

No. VII.

An Act to amend the “Crown Lands Act of 1884” in respect of fencing Conditional Purchases and Conditional Leases. [23rd July, 1888.]

CROWN LANDS
ACT FURTHER
AMENDMENT.

WHEREAS it is expedient to amend the “Crown Lands Act of 1884” in certain particulars. Be it therefore 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 :—

1. This Act may be cited as the “Crown Lands Act Further Amendment Act,” and shall be read with the “Crown Lands Act of 1884,” hereinafter referred to as the Principal Act.

2. Notwithstanding anything contained in the Principal Act, any holder thereunder of a conditional purchase, or conditional lease, applied for prior to the commencement of this Act, may, within six months from the commencement of this Act, apply to the Chairman of the Local Land Board, in the prescribed form, for permission to substitute other improvements, wholly, or partly, in lieu of fencing; and any such application may be approved, or refused, by the Land Board, subject to appeal to the Minister; provided that the approval of any such application shall not have the effect of granting an extension of time for the completion of improvements beyond five years from confirmation of the application for such purchase or lease. Such improvements, which may include any fencing on the land, shall be of the value of not less than ten shillings per acre, and shall be of a fixed, permanent, and substantial character, and necessary for the beneficial occupation of the land.

Crown Lands Act Further Amendment.

Declarations to be made as to fulfilment of conditions of residence and improvements in cases brought under section two.

3. In any case brought under the provisions of section two of this Act, in lieu of the declaration required by the Principal Act to be made by the conditional purchaser at the end of the third year after the date of confirmation of the conditional purchase application, or within three months thereafter, of the due fulfilment up to such date, of the condition of residence, and of the condition of fencing, in connection with the conditional purchase, it will be sufficient if such declaration refer to the condition of residence alone; but the holder of the conditional purchase shall, at the end of the fifth year after the date aforesaid, or within three months thereafter, make a declaration, in the prescribed form, of the due fulfilment of the complete term of residence, and that improvements of the required value and character have been made, and are on, the land.

Those who have not yet become holders of conditional purchases or conditional leases may apply under this Act. Conditions attaching to purchases or leases so converted.

4. Any holder of a conditional purchase, or conditional lease, applied for under the Principal Act, after the commencement of this Act, may, at any time within two years from the confirmation of the application for such purchase or lease, apply to the Chairman of the Local Land Board, in the prescribed form, for permission to substitute other improvements, wholly, or partly, in lieu of fencing; and any such application may be approved, or refused, by such Board, subject to appeal to the Minister. Such improvements, including any fencing, shall, within three years from the date of confirmation of the application, be of the value of, at least, six shillings per acre; and, within five years from that date, shall be of the value of, at least, ten shillings per acre; and shall be of a fixed, permanent, and substantial character and necessary for the beneficial occupation of the land. Provided that an application under this section may nevertheless be made before the confirmation of any application for conditional purchase, or conditional lease, made before, or after, the commencement of this Act.

Declarations to be made as to fulfilment of conditions of residence and improvements in cases brought under section four.

5. In any case brought under the provisions of section four of this Act, in lieu of the declaration required by the Principal Act to be made by the conditional purchaser at the end of the third year after the date of confirmation of the conditional purchase application, or within three months thereafter, the conditional purchaser shall make a declaration, in the prescribed form, that improvements, as described in section four of this Act, have been made, and are, on the land, to the value of, at least, six shillings per acre, and that the condition of residence has been fulfilled up to that date; and, in lieu of the declaration required by the Principal Act to be made by such conditional purchaser at, or within three months after, the end of the fifth year after the date of confirmation aforesaid, he shall make a declaration, in the prescribed form, that improvements, as before described, to the value of, at least, ten shillings per acre have been made, and are, on the land, and that the complete term of residence has been fulfilled.

Conditions attaching to non-residential conditional purchases brought under this Act.

6. When a conditional purchase under section forty-seven of the Principal Act is brought under the provisions of this Act, permanent improvements, including any fencing, of the value of, at least, thirty shillings per acre, shall be made on the land within five years after the date of confirmation of the application for such purchase; and a declaration in the prescribed form shall be made before, at, or within three months after the expiration of such five years, setting forth that the condition of improvements has been duly fulfilled. And, in the case of any such purchase not brought under the provisions of this Act, the fencing required by the Principal Act shall be erected within twelve months, and other improvements, as required by that Act, shall be completed within five years from the confirmation of the application for the purchase.

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7. Nothing in this Act shall require any improvements in lieu of fencing, in cases where an exemption has been, or shall be, granted under the Principal Act from fencing any frontage to a permanent river, creek, or other natural boundary; and nothing herein shall exempt any person from the provisions of section one hundred and forty-one of that Act.

Exemption from fencing a natural boundary not to involve other improvements.

8. Whenever fencing is mentioned in the Principal Act in connection with any conditional purchase, or conditional lease, it shall, in cases brought under the provisions of this Act, be taken to mean, or include, other improvements as described in this Act, unless the context necessarily requires a different meaning.

Fencing in the Principal Act to include other improvements when read with this Act.

9. The word "prescribed" in the Principal Act, when used in connection with fencing, shall mean prescribed by the Local Land Board, but such Board shall not prescribe any fence likely to be a harbour or shelter for rabbits or such other animals as may, by the Minister, be declared, by notice in the *Government Gazette* to be vermin.

Local Land Board to determine the kind of fence to be erected.

10. For the purposes of section one hundred and forty-one of the Principal Act, fencing shall be held to mean or include fencing, whether erected before or after the commencement of that Act, and whether prescribed by the Local Land Board or not, provided it is, in the opinion of such Board, of a sufficiently useful and substantial kind; and the side of a reserved, intended, proclaimed, or other road shall not be held to form, or be, a common boundary-line within the meaning of that section.

Owners of fences made before the commencement of the Principal Act may claim contribution in respect thereto.

11. In any case where any boundary-line of land conditionally purchased or conditionally leased before, or after, the commencement of this Act has been, or shall be, fenced by the holder or occupant of adjoining land with a fence, which, in the opinion of the Local Land Board, is of a sufficiently useful and substantial kind, an application may be made to the Chairman of the Local Land Board within the prescribed time for exemption from fencing the same line, but such exemption if granted by the Local Land Board shall not involve the making of other improvements in lieu thereof; but nothing in this section shall interfere with section ten of this Act, or section one hundred and forty-one of the Principal Act.

If land is already fenced other improvements not required in lieu of fencing.

12. The holders of conditional leases under section fifty-two of the Principal Act shall not be required to fence the land held under such conditional lease.

Holders of converted pre-emptive leases not required to fence.

13. The area embraced by any original conditional purchase, and any additional conditional purchase made by virtue thereof, and any conditional leases granted under section forty-eight, or fifty-four of the Principal Act, by virtue of such conditional purchases, may, for all purposes of residence and improvements, be held to be one holding, notwithstanding that one, or more, of such conditional purchases may have been made under the repealed Acts.

Conditional purchases and conditional leases to be treated as one area in respect to residence and improvements.

14. Notwithstanding anything contained in the Principal Act where in any case the unfenced sides of lands, whether held by different persons and under different conditions or not, are separated by a road or watercourse, the Land Board, on application being made to the Chairman in the prescribed form and within the prescribed time, may grant permission for such road or watercourse to be wholly, or in part, inclosed, provided that gates or suitable substitutes such as the Board may consider necessary and direct, shall be erected or made so as not to unnecessarily interfere with any traffic, or, to any large extent, divert the natural flow of water. Any such gate may on application to, and approval of, the Minister who may administer the "Public Gates Act" be made a public gate within the meaning, and subject to the provisions of that Act. Upon complaint being made in the prescribed form to the Chairman of the Local Land Board, such Board may, for any sufficient

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sufficient reason, cancel any permission granted under this section, and may order any fence, gate, or other structure on any road or watercourse to be removed by such persons, and within such periods as such Board shall determine. All decisions of the Board under this section shall be subject to appeal to the Minister. Nothing in this section shall exempt the holder of any conditional purchase or conditional lease from being required to make other improvements in lieu of fencing under sections two or four of this Act.

Maximum value of
improvements.

15. Notwithstanding anything in this Act improvements on any conditional purchase, or conditional lease held therewith, shall not be required to be of a greater value than six hundred and forty pounds, and in any case where the improvements at the end of three years after the date of confirmation of the application would, if calculated at six shillings per acre, amount to or exceed six hundred and forty pounds, three-fifths of that sum may be declared to, and the final declaration shall set forth an expenditure of at least six hundred and forty pounds.
