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*The Australian Rangeland Society*

## A COMPARISON OF THE LAND ACTS OF AUSTRALIA

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At the CSIRO Division of Land Resources Management, Deniliquin, a project to identify the impact of economic, administrative, and social influences on rangeland management has begun. This paper reports some initial observations from a comparison of the Land Acts relevant to arid Australia. The relevant Acts are:

- . Crown Lands Ordinance 1931-1975, N.T.
- . Land Acts 1936-1975, Qld.
- . Land Act 1933, W.A.
- . Pastoral Act 1936-1976, S.A.
- . Western Lands Act 1901, N.S.W.

These Acts of Parliament set up five administrative bodies who are responsible for the administration of all Crown Land in arid Australia. Only 1% of the arid lands of Australia have been alienated and are no longer Crown Lands.

Table 1 indicates the nature of the administrative bodies.

All States have established related Boards, Committees and Courts to assist the main administrative body (see Table 2).

All States divide the area for which they are responsible into a number of administrative regions (see Fig. 1). Table 3 gives an indication of the average number of stations per region.

Stations in the arid zone lease land from the Crown. The many forms of lease available in each State are listed in Table 4. Some leases are subject to area restrictions and all are subject to rental assessment. The type of lease with the smallest maximum area in each State is listed in Table 5.

The effect of these different administrative systems on the land resource is being investigated. Fig. 2 indicates the number of stations that lie on either side of the borders of each State. The causes and effects of these differences have not been identified. Obviously a great deal of the cause can be attributed to periods of closer settlement.

There appears to be

- . no significant difference between the Northern Territory, South Australia and Western Australia;
- . a very significant difference between the Northern Territory and Queensland;
- . a very significant difference between New South Wales and South Australia inside the dog fence;
- . no significant difference between New South Wales and Queensland;
- . a significant difference between the Central and Western Division of New South Wales.

----- Administrative Regions

- - - - - Arid Zone

■ Unoccupied Land

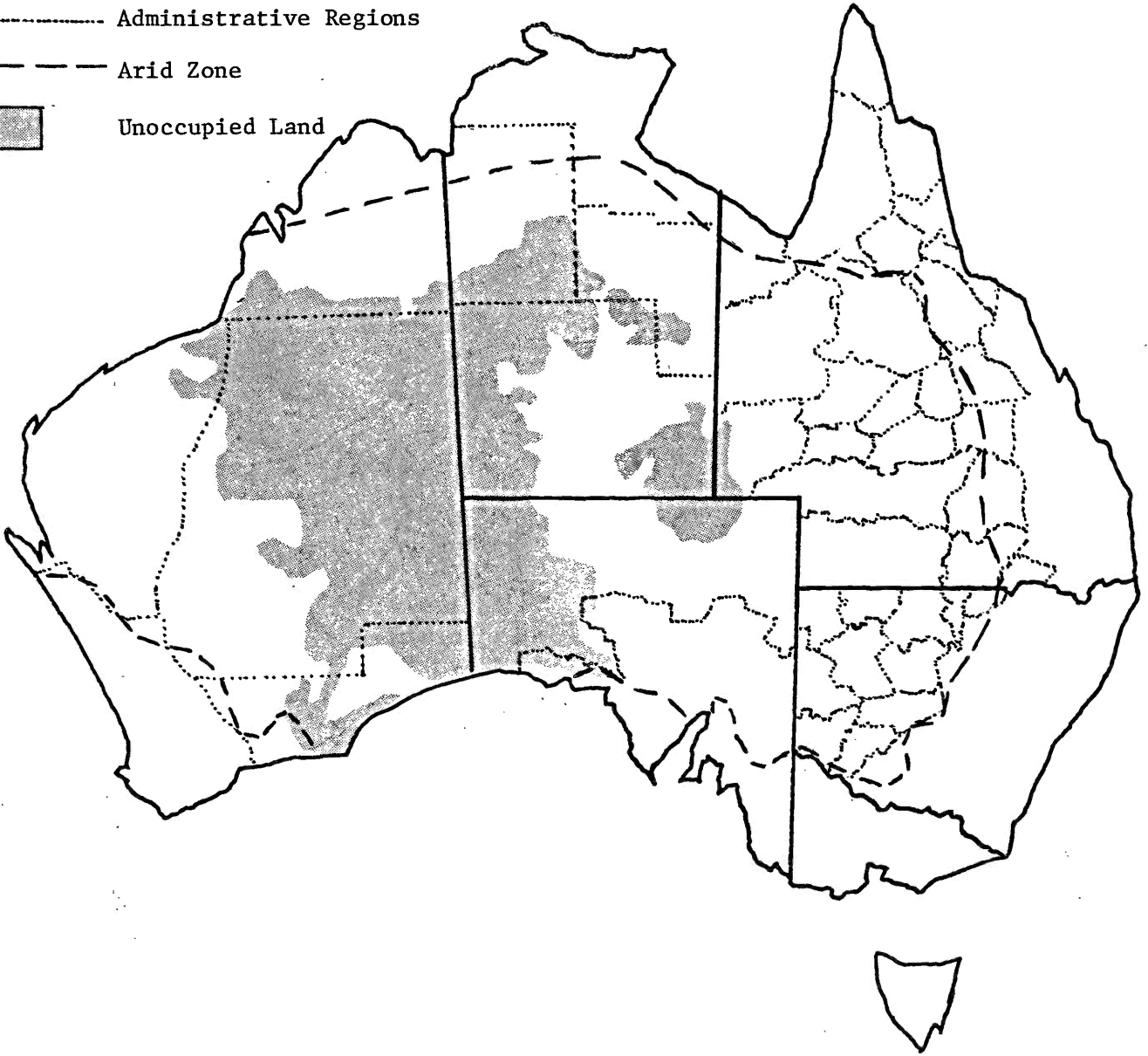


Fig. 1. Land Administrative Regions in the Arid Zone of Australia

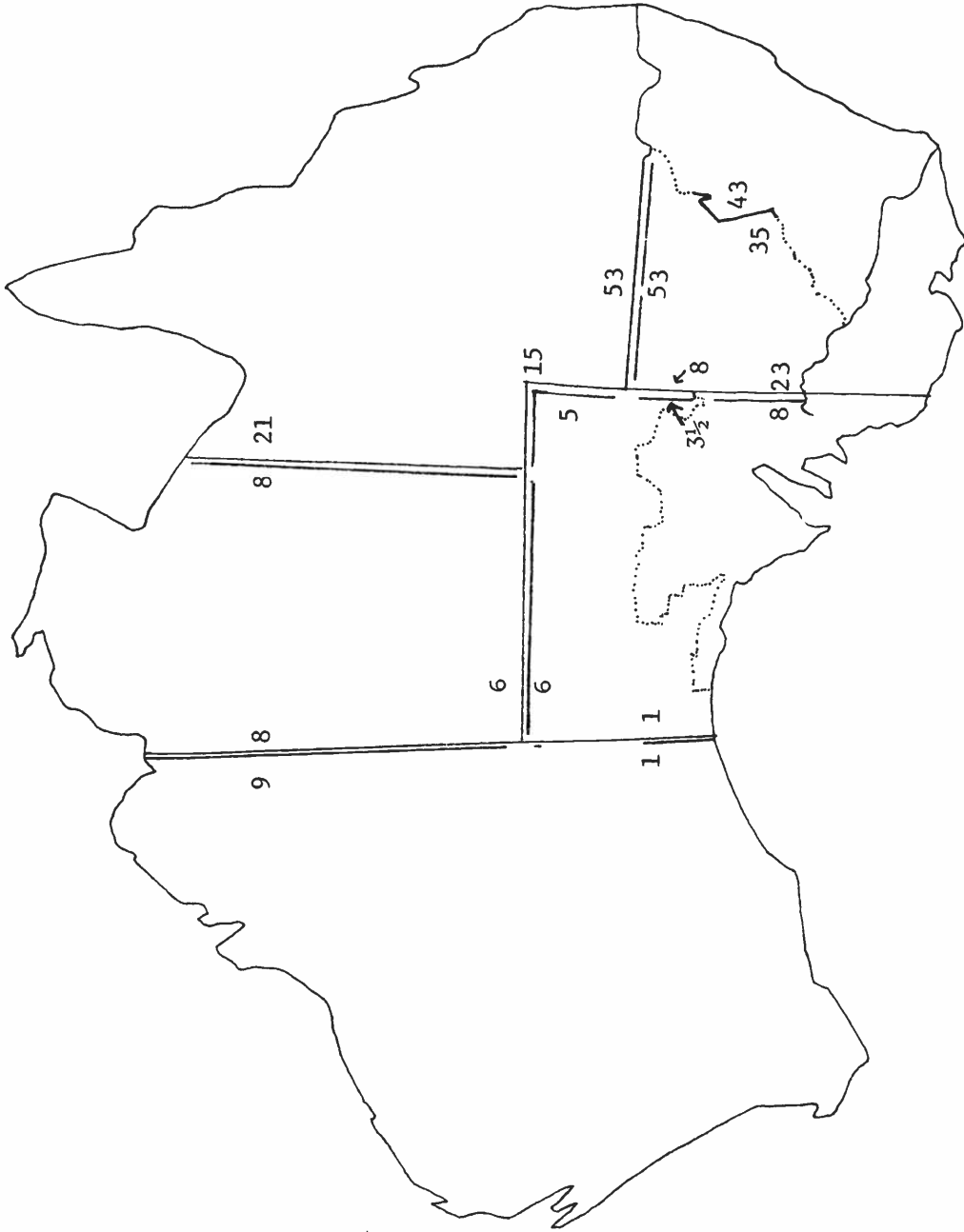


Fig. 2. Number of properties lying on administrative boundaries

Table 1. Administrative bodies responsible for arid Australia

State	Admin. body	Members of body	Qualifications of members	Quorum
N.S.W.	Western Lands Commission	Commissioner 2 Assistant Commissioners	Not specified "	Refers most decisions to the local Land Board
N.T.	Land Board of the Northern Territory	Chairman Deputy Chairman 10 members	Not specified " "	Chairman or Deputy Chairman and 2 members
Qld.	Land Administration Commission	Chief Commissioner of Lands 2 others	Not specified "	N.A.
W.A.	Department of Lands and Survey	Minister for Lands Under Secretary for Lands Surveyor General Other officers appointed from time to time	Not specified " " "	Refers decisions to Pastoral Appraisement Board
S.A.	The Pastoral Board	Chairman 2 others Governor may appoint a fourth from time to time	At least one member must have been actively engaged in the pastoral industry	Any 2 members

Table 2. Boards, Committees and Courts to assist the main administrative body

State	Sub-body	Members of body	Qualifications	Size of quorum	Retirement age	Appointment term
N.S.W.	Local Land Board (one for every admin. district or several districts)	Assistant Commissioner and 2 others appointed by Minister	Not specified	Chairman and 1 other	Assist. Comm. 65 yrs. Appointed member 70 yrs.	†
	Appeal from above goes to:					
	Land and Valuation Court	† (often has 2 judges)	†	†	†	†
N.T.	No sub-body to Land Board	N.A.	N.A.	N.A.	N.A.	N.A.
Qld.	Committee of Review (Grazing Selections only)	Member of Land Commission or Officer of the Dept. Lands and 2 others (not public servants)	Not specified	3	Not specified	
	Land Court	Not more than 6 members	President must be barrister or solicitor of at least 5 years standing	1 member may sit on his own for certain matters	70 yrs	15 yrs
	Land Appeal Court	Judge of Supreme Court and 2 members of Land Court excluding member who gave the decision in the Land Court	†	†	†	†
W.A.	Pastoral Appraisal Board	Surveyor General (Chairman) Director of Agriculture 2 others appointed by Governor		Any 3	†	† † 5 yrs

Table 2 (continued)

S.A. Tenants Relief Board Judge of the Supreme Court, to be nominated by the Governor. N.A. N.A.

2 assessors, 1 nominated by the Minister, the other by the lessee

+ Specified in another Act

Table 3. Number of stations per administrative region

	N.T.	N.S.W.	Qld.	S.A.	W.A.
Number of stations <sup>a</sup>	135	2,500	4,370	400	630
Number of regions	3	11	14	2	4
Average number of stations per region	45	230	310	200	160

a. Estimates only



Table 4. Lease titles, term, rental reassessment period, and maximum size

State	Lease title	Sub-title	Period of lease	Frequency of rental reassessment	Maximum size
N.S.W.	Western Lands Lease	Prof. Occupation Licence	40 years or perpetuity	10 years <sup>a</sup>	Leases in perpetuity have a limit of 2 home maintenance areas
		Occupation Licence	" " "	" "	"
		Permissive Occupancy	" " "	" "	"
		Special Lease	" " "	" "	"
		Annual Lease	1 year	N.A.	N.A.
		Stud Lease	40 years or perpetuity	10 years <sup>a</sup>	4 home maintenance areas
N.T.	Pastoral Lease		50 years (Max.)	10 years	12,949,760 ha (5,000 m <sup>2</sup> )
	Agricultural Lease		Perpetuity	10 years	20,230 ha
	Grazing Licence		1 year	N.A.	N.A.
Qld.	Pastoral Lease	Pastoral Holding	30 years (Max.)	10 years	No restriction
		Pastoral Development Holding	30 years <sup>b</sup>	" "	" "
		Preferential Past. Holding	30 years (Max.)	" "	250 km <sup>2</sup>
		Grazing Homestead Lease	30 years (Max.)	" "	18,250 ha <sup>c</sup>
		Grazing Farm Lease	" " "	" "	18,250 ha <sup>d</sup>
		Stud Lease	40 years (Max.)	" "	3 living areas
		Occupation Licence	Renewed yearly	N.A.	Dependent on lease type
		Grazing Homestead Perp. Lease	Perpetuity	10 years	18,250 ha <sup>c</sup>
		Grazing Homestead Freeholding Lease	40 years <sup>e</sup>	N.A.	18,250 ha <sup>c</sup>

Table 4 (continued)

W.A.	Pastoral Lease	Leases expire either on 31.12.1982 or 30.6.2015	15 years 10 years	404,686 ha (1 million ac.) "
S.A.	Pastoral Lease	42 years	21 years <sup>f</sup> or 7 years <sup>f</sup>	No restriction No restriction
	Leases granted after 12.12.1929 North or West of the Murray River			
	Leases granted after 12.12.1929 North or West of the Murray River not likely to be required for closer settlement	42 years	21 years <sup>f</sup> or 7 years <sup>f</sup>	No restriction No restriction
	Leases granted after 12.12.1929 North or West of the Murray River likely to be required for closer settlement	21 years	21 years <sup>f</sup> or 7 years <sup>f</sup>	No restriction No restriction
	Leases North or West of the Murray River granted after 1939 which have not been previously leased	21 years	21 years <sup>f</sup> or 7 years <sup>f</sup>	No restriction No restriction
	Leases North or West of the Murray River which include land which has been previously leased	42 years	21 years <sup>f</sup> or 7 years <sup>f</sup>	No restriction No restriction
	Leases granted for the purpose of Closer Settlement	To be fixed - maybe 21 years	21 years <sup>f</sup> or 7 years <sup>f</sup>	10,000 sheep

a. Where the lease has less than 20 years to run the assessment period is the remainder of the lease.

b. Pastoral Development Holdings have a maximum term of 50 years, but only extensive development conditions justify a term of more than 30 years.

c. When the Commissioner feels that 18,250 ha does not constitute a living area, up to 24,300 ha may be granted.

d. Grazing farm leases are only granted when the area does not constitute a living area.

e. At the end of 40 years the lessee obtains a title in fee simple (freehold) to the lease, subject to the condition that it may not be sold to a corporation.

f. All leases granted after 1960 have a rental reassessment period of 7 years.

Table 5. Lease type with smallest maximum area in each State

	Maximum area	Minimum area
New South Wales - Western Lands Lease	2 Home Maintenance Areas	-
Northern Territory - Pastoral Lease	12,949,760 hectares	-
Queensland - Grazing Selection	18,500 hectares - 24,300 hectares if area not greatly in excess of 1 Home Maintenance Area	-
South Australia - Pastoral Lease	-	-
Western Australia - Pastoral Lease	404,686 hectares	6,000 sheep or 1,200 cattle