

CLAUSE NOTES

Crown Lands Amendment Bill 2015

- Clause 1 Short Title**
This clause provides the short title to be used when citing the Act for any legal purpose.
- Clause 2 Commencement**
This clause provides for commencement on the day on which the Act receives the Royal Assent.
- Clause 3 Principal Act**
This clause provides that the *Crown Lands Act 1976* is the Principal Act.
- Clause 4 Section 2 amended (Interpretation)**
This clause amends the definitions section of the Principal Act by:
 (a) omitting the definitions of “residential portfolio land” and “other portfolio land”; and
 (b) inserting a new definition of “portfolio land”.
The purpose of the amendments is to remove the distinction between residential land and other land managed by Portfolio Departments by creating a new singular class of “portfolio land”.
This clause also amends the definitions of “Portfolio Minister” and “Portfolio Department” to substitute the references to “residential portfolio land” and “other portfolio land” with the new class of “portfolio land”.
- Clause 5 Section 29 amended (Lease of Crown land)**
This section describes the leasing powers of the Minister administering the Principal Act, as well as the power for Portfolio Ministers to approve the assignment of a lease.
This clause has the effect of substituting the references to “other portfolio land” with the new singular class of “portfolio land”.
- Clause 6 Part IV, Division 5: Heading amended**
This clause amends the heading to Part IV, Division 5 by substituting reference to “residential portfolio land” and “other portfolio land” with “Leases of portfolio land”.
- Clause 7 Section 39A amended (Lease of portfolio land)**
This section sets out the powers of Portfolio Ministers to lease “residential portfolio land” and “other portfolio land”.
This clause omits the separate requirements in respect of “residential portfolio land” and has the effect of substituting the references to “residential portfolio land” and “other portfolio land” with the new singular class of “portfolio land”.

The amendment will also therefore result in the extension of the power of Portfolio Ministers to lease all Crown land managed by their respective Departments without the separate requirements which apply to Crown land currently classed as “residential portfolio land”.

Clause 8 Section 39B repealed

This section sets out requirements for determining the market rental of “residential portfolio land”. This clause repeals the entire section, removing separate requirements for the determination of rental for residential properties.

Clause 9 Section 39D amended (Use of rent money)

This sections sets out the purposes for which rental in respect of leases over “residential portfolio land” and “other portfolio land” may be used for. This clause has the effect of substituting the references to “residential portfolio land” and “other portfolio land” with the new singular class of “portfolio land”.

Clause 10 Section 40 amended (Licences to remove gravel and stone, &c.)

This section specifies powers of the Minister administering the Principal Act and Portfolio Ministers to licence Crown land. At present, Portfolio Ministers are limited, under sub-section 40(1A), to licensing “other portfolio land”.

This clause has the effect of substituting the references to “other portfolio land” with the new singular class of “portfolio land”. The amendment will also result in the extension of the power of Portfolio Ministers to licence all Crown land managed by their respective Departments i.e. including Crown land currently classed as “residential portfolio land”.

Clause 11 Section 42 amended (Temporary Licences)

This section specifies powers of the Minister administering the Principal Act and Portfolio Ministers to licence Crown land. At present, Portfolio Ministers are limited, under sub-section 42(5A), to licensing “other portfolio land”.

This clause has the effect of substituting the references to “other portfolio land” with the new singular class of “portfolio land”. The amendment will also therefore result in the extension of the power of Portfolio Ministers to licence all Crown land managed by their respective Departments i.e. including Crown land currently classed as “residential portfolio land”.

Clause 12 Section 48B amended (Crown Lands Administration Fund)

This section establishes the Crown Land Administration Fund. Monies received under the Principal Act must be paid into the Fund in accordance with the section, with the exception of rent or bond money received in respect of leases of “residential portfolio land” and “other portfolio land”, as well leases under the *Crown Lands (Shack Sites) Act 1997*.

This clause has the effect of substituting the references to “residential portfolio land” and “other portfolio land” with the new singular class of “portfolio land”.

Clause 13 Section 60 amended (Effect of error in written description)

This section provides for circumstances where there has been error, misdescription, or inaccuracy in the written description in a document of title in respect of any land dealt with under the Principal Act, including in leases of “residential portfolio land” and “other portfolio land” under section 39A.

This clause has the effect of substituting the references to “residential portfolio land” and “other portfolio land” with the new singular class of “portfolio land”.

Clause 14 Repeal of Act

This clause provides that this Act is repealed on the three hundredth and sixty fifth day from the day on which it commences.