to recover any outstanding amounts. Clause 18 amends section 107a to provide the association with further financial assistance by way of a grant of $15 600. This grant is to enable the association to complete the rehabilitation of the irrigation headworks and to assist with the provision of main drain facilities and the upgrading of the domestic water supply.

Clause 19 is complementary to clause 4 and extends the provisions of section 260 to authorise the acquisition of freehold land for development as residential and other sites. Clause 20 amends section 271d to enable owners of freehold land encumbered by a registered lease to transfer that land to the Minister of Lands. Prior to the introduction of the Planning and Development Act, 1966, owners of freehold land who were unable to obtain approval to subdivide their land into separate allotments were able to achieve much the same result by selling longterm leases, up to 999 years, for a lump sum. In many instances holiday homes have since been erected on the land contained in these leases. Upon registration of the leases in the Lands Titles Office, the lessees, for all practical purposes, became the owners of the land. In order to overcome the problems relating to the payment of land tax, clause 20 further provides that these lessees shall be liable for the payment of land tax as if the leases were perpetual leases. The clause also provides that the Minister shall succeed to the rights and obligations of the original lessors and may recover any outstanding rates or taxes from the lessees.

 Clause 21 enacts section 271e of the principal Act. In terms of the Irrigation Act, land may be withdrawn from an irrigation area by proclamation. However, there is no existing machinery whereby leases issued pursuant to any of the irrigation Acts can be converted to leases issued in terms of the Crown Lands Act following any such proclamation. Clause 21 provides the authority for the cancellation of irrigation leases and the issue of new dry lands leases where land ceases to form part of an irrigation area. It also provides for the new lease to be issued subject to all interests which were registered on the cancelled lease. Clause 22 extends the provisions of section 288. The clause provides for the making of regulations whereby fees can be levied against lessees to offset the costs incurred in collecting rents and maintaining tenure records and for other purposes.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

Debate continued on 21 March 1978, page 2321, and passed.