

Act No. 53, 1912.

CROWN LANDS
(AMENDING AND
DECLARATORY).

An Act to correct anomalies, reconcile discrepancies, supply omissions, and amend in certain respects (for the purpose of facilitating the consolidation thereof) the Acts regulating the alienation, occupation, and management of Crown lands; to declare the treaty-rights of aliens to be saved for the purposes of the said Acts; and for other purposes. [4th December, 1912.]

BE it enacted by the King'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 and interpretation.

Short title.

1. This Act shall come into force on a date to be notified by proclamation in the Gazette, and may be cited as the "Crown Lands (Amending and Declaratory) Act, 1912," and shall be read with the Crown Lands Act of 1884, and all Acts amending the same (in which Acts the Church and School Lands Act, 1897, shall be taken to be included), but so as not to repeal, defeat, or affect the operation of any provision contained in the Western Lands Act of 1901, or in any Act passed for the amendment thereof.

In

Crown Lands (Amending and Declaratory).

In the interpretation of this Act the expression "Crown Lands Acts" means the Crown Lands Act of 1884, and all Acts amending the same (including the Church and School Lands Act, 1897, and this Act).

Interpretation.

Western Division.

2. The unrepealed portions of the Crown Lands Act Amendment Act, 1903, the Crown Lands Amendment Act of 1905, and the Crown Lands (Amendment) Act, 1908, shall be extended so as to apply in and to the Western Division of the State of New South Wales as from the commencement of this Act, but so as not to enable any application for any form of holding or for any form of conversion to be made in respect of land within the said division which could not have lawfully been made immediately before the said commencement or in any other respect thereto, repeal, defeat, or affect the operation of any provision contained in the Western Lands Act of 1901, or in any Act passed for the amendment thereof: Provided always that the unrepealed portions of the Acts firstly hereinbefore mentioned shall only come into force in the said Western Division as part of the Crown Lands Acts.

Acts of 1903, 1905, and 1908, extended to Western Division

Repeal of enactments.

3. Sections thirteen, twenty-seven, twenty-eight, thirty, thirty-one, forty-five, fifty-seven, fifty-eight, sixty, ninety-one, one hundred and three, and one hundred and thirty-four of the Crown Lands Act of 1884, section three of the Crown Lands Titles and Reservations Validation Act of 1886, sections twenty-four, forty-five, and forty-seven of the Crown Lands Act of 1889, section seven of the Crown Lands Act Amendment Act of 1891, the Conditional Purchasers Relief Act, except section five thereof, section twenty of the Crown Lands Act of 1895, sections two, four, and fifteen of the Crown Lands (Amendment) Act, 1899, sections nine, seventeen, and eighteen of the Crown Lands Act Amendment Act, 1903, the Blockholders Act, and section thirteen of the Church and School Lands Act, 1897, are hereby repealed. So much of section one hundred and thirty-eight of the Crown Lands Act of 1884 as enables the Governor to validate certain conditional purchases is also repealed.

Repeals.

Reference by Minister to local land board.

4. In any case where it appears necessary or advisable for the due administration of the Crown Lands Acts that any inquiry or recommendation as to any case or matter should be made by

Reference by Minister to local land board.

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by a local land board, it shall be lawful for the Minister to refer such case or matter to the local land board for the purpose, and the board shall proceed accordingly and make a report to the Minister. Such report may be the subject of an appeal or reference to the land appeal court.

*Complaints.**Complaints.*

5. Complaints under section fourteen subsection five of the Crown Lands Act of 1884 may be prosecuted in the following cases:—

- (a) Where land is the subject of any application for any purchase, homestead selection, or lease which application has not been finally dealt with by the local land board, any person claiming a prior right to the land applied for may proceed by way of complaint for the purpose of establishing such right.
- (b) Where any holder of land under purchase, homestead selection, or lease is alleged to have applied for the same in fraud or violation of the Crown Lands Acts, any person (whether having or not having any interest in the land) may proceed by way of complaint for the purpose of establishing such fraud or violation.
- (c) Where any forfeiture of any land is alleged to have been incurred for a cause other than the non-payment of money, any person (whether having or not having any interest in the land) may proceed by way of complaint for the purpose of establishing the liability to such forfeiture.
- (d) Where in any section of the Crown Lands Acts (other than the aforesaid section fourteen subsection five) express provision is made for the lodging or making of a complaint, such complaint shall be lodged and prosecuted in the manner prescribed by the aforesaid section fourteen subsection five.

Complaints under clauses (b) and (c) hereof shall not be lodged after the expiration of six years from the date of the application for or other commencement of the title to the land in question, and shall not be prosecuted in any case where the Minister is barred by the provisions of the Crown Lands Acts from referring the matter to the local land board or as to any matter in respect of which the person desiring to prosecute the complaint is barred by any provision of the said Acts from appealing to the land appeal court.

The board shall hear and determine the matters set out in every such complaint, and may make any orders necessary to give effect to its decision; and in any case where the board finds that any land is liable to forfeiture the Minister shall have as full power to forfeit the same as if the said finding had been given on a reference by the Minister.

Appraisements

Appraisements of rentals and values.

6. Whenever any of the Crown Lands Acts contain a provision Appraisements. that any rent, license fee, price, capital value, or value is to be determined by the local land board, or is to be as determined by the local land board, or any provision to the like effect, or whenever section six of the Crown Lands Act of 1889 is expressly referred to in any lease, homestead grant, or other instrument issued under the Crown Lands Acts in connection with the determination of any rent, license, fee, price, capital value, or value, the rate or the amount (as the case may require) of such rent, license fee, price, capital value, or value shall be determined by the local land board in accordance with the provisions of this section :

Provided always that in any case where it is made to appear to the local land board that the parties concerned (which expression shall not be taken to exclude the Crown), have agreed in writing as to any rent, license fee, price, capital value, or value, the same shall be determined by the local land board in accordance with such agreement, but such determination shall not prevent an appeal or reference in any case of error or mistake.

Save as aforesaid, any determination of the local land board as to any rent, license fee, price, capital value, or value shall be subject to appeal to the Land Appeal Court, and to reference as hereinafter provided by the Minister.

Where the capital value of any land is to be determined and it is made to appear to the local land board that such value has become reduced by any acts, defaults, or neglects of the holder thereof, or by his acquiescence in the acts, defaults, or neglects of any other person, the capital value of such land shall be determined by the local land board as if such reduction in value had not taken place.

The Minister, on behalf of the Crown, may either accept the determination by the local land board of the rate or the amount of any rent, license fee, price, capital value, or value, or refer it to the Land Appeal Court, with a statement of his reasons for so doing. Any such reference shall be made within one month from receipt of any determination against which an appeal is not made, or if an appeal is made against the determination, then within one month from the receipt of the notice of appeal by the Under-Secretary for Lands. The Land Appeal Court shall both in cases of appeal and reference determine the rate or the amount, as the case may require, of such rent, license fee, price, capital value, or value, and the rate or amount so determined shall, subject to the provisions of the Crown Lands Acts, be final and conclusive :

References by
Minister to Land
Appeal Court.

Provided

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Provided, however, that if it shall appear to the Minister that further consideration or inquiry is necessary, he may within one month return the case to the Land Appeal Court for such purpose, and the determination of the Land Appeal Court thereupon shall, subject to the provisions of the Crown Lands Acts, be final and conclusive.

Nothing in this section shall be taken to affect any rent, license fee, price, capital value, or value the rate or the amount of which has been duly fixed by auction, or tender, or by any method other than is prescribed in section six of the Crown Lands Act of 1889, or by this section.

General power to amend.

Local land board and Land Appeal Court to have general power to amend.

7. The board may permit any defect or error in any notice, application, complaint, particulars, or other proceeding before it to be amended, or any omission therefrom to be supplied, and such amendment or insertion shall be made as permitted, and shall be verified by the initials of the chairman: Provided that if any party concerned would, in the opinion of the board, be prejudiced by any such amendment, the proceedings may, at the request of such person, be adjourned.

The Land Appeal Court may at all times amend any defect or error in any notice of appeal, reference, notice to state a case, or other proceeding before it, and may permit any omission therefrom to be supplied, and may also make all such amendments as might have been permitted by the local land board.

All such amendments may be made, with or without costs, and upon such terms as the Land Appeal Court deems fit.

Age of applicants and holders.

Age of applicants and holders.

8. Notwithstanding anything to the contrary contained in the Crown Lands Acts, any person who being a male is of the age of sixteen years or upwards or being a female is of the age of eighteen years or upwards shall, if otherwise not disqualified under the said Acts, be competent to apply for or otherwise acquire from the Crown, or to acquire from a private person, or to hold any purchase (other than a non-residential conditional purchase), selection, lease, or license, and any person who being a male is under the age of sixteen years or who being a female is under the age of eighteen years shall not be competent to apply for or otherwise acquire from the Crown, or to acquire from a private person, or to hold any such purchase, selection, lease, or license: Provided that nothing in this section shall be taken to prevent the devolution or holding of a purchase, selection, lease, or license, devolving under the will or intestacy of a deceased holder.

Married

Married women.

9. All provisions of the Crown Lands Acts as to the competency Married women.
or otherwise of a married woman to apply for or otherwise acquire from the Crown any Crown lands or to acquire from any private person any holding under the Crown Lands Acts, or to hold any such holding, are hereby repealed; and the following general provision applicable to every form of purchase, homestead selection, lease, or license under the said Acts is substituted for the same respectively :—

Any married woman who shall be living apart from her husband under an order for judicial separation made by any court of competent jurisdiction shall not be prevented by the mere fact of being a married woman from applying for or otherwise acquiring from the Crown any purchase, homestead selection, lease, or license under the Crown Lands Acts, or from acquiring from any private person, or from holding any such purchase, homestead selection, lease, or license.

Any married woman who shall not be living apart from her husband under an order for judicial separation made by any court of competent jurisdiction shall not be prevented by the mere fact of being a married woman from—

- (a) acquiring from the Crown and holding any purchase, lease, or license under the Crown Lands Acts which is offered for disposal by auction or tender, or is open for disposal as having been so offered, or from acquiring from any private person and holding any purchase, lease, or license which in the first instance was so acquired as aforesaid—or
- (b) applying in pursuance of any provision in that behalf in the Crown Lands Acts for the conversion of any holding other than a special lease or church and school lands lease into a holding of another kind, and from continuing to be the holder thereof when so converted—or
- (c) applying for or otherwise acquiring from the Crown, or from acquiring from any private person, or from holding (as the case may be) purchases, homestead selections, and leases under the Crown Lands Acts in the following cases, that is to say :—
 - (i) She may, with the consent of the Minister, out of moneys belonging to her for her separate estate, acquire from any private person, and hold any purchase, homestead selection, or lease under the Crown Lands Acts.

(ii)

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- (ii) She may, with the consent of the Minister, out of moneys belonging to her for her separate estate, apply for any purchase, homestead selection, or lease under the Crown Lands Act as additional to any holding held by her at the date of her marriage or duly acquired by her during the marriage: Provided that nothing contained in this subsection shall be construed so as to require the consent of the Minister in any case coming within the next succeeding subsection.
- (iii) She may, without the consent of the Minister, apply for any purchase, homestead selection, or lease as an additional holding to any purchase, homestead selection, or lease under the Crown Lands Acts which was applied for by her before the marriage, and of which she has continued to be the holder or owner up to the date of the application for such first-mentioned purchase, homestead selection, or lease.
- (iv) She may, without the consent of the Minister, hold any purchase, homestead selection, or lease under the Crown Lands Acts which may have been held by her at the time of the marriage or may have devolved upon her during the marriage under the will or intestacy of any deceased holder, or which may be lawfully held by her at the commencement of this Act.

Save as aforesaid a married woman shall not be competent to apply for or otherwise acquire from the Crown or to acquire from any private person or to hold any purchase, homestead selection, lease, or license under the Crown Lands Acts.

The Minister shall not give his consent to the acquisition of any purchase, homestead selection, or lease by a married woman from any private person, or to the application for an additional holding by any married woman except where he is satisfied that the lands sought to be acquired or applied for, together with all other lands which under the provisions of this Act are to be taken into account by him, will not exceed a home-maintenance area.

Home maintenance area.

Home maintenance
area.

10. In any case where under any provision of the Crown Lands Acts it becomes a matter for determination by the Minister or a local land board, as to what area is or will be sufficient for home maintenance or to maintain a home thereon, or to support a family, or the like, the Minister or local land board shall not take into account any lands held under a lease then having less than five years to run, unless such lease confers

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confers a right or power to purchase the freehold, which right or power may still be exercised, but shall take into account all other lands, and the Minister or local land board shall adopt and apply in all such cases the definition of home maintenance area contained in the second section of the Crown Lands (Amendment) Act, 1908.

Lands of husband and wife.

11. In any case where under any provision of the Crown Lands Acts it becomes a matter for determination by the Minister or a local land board as to what area when added to the area of land already held by any person will constitute a home maintenance area, or will be sufficient to maintain a home thereon, or to support a family, or the like, the Minister or local land board shall take into account, in addition to lands already held by such person, lands already held by such person's wife or husband, as the case may be, as if the said lands were lands held by such person : Lands of husband and wife.

Provided that nothing herein contained shall apply to a case where husband and wife are living apart under a decree for judicial separation made by any court of competent jurisdiction.

Payment for improvements in certain cases.

12. Where under the provisions of the Crown Lands Acts it is in terms or in effect provided that the value of improvements is to be paid to the Crown, or to the person having tenant-right or ownership therein, such payment failing agreement in that behalf shall in the case of conditional purchases, conditional leases, homestead selections, settlement leases, conditional purchase leases, and special conditional purchase leases, be made within three months after the determination of such value by the local land board, or at the option of the applicant for such holding as aforesaid by not more than four equal yearly instalments, inclusive of interest at the rate of four per centum per annum. Payment for improvements.

Successive applications.

13. On the withdrawal, refusal, or modification of any application for a homestead selection, settlement lease, conditional purchase lease, or special conditional purchase lease, the land ceasing to be affected thereby shall be held to have been available from the date of such application, and any other application made and not disposed of before such withdrawal refusal or modification as aforesaid, shall be dealt with as if the prior application had not been made. Successive applications.

Applications

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Applications lodged before the commencement of this Act and not finally disposed of before such commencement, as well as applications lodged after such commencement, shall come within this provision.

*Residence.**Residence.*

14. Wherever in any provision of the Crown Lands Acts residence is referred to as a condition to be performed in respect of any holding, or it is in terms or in effect enacted that any person shall live continuously, or reside continuously, or occupy by residence, or be in bona-fide residence, or be in residence or the like on any land, or in any place, or wherever in any such provision it is in terms or in effect enacted that an application may be made by a person who lives continuously, or resides continuously, or occupies by residence, or is in bona-fide residence, or is in residence or the like on any land, or in any place, all such provisions as are hereinbefore mentioned shall, in every case, be taken to mean that the person referred to shall reside or shall have resided, as the case may be, continuously and bona fide on the land, or in the place indicated by the context, as his usual home without any other habitual residence.

This definition of residence shall extend to all holdings (except holdings within irrigation areas) whether applied for before or after the commencement of this Act and (except as aforesaid) to all periods of residence which are current at such commencement.

*Alteration of conditions annexed to leases.**Alteration of conditions annexed to leases.*

15. Any covenants, conditions, or provisions of an improvement lease, scrub lease, inferior lands lease, snow lease, settlement lease, residential lease, special lease, or lease under the eighteenth section or twenty-third section of the Crown Lands Act Amendment Act, 1903, whether granted before or after the commencement of this Act, such covenants, conditions, or provisions being with reference to the management or improvement of the land held under lease, or the expenditure of money thereon, may, upon the recommendation of the board, and with the consent of the lessee, be varied, modified, revoked, or added to by the Minister to such extent, and on such terms as he may deem desirable.

The Minister may require the instrument evidencing the title to any such lease to be produced for the purpose of being indorsed with a memorandum of any such variation, modification, revocation, or addition as aforesaid.

Any

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Any variation, modification, or revocation of, or addition to, similar covenants, conditions, or provisions in any lease made by the Minister with the consent of the lessee prior to the commencement of this Act is hereby declared to have been and to be valid.

Assigning or subletting leases.

16. It shall be a condition annexed to every scrub, snow, or improvement lease, or lease of inferior lands granted after the commencement of this Act that the lessee shall not assign or sublet without the Minister's consent in writing, and the fact that any stock not owned by the lessee have been or are being depastured on the lease (other than travelling stock depasturing on any part of the land under such lease which is included within a travelling-stock route or camping reserve) shall be prima-facie evidence of such assignment or subletting, and a provision giving effect to this section may be inserted in any instrument evidencing any such lease as aforesaid. Assigning or subletting leases.

Transfers of leases, &c.

17. Section one hundred and eighteen of the Crown Lands Act of 1884 is hereby repealed, and the following is substituted for it:— Repeal of s. 118 of Act of 1884.

118. Where any lease or occupation license of Crown lands may be transferred, such transfer shall be made in the prescribed form and manner, but a conditional lease shall not be transferred apart or held separately from the holding (whether consisting of one or more conditional purchases) in virtue of which it was acquired: Provided that where it is desired to make any transfer which would have the effect of separating any part of such holding from the residue thereof, the Minister shall, on application as prescribed, determine the part of such holding to which the conditional lease is to be attached, and thereupon the conditional lease shall be deemed to be held in virtue of such part. Transfers of leases, &c.

In any case where before the commencement of this Act a conditional lease has by transfer or otherwise become separated from some part or parts of the holding in virtue of which it was acquired the Minister may determine the part of such holding to which the conditional lease is to be attached, and thereupon the conditional lease shall be deemed to be attached to and held in virtue of the part so determined as aforesaid.

Forfeitures

*Crown Lands (Amending and Declaratory).**Forfeitures.*

Repeal of s. 136 of
Act of 1884.

Forfeitures.

18. Section one hundred and thirty-six of the Crown Lands Act of 1884 is hereby repealed, and the following is substituted for it :—

136. The forfeiture of an original conditional purchase shall operate as a forfeiture of every additional conditional purchase of the same series held by the same holder if a final certificate of conformity has not been issued in respect of such additional conditional purchase, and shall also operate as a forfeiture of any conditional lease held wholly or partly in virtue of such original or any such additional conditional purchase as aforesaid.

Any forfeiture of an additional conditional purchase (whether in pursuance of the foregoing provision or otherwise) shall operate as a forfeiture of any conditional lease held wholly or partly in virtue thereof.

Save as aforesaid the forfeiture of any original holding shall operate as a forfeiture of every additional holding if it be, in terms or in effect, provided by the Crown Lands Acts, that such additional holding and such original holding (with or without further additional holdings) are to be deemed to be or to form one holding together.

No forfeiture of any purchase, lease, or license, or of any homestead selection before the grant thereof shall take effect until the expiration of thirty clear days after notification of such forfeiture in the Gazette.

Whenever, after the commencement of this Act, the forfeiture of any purchase, lease, or homestead selection shall have taken effect, the lands theretofore comprised in such purchase, lease, or homestead selection shall (if not already such) become Crown lands, and the lands theretofore comprised in such purchase, lease, or homestead selection shall become and be reserved from every form of sale or lease, until otherwise notified in the Gazette: Provided that nothing in this provision contained shall operate so as to repeal or affect any enactment whereby it is enacted that forfeited lands shall revert or be added to or form part of any lease, license, reserve, or other area.

Protection of transferees, &c., against forfeiture for want of good faith.

Protection of
transferees, &c.,
against forfeiture
for want of good
faith.

19. A forfeiture under sections twenty-six or one hundred and thirty-five of the Crown Lands Act of 1884 or under that part of section forty-three of the Crown Lands Act of 1895 which provides for

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a forfeiture upon the ground that the application for a homestead selection, conditional purchase, settlement or other lease was not made in good faith, shall not operate so as to vest in the Crown any derivative interest in such homestead selection conditional purchase, settlement, or other lease, in any case where the person in whom such derivative interest is vested acquired the same for valuable consideration, and without knowledge or notice of the matter out of which the liability to forfeiture arises or may arise.

For the purposes of the foregoing provision it shall be presumed that any derivative interest acquired by any person within six years after the date of the application for a homestead selection, conditional purchase, settlement or other lease which is or may become liable to forfeiture, was acquired by him with knowledge and notice of all matters out of which the liability to forfeiture arises, or may arise, until the contrary be proved.

Any forfeiture made under that part of section forty-three of the Crown Lands Act of 1895 which provides for a forfeiture upon the ground that the land comprised in any homestead selection, conditional purchase, or settlement or other lease is not held or used for the exclusive benefit of the selector, purchaser, lessee, or apparent owner thereof shall not be affected or limited in its operation by the existence of any derivative interest in such land created after the date of the making by the Minister of a reference, or the lodging of a complaint setting forth or suggesting such ground of forfeiture.

For the purposes of this section "derivative interest" shall not be taken to include any interest vested in the applicant for the homestead selection, conditional purchase, or settlement or other lease as the case may be, whether by virtue of his application for the same or of any subsequent transaction; and the existence of any derivative interest which is exempt from forfeiture shall not prevent a forfeiture of the homestead selection, conditional purchase, or settlement or other lease being made, saving such interest.

Waiver of forfeiture.

20. Section six of the Crown Lands Act Amendment Act of 1891 is hereby repealed, and the following is substituted for it:—

6. In any case in which a purchase, selection, lease, or license has or shall have become liable to forfeiture by reason of the non-fulfilment of any condition annexed by law or otherwise attaching to such purchase, selection, lease, or license, and in which the Minister shall be satisfied that such non-fulfilment has been caused by accident, error, mistake, inadvertence, or other innocent cause, and that such forfeiture ought, therefore, to be waived

Repeal of s. 6 of
Crown Lands Act
Amendment Act,
1891.

Waiver of forfeiture.

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waived, or in any case in which there appears to be any other good and sufficient reason for the waiver of any forfeiture, it shall be lawful for the Minister, notwithstanding anything contained in the conditions of any purchase, selection, lease, or license, to declare that such forfeiture is waived either absolutely or subject to compliance with the conditions annexed by law or otherwise attaching to such purchase, selection, lease, or license, within such time, or extension thereof as he may see fit to determine; or upon such other conditions to be attached to the purchase, selection, lease, or license, as he may, after the land board has made a recommendation in the matter, see fit to impose; and the forfeiture shall thereupon be waived accordingly: Provided that, in any case where the Minister decides to impose conditions different from those recommended by the local land board or land appeal court, as the case may be, he shall, on the day of so deciding, record in writing in the Lands Department his reasons for so doing. And when the forfeiture of any conditional purchase or homestead selection or conditional purchase lease shall have been waived, and the conditions, if any, of such waiver shall have been performed, the holder of any such conditional purchase or homestead selection or conditional purchase lease shall, if otherwise entitled thereto, be entitled to receive a certificate of conformity in respect of the same, notwithstanding that such certificate may have previously been applied for and refused.

Declaration of meaning of section two of the Crown Lands (Amendment) Act, 1910.

Declaration of
meaning of
s. 2 of the Crown
Lands (Amendment)
Act, 1910.

21. The provisions of section two of the Crown Lands (Amendment) Act, 1910, are hereby declared to extend to homestead selections and settlement leases obtained under the Church and School Lands Act, 1897, provided that in connection with any such homestead selections the words "capital value," as used in the said section two, shall be taken to include rent.

The meaning of section two of the Crown Lands (Amendment) Act, 1910, so far as regards homestead selections applied for before the commencement of that Act, settlement leases applied for before the passing of the Crown Lands Act Amendment Act, 1903, and brought or to be brought under the provisions of section five of the said Act, and conditional leases applied for before the passing of the said Act and brought or to be brought under the provisions of section six of the said Act is declared to have been, and to be, as follows:—

- (1) The periods of any such homestead selection shall be deemed to have been, and shall be periods each of fifteen years, whereof
the

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the first period shall be computed as from such date as is indicated by the Act under which the homestead selection in question was obtained as the commencement of the first ten-year period of such homestead selection, the second period of fifteen years commencing at the expiration of such first period of fifteen years, and so on successively.

- (2) Section five of the Crown Lands Act Amendment Act, 1903, shall be read as if the words "such term shall be divided into four periods each of ten years" had (in pursuance of a provision to that effect in section two of the Crown Lands Amendment Act, 1910) been omitted therefrom, and in lieu of such words the words "such term shall be divided into a first period of fifteen years, computed from the commencement of the lease, a second period of fifteen years, commencing from the expiration of such first period of fifteen years, and a third and final period of ten years" had been inserted: Provided that where rent has been appraised under section five of the Crown Lands Act Amendment Act, 1903, for any such settlement lease, and the part of the term of the lease to which the rent so appraised is made applicable by the aforesaid section five does not extend up to the termination of the first of the aforesaid periods of fifteen years, such rent shall continue to be the rent applicable until the termination of such first period of fifteen years; and if the part of the term of the lease to which the rent so appraised is made applicable by the aforesaid section five extends beyond the termination of such first period of fifteen years, then such rent shall continue to be the rent applicable until the termination of the second period of fifteen years.
- (3) Section six of the Crown Lands Act Amendment Act, 1903, shall be read as if the words "such term shall be divided into four periods each of ten years" had (in pursuance of a provision to that effect in section two of the Crown Lands Amendment Act, 1910) been omitted therefrom, and in lieu of such words, the words "such term shall be divided into a first period of fifteen years computed from the commencement of the lease, a second period of fifteen years commencing from the expiration of the first period of fifteen years, and a third and final period of ten years" had been inserted: Provided that where any rent has been appraised under section six of the Crown Lands Act Amendment Act, 1903, for any such conditional lease, and the part of the term of the lease to which the rent so appraised is made applicable by the aforesaid section six does not extend up to the termination

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of the first of the aforesaid periods of fifteen years, such rent shall continue to be the rent applicable until the end of such first period of fifteen years; and if the part of the term of the lease to which the rent so appraised is made applicable by the aforesaid section six extends beyond the termination of such first period of fifteen years, but does not extend up to the termination of the second period of fifteen years, then such rent shall continue to be the rent applicable until the end of such second period of fifteen years; and if the part of the term of the lease to which the rent so appraised is made applicable by the aforesaid section six commences on or after the commencement of such second period of fifteen years, but does not extend up to the termination of such second period, then such rent shall continue to be the rent applicable until the termination of such second period of fifteen years.

- (4) Nothing in this section, or in any of the sections which are hereinbefore referred to, shall be taken to require or permit any adjustment of accounts in connection with any rent paid or due before the commencement of this Act.

Boundaries of Eastern Division.

Eastern Division to
include islands.

22. Notwithstanding anything to the contrary in the description of the Eastern Division contained in the Schedule to the Crown Lands Act of 1884, or any amendments of such Schedule, the said Division shall be taken to include all islands in the sea which form part of the State of New South Wales except Lord Howe Island.

Minister substituted for Governor.

Minister substituted
for Governor.

23. In the following sections the word "Minister" is substituted for the word "Governor" wheresoever occurring:—

Crown Lands Act of 1884—Sections ninety-two, one hundred and four, one hundred and five, one hundred and six.

Crown Lands Act of 1889—Section eighteen.

Crown Lands Act of 1895—Sections four, thirteen, twenty-four, twenty-five, twenty-six.

Crown Lands Act Amendment Act, 1903—Section twenty-three.

And in order to carry out the intention of this enactment the words "notify" and "notification" are substituted for the words "proclaim" and "proclamation" occurring in any of the aforesaid sections so far as the last-mentioned words respectively refer to action to be taken after the commencement of this Act.

Amendments

Crown Lands (Amending and Declaratory).

Amendments of the Crown Lands Act of 1884.

24. The following amendments are made:—

Section four—In the definition of “city, town, or village” the words “or notification” are inserted after the word “proclamation,” and the words “or Minister” are inserted after the word “Governor”

Amendments of
Crown Lands Act of
1884.

In the definition of “land agent” the words “assistant Crown land agent” are inserted next after the words “Crown land agent”

In the definition of “population boundaries” the words “or notification by the Minister” are inserted after the word “proclamation”

In the definition of “public purpose” the word “Minister” is substituted for the word “Governor”

The definitions of the following expressions, “alienage,” “leasehold area,” “pastoral holding,” “representatives,” “run,” “run-holder” and “resumed area” are omitted.

Section seven—The first proviso is omitted.

Section eleven—The words “and shall hold their respective offices during the pleasure of the Crown” are added next after the word “Governor” where first occurring in the section.

Section fourteen—Subsection two—The words “shall have and may exercise the like powers and authorities as are possessed by a court of petty sessions” are omitted, and the words “every member of the local land board shall have power” are substituted therefor.

Subsection five—The words “not authorised in that behalf by the Minister” are omitted; the expression “land agent” is omitted and the word “chairman” is substituted for it wheresoever occurring in the said subsection.

Section seventeen—The words “and any caveator as hereinafter provided” are omitted.

At the end of the section the following provision is added:—“In all cases in which before the passing of the Act inserting this amendment it would have been necessary for the Crown to lodge an appeal (not being cases governed by section fifty-nine of the Crown Lands Act of 1895, or by any other special provision of the Crown Lands Acts regulating references by the Minister in particular cases), the Minister may within twenty-eight days as aforesaid refer the decision, adjudication, recommendation, determination, direction to survey, or award (as the case may be) of a local land board to the Land Appeal Court, and it shall be sufficient if such reference is made in the manner prescribed by the said section fifty-nine of the Crown Lands Act of 1895.”

The

Crown Lands (Amending and Declaratory).

The word "chairman" is substituted for the words "district surveyor" wheresoever occurring.

Section twenty—The words "or referred to the Land Appeal Court by the Minister" are inserted next after the words "unless appealed from."

At the end of the section the following provision is added :—"Any such reference to the Land Appeal Court shall be made within one month from the receipt of any decision against which an appeal is not made, or if an appeal is made against the decision, then within one month from receipt of the notice of appeal by the Under-Secretary for Lands."

Section twenty-one, subsection iv—The subsection is repealed and the following substituted :—" (iv) Lands set apart as sites for city, town, or village, or as suburban lands, or reserved for village purposes."

Section twenty-four—The words "six hundred and forty" are omitted and the words "one thousand two hundred and eighty" substituted; the proviso is omitted.

Section twenty-six—The words "shall be tendered by the applicant in person" and "may be tendered by the applicant in person or by any duly authorised agent" are omitted, and the words "shall be tendered as prescribed" are inserted next after the words "additional conditional purchase"

Section thirty-five—The following provision is added at the end of the section :—"And further provided that in the case of conditional purchases for mining purposes brought under the instalment system the annual instalment shall be paid at the rate of two shillings per acre until payment of the balance of purchase money together with interest at four per centum per annum has been completed."

Section thirty-six—The words "in respect" are substituted for the words "upon application of the holder"

The words "such certificate shall be transferable subject to the prescribed conditions, and shall be prima facie evidence of the title of the holder thereof to the land therein described, subject to the fulfilment of the prescribed conditions of payment" are omitted.

The words "after the prescribed notice in the Gazette, and" are omitted.

Section forty-two—The words "six hundred" are omitted, and the words "one thousand two hundred and forty" substituted.

The words "six hundred and forty" are omitted and the words "one thousand two hundred and eighty" substituted; the proviso is omitted.

Section

Crown Lands (Amending and Declaratory).

Section forty-six—The words “or under the Western Lands Act of 1901 or any Act amending it” are inserted next after the words “mining on Crown lands”

Section forty-seven, subsection (II)—The words “unless with the approval of the Minister in writing previously obtained” are inserted next after the word “Act”

Section forty-eight—The words “(not being within any special area in that division)” are omitted.

Section sixty-one—The words “and if it should appear that such improvements were made under misapprehension, or for other sufficient reason the Governor may remit or refund the value thereof to the improver or his representatives” are omitted.

Section sixty-two—The words “or person authorised in that behalf” are inserted next after the words “land agent”

Section sixty-three—The words “by the Minister within the metropolitan land district and elsewhere” occurring after the words “to be determined” are omitted.

The words “issuing of such grant” are omitted. The words “authorisation of such rescission” are substituted therefor.

Section sixty-five—The words “caveat with the Minister or local land board, as the case may be” are omitted; the word “complaint” is substituted therefor.

The words “and all such applications shall be dealt with as hereinbefore provided in reference to other caveats” are omitted. The words “and such objections shall be duly heard and determined before any such rescission or reclamation as aforesaid is authorised” are substituted.

Section sixty-six—The words “no way of access is attainable” are omitted and the words “no practicable road has been provided” are substituted.

The words “the Minister or” immediately preceding the words “the local land board” are omitted.

The expression “as the case may be” is omitted.

The words “by the Minister after report” next after the word “determined” are omitted.

Section sixty-eight—The words “any of the last five preceding sections” are omitted and the words “sections sixty-three or sixty-six” substituted.

Section ninety-six—The words “and such forfeiture may be declared by the Minister by notification in the Gazette” are inserted next after the expression “liable to forfeiture”

Section

Crown Lands (Amending and Declaratory).

Section one hundred and one—The words “reserved and” are omitted.

Section one hundred and two—The words “or license” are inserted next after the word “lease”

The following proviso is added at the end of the section :—“ Provided however that the Minister may waive the Crown’s right to such improvements in any case where he deems it expedient.”

Section one hundred and five—The words “the Governor may direct a notice under the hand of the Minister to” are omitted; the words “a notice under the hand of the Minister shall” are substituted therefor.

The words “one month” are substituted for the words “ten days” wheresoever occurring in the section. The words “issue such grants and execute such exchanges, deeds, assurances, and instruments” are omitted, and the words “such grants may be issued and instruments executed” are substituted therefor.

Section one hundred and eight—The whole of the first part of the section preceding the words “the Minister” is omitted.

The words “from any lease (other than a conditional lease, a conditional purchase lease, or a special conditional purchase lease)” are substituted for the words “from lease”

The words “Such withdrawal shall take effect upon a notification thereof in the Gazette” are added at the end of the section.

Section one hundred and twenty-one—The words “settlement lease, conditional purchase lease, or special conditional purchase lease” are inserted next after the words “homestead lease”

Section one hundred and twenty-three—The words “conditional purchase or conditional lease” and “conditional purchase or lease” are omitted wheresoever occurring in the section, and the words “purchase, homestead selection, lease, or license” are substituted for the same respectively.

At the end of the section the following provision is added—“ Any person above the age of sixteen years holding any purchase, homestead selection, lease, or license under the Crown Lands Acts may be sued for any moneys due to the Crown as if he were of full age.”

Section one hundred and twenty-six—The words “homestead selection (whether ungranted or granted) or” are inserted next before the word “lease”

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Crown Lands (Amending and Declaratory).

The words "homestead selector" are inserted next before the word "lessee"

Section one hundred and twenty-eight—The words "plead and" next before the words "put in evidence" are omitted.

Section one hundred and thirty-nine—The words "or by any condition contained in any lease" are inserted next after the word "thereunder."

Section one hundred and forty-one—The word "alience" is omitted, and the words "successor in title" are substituted therefor.

The word "the" is substituted for the word "such" in the expression "such adjoining land"

Amendment of the Crown Lands Act Further Amendment Act.

25. The following amendment is made:—

Section ten—The words "and the side of a reserved, intended, proclaimed, or other road shall not be held to form, or to be, a common boundary-line within the meaning of that section" are omitted.

Amendment of the
Crown Lands Act
Further Amendment
Act.

Amendments of the Crown Lands Act of 1889.

26. The following amendments are made:—

Section four—The definitions of the expressions "conditional purchase" and "oath" are omitted.

Amendments of the
Crown Lands Act
of 1889.

Section eight, subsection five—The words "or reference" are inserted next after the words "upon any appeal"

The words "subsection six of this section and" are inserted next after the words "provisions of"

Section nine—The words "whose evidence such court or board may desire to hear" are omitted.

Section twelve—the words "or disallowed" are inserted next after the words "be withdrawn"

The words "or disallowance" are inserted next after the word "confirmation"

Section thirteen—The words "The chairman of the land board may refer the same to the district surveyor and" are inserted next after the expression "conditional purchase or conditional lease."

The words "except as provided in the last paragraph of section fifteen of this Act" are inserted after the words "modified form and"

The words "which may have been made after such consent shall have been received by the district surveyor" are inserted after the expression "any other application"

Section

Crown Lands (Amending and Declaratory).

Section fourteen—After the words “application for,” the words “a conditional purchase or conditional lease made after the commencement of this Act” are omitted, and the words “any holding whatever under the Crown Lands Acts” are substituted therefor.

After the words “in any declaration,” the words “prescribed by section twenty-six of the Principal Act, or section twenty of this Act and” are omitted.

Section eighteen—The words “section twenty-four or forty-two of” and the words “subject to the general provisions of section twenty-four as aforesaid” are omitted.

The words “by notice” are omitted.

After the word “Division” the words “and at such prices not being less than thirty shillings per acre and subject to such conditions as may be specified in the Gazette setting apart the land” are inserted.

The words “proclaim and” immediately following the words “Government Gazette to” are omitted.

The words “or notification made” are inserted between the words “proclamation” and “before”

Section twenty-seven—At the end of subsection two the words “necessary roadways, trigonometrical stations, and sites for and sources of water supply may be excluded from any measurement” are inserted.

Section thirty—The words “or notification” are inserted next after the word “proclamation” wherever occurring in the section.

Section thirty-three—The words “subject to approval or modification by the local land board” are substituted for the words “subject to the Minister’s approval and any modification by the board”

Section thirty-five—Next after the words “the applicant for any scrub-lease shall pay the cost of survey thereof” the words “within three months from the date of demand,” are inserted.

In subsection (ii) the words “together with the cost of survey” are omitted.

Section thirty-six—The words “or tender” are inserted between the words “auction” and “any”

The words “less than one thousand two hundred and eighty or” are omitted.

The words “or the Minister’s acceptance of the tender” are inserted next after the expression “day of sale”

The words “or if the lease be upon tender, within sixty days after the notification in the Gazette requiring payment thereof” are inserted next after the expression “time of sale”

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Crown Lands (Amending and Declaratory).

The words "or if let upon tender, the lease may be declared forfeited by notification in the Gazette, and any amounts paid shall thereupon be forfeited" are inserted next after the expression "re-offered for sale"

Section forty—The words "within any Division or land district or partly within two Divisions or two or more land districts may, by proclamation in the Gazette, be declared to be wholly within any one Division or land district" are omitted: the words—

"(a) wholly within one Division or partly within two Divisions may be declared by the Governor by proclamation in the Gazette to be wholly or partly within another Division or wholly within one Division, as the case may be, or

"(b) wholly within any land district or partly within two or more land districts may be declared by the Governor by proclamation in the Gazette to be wholly or partly within another land district or wholly within one or partly within two or more land districts"

are substituted therefor.

Section forty-four—The words "after report by the board" and "after report by the land board" are omitted.

The words "to be ascertained by auction or tender or" are omitted; the words "which rent or license fee in cases where the letting is not by auction or tender or in cases where if the letting is by auction or tender it is notified in the Gazette that the upset or minimum rental or license fee does not include the annual value of the improvements shall be determined" are inserted in place thereof.

In the sentence beginning "In cases where improvements may have been or may be made through misapprehension" the words "owner of such improvements," are omitted; the words "maker of such improvements or his representatives or assigns" are substituted therefor; the words "such owner," are omitted; the words "the maker of such improvements or his representatives or assigns" are substituted therefor.

Section forty-six—The word "like" is omitted and the word "public" substituted.

Section forty-eight—The words "local land board" are substituted for the word "Minister"

The words "or mineral license" are omitted.

Amendments

*Crown Lands (Amending and Declaratory).**Amendments of the Crown Lands Act of 1895.*

Amendments of the
Crown Lands Act
of 1895.

27. The following amendments are made:—

Section ten—The words “For the purpose of effecting a proper classification of Crown lands” are omitted.

The words “For the purpose of effecting a proper survey and subdivision of Crown lands” are omitted.

Section thirteen, subsection four—The word “on” is substituted for the word “from”

Section fourteen—The word “on” is substituted for the word “from,” first occurring in the section.

Section fifteen—The following proviso is inserted next after “value” in paragraph (d):—“Provided always that the granting of leave to cease living on the selection, or the giving of consent to the residence condition being carried out on any other holding, or the granting of permission for such condition to be performed in a village or town, shall operate as a suspension of the condition imposed by this subsection, and further provided that any such leave, consent, or permission granted or given before the commencement of the Act inserting this proviso shall be deemed to have operated in the like manner.”

Section seventeen—The word “execution” is substituted for the word “issuing” in the paragraph commencing with the words “The value of the homestead selection.”

Section twenty-three—The words “any transfer, assignment, alienation, conveyance, charge, or incumbrance of a holding protected under this Act shall be absolutely void but” are omitted.

The word “such” occurring next after the words “the validity of any” is omitted.

The words “ceases to live thereon as his home” are omitted; the words “fails to comply with the condition of residence” are substituted.

Section twenty-four, subsections four and five—The word “on” is substituted for the word “from”

Section twenty-nine—The words “The provisions of section one hundred and seventeen (except as to the completion of residence before transfer) and of sections one hundred and nineteen and one hundred and twenty of the Crown Lands Act of 1884 shall be taken to apply to any such transfer” are added at the end of subsection (d).

The following subsection is added:—“(e) The board may, in the prescribed manner, issue to the person entitled thereto a fresh certificate upon satisfactory proof being adduced

Crown Lands (Amending and Declaratory).

adduced of the loss or destruction of any certificate. Upon the issue of the final certificate it shall be lawful for the conditional purchaser to pay off the whole or any number of the instalments of the purchase-money."

Section thirty—The words "applied for after the first day of February, one thousand nine hundred and nine," are inserted immediately preceding the words "be transferred" in the proviso inserted by the Crown Lands (Amendment) Act, 1908.

Section thirty-seven—The words "and after having given notice to the parties concerned" are omitted.

Section forty-one—The words "annual tenure" are omitted; the words "a lease having less than five years to run unless such lease confers a right or power to purchase the freehold, which right or power may still be exercised" are substituted. The word "fraudulently" is omitted.

Section forty-two—The words "or special conditional purchase lease" are inserted next after the words "conditional purchase lease"

The words "according to law" are omitted.

The words "or for a conditional lease" are inserted next after the words "additional conditional purchase" in the proviso.

Section forty-three—The words "or for a conditional purchase lease or a special conditional purchase lease" are inserted next after the words "conditional lease" where first occurring in the section.

The second, third, and fourth paragraphs are omitted.

Section forty-four—In the last paragraph next after the words "purchases" and "purchase" respectively, the words "selections" and "selection" are inserted.

Section forty-nine—The expression "local land board" is substituted for the word "Minister" wheresoever occurring in the section.

The word "it" is substituted for the word "him"

Section fifty—The words "local land board" are substituted for the word "Minister"

Section fifty-five—The words "conditional purchase lease, or special conditional purchase lease or special lease" are inserted after the words "settlement lease"

The words "or for a conditional lease or a homestead lease" are omitted; the words "or homestead selection or any such lease as aforesaid, which entitles him to go into occupation" are substituted.

Amendments

*Crown Lands (Amending and Declaratory).**Amendments of the Crown Lands (Amendment) Act of 1899.*

Amendments of the
Crown Lands
(Amendment) Act
of 1899.

28. The following amendments are made :—

Section eight—The words “or other public authority which” are inserted next preceding the words “may administer”

The words “any transferee of the land held by him” are omitted and the words “his successor in title” are substituted therefor.

At the end of the section the following provision is added :—“A permission granted under this section to enclose a road bounding any holding shall operate so as to exempt the person obtaining such permission from erecting a fence along the frontage to such road.”

Section ten—The words “be charged” next after the word “may” are omitted, and the words “with the consent of the Minister pay” are inserted in lieu thereof.

Section fourteen—The words “by auction” are inserted next after the words “offered for sale.” The words “or tendered for” are omitted.

Amendments of the Crown Lands Act Amendment Act, 1903.

Amendments of the
Crown Lands
Act Amendment
Act, 1903.

29. The following amendments are made :—

Section five—The words “after the confirmation of the application” are inserted next after the words “three months”

Section six—The last sentence in the first paragraph is omitted and the following substituted :—“The annual rent for the first period shall be determined by the local land board. The annual rent for the second and third periods of the lease respectively, shall be determined by the local land board if an application in that behalf is made by the lessee accompanied by a fee as prescribed, or if a reference for that purpose is made by the Minister, such application or reference being made not later than twelve months after the commencement of the period in question: Provided that in the absence of any such application or reference, rent shall be payable for the current period at the same rate as was paid for the period last expired.”

The words “or may” are inserted next after the words “application under this section shall”

Section eleven, subsection one—The words “or conditional purchase lease” are inserted next after the words “conditional purchase”

The words “and subject also to the Minister’s consent” are inserted immediately before the word “acquire” in subsection one.

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Crown Lands (Amending and Declaratory).

The words "conditional purchase leases" are inserted next after the words "conditional purchases" in subsection one.

The word "purchases" is inserted between the words "additional" and "selections" in subsection one.

The words "and improvement" are inserted between the words "residence" and "attached" in subsection one.

Next after subsection one the following provision is inserted as a new subsection:--"(1A) Whenever land shall have been acquired under the foregoing provision, and thereafter any application shall be made for an additional holding, the area of the land so acquired as aforesaid shall be taken into account as if it had been acquired by virtue of an application for an additional holding; and whenever an original holding shall have been acquired under such provision, and shall thereby have become attached to another original holding, such first-mentioned holding shall in all respects be deemed to be an additional to the holding to which it is so attached."

Section thirteen—The words "not apply to any conditional purchase unless brought under the instalment system within two years after the passing of this Act, and shall" are omitted.

The word "one" in the expression "any one holder" is omitted.

The words "when any such conditional purchase is held by two or more persons as joint holders such persons shall be deemed to be a holder, and if one of such persons has resided continuously as aforesaid, the said condition of residence shall be regarded as having been fulfilled in respect to such conditional purchase; and further provided that" are inserted next after the words "Provided that"

Section fourteen—All the words in the first proviso which follow the words "full year of the purchase after the" are omitted and the words "date when an application under this section is made by the then holder of such conditional purchase" are inserted in lieu thereof.

In the second paragraph the words "held at" are omitted; the words "applied for before" are substituted therefor.

The words "to those purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and twelve, and only" are omitted.

The words "two years immediately before the passing of this Act" are omitted, and the words "one year immediately before making an application for such reduction of the rate of interest" are substituted therefor.

Section

Crown Lands (Amending and Declaratory).

Section fifteen—The words “subject to the fulfilment of any conditions he may deem fit to impose, and if the conditions so imposed or any of them are or is not duly fulfilled, the concession granted by the Minister shall cease to operate” are inserted next after the word “years” at the end of the first sentence.

Section twenty-one—The words “or mineral field” are inserted next after the word “gold-field” wheresoever occurring.

The words “provided that lands held under any lease having less than five years to run, unless such lease confers a right or power to purchase the freehold, which right or power may still be exercised, shall not be taken into account in computing such area” are added next after the words “twenty acres” in the second proviso.

Section twenty-two—The words “or conditional purchase lease” are inserted next after the words “settlement lease” wherever occurring in the section.

Section twenty-six—The words “Where permission to enclose a road is granted as aforesaid, the side of such road shall be deemed to be a common boundary line within the meaning of section one hundred and forty-one of the Crown Lands Act of 1884” are omitted.

The words “law and equity” are omitted; the words “fencing and contributions and occupation” are substituted.

The following is added at the end of the section:—
Provided that on complaint made by the holder of either of such holdings, or by any person aggrieved the board may cancel such authority or direct that the position of the fence be altered, and may in either case impose such terms and conditions, and make such orders as may appear to be just. The local land board shall have the like powers in respect of any give-and-take fence authorised before the commencement of this Act.

Section thirty—The following is added at the end of the section:—
Such additional conditional purchase or conditional lease shall be subject to the provisions of the Crown Lands Acts as if such freehold were a conditional purchase.

Section thirty-two—The word “conformity” is substituted for the word “confirmation” where it first occurs in the section.

Amendments of the Crown Lands Amendment Act of 1905.

30. The following amendments are made:—

Section five—Subsection two is repealed.

In subsection three after the words “beyond his control” the following words are inserted:—“This provision shall

Crown Lands (Amending and Declaratory).

shall not extend to the case of an applicant who, being the transferee of a conditional lease, applied for before the first day of June, one thousand eight hundred and ninety-five, is applying for an additional conditional purchase of lands held by him under such conditional lease."

Section seven—The words "except in the case where such appeal, if successful, would not affect any person who, having made a simultaneous conflicting application, has had land allotted to him by the local land board" are inserted next after the word "section"

Section fourteen—All the words following "conditional purchase lease under this Act" are omitted.

Section seventeen—The word "and" between the words "improvements" and "cultivation" is omitted, and the words "or otherwise" are inserted after the word "cultivation"

Section twenty-three—The words "or a conditional purchase under this Act and" are omitted; the words "applied for before the commencement of the Crown Lands (Amendment) Act, 1908, or a conditional purchase which is a conversion thereof, and except as provided by section eleven of the Crown Lands Act Amendment Act, 1903" are inserted in lieu thereof.

Section twenty-seven—The words "into the several matters connected with the fulfilment of conditions attached to the holding of land thereunder" are omitted, and the words "in connection with ordinary conditional purchases" are substituted therefor.

The words "for any breach" are omitted.

Amendments of the Crown Lands (Amendment) Act, 1908.

31. The following amendments are made :—

Section eleven, subsection seven, paragraph (a)—The words "the application for conversion" are omitted and the words "such approval" are substituted therefor.

Amendments of the
Crown Lands
(Amendment) Act,
1908.

Section nineteen, subsection two—The following provision is inserted immediately before the proviso in subsection two :—
"Any holder of or applicant for a special conditional purchase lease of an area not exceeding three hundred acres, may apply for additional special conditional purchase leases of adjoining lands set apart as aforesaid, of an area which with the original and any prior additional special conditional purchase lease shall not exceed three hundred and twenty acres. For all purposes such original and additional leases shall be deemed one holding"

Section

Crown Lands (Amending and Declaratory).

Section twenty—The words “conditional purchases which are conversions thereof” are inserted next after the words “special conditional purchase leases”

The words “to any regulations made under this Act and” are omitted, and the words “in other respects” are inserted in lieu thereof.

The words “and conditional purchases which are conversions thereof” are inserted next preceding the words “as prescribed”

Section twenty-four—The word “section” is substituted for the word “sections”

The words “and thirteen” are omitted.

The word “fifteen” is substituted for the word “ten” where it first occurs in the section; and the words “of ten years” next after the words “current period” are omitted.

Section twenty-six—The words “of not less than one hundred acres” and the words “which shall in no case be less than forty acres each” are omitted.

Section twenty-nine—The words “or the Mining Act of 1906 or the Forestry Act, 1909” are inserted next after the words “in the Principal Acts”

The following proviso is added next after the word “notification” :—“Provided that the revocation of any reserve for mining or mining purposes or any timber reserve shall not be so effected unless the consent of the Secretary for Mines or the Secretary for Agriculture thereto is obtained”

Section thirty-one—The words “for such periods and on such conditions as it may determine” are omitted.

The following sentence is added after the words “village or town” at the end of the first paragraph :—
“In cases of sickness or other adverse circumstances as aforesaid, the board may in like manner suspend a condition of fencing or improvement attached to any such holding as aforesaid, and any such remission, suspension, or permission, as the case may be, granted under this section may be for such periods and on such conditions as the board may determine, and for the purposes of this section it shall not be deemed to be essential that the village or town shall have been proclaimed or notified as such.”

Section thirty-four—Next after the words “the Minister,” in the second paragraph, the following provision is inserted :—
“After the issue of the grant in respect of any conditional purchase or homestead selection all such additions as might have been made if such grant had not been issued may in the like manner be made : Provided that in any such case
the

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Crown Lands (Amending and Declaratory).

the grant or certificate of title shall be surrendered, and any instruments necessary to effectuate the surrender shall be executed before any such addition is made."

Section thirty-five—The following is added at the end of the first paragraph :—" Lands held under annual lease or occupation license may in like manner be added to lands held under lease or license, and the addition of such lands to any lease or license shall have the effect of withdrawing them from the annual lease or occupation license under which they may be held."

The figures "1889" are substituted for the figures "1895 "

Section thirty-seven—The following words are added at the end of the first paragraph :—" And (subject to the provisions of section fourteen of the Crown Lands Act Amendment Act, 1903) each of the annual instalments shall be five per centum of such price."

The following words are inserted immediately before the proviso :—" If any instalment is not paid within three months after it becomes due the Minister may, by notice in the Gazette, declare the holding to be forfeited, and thereupon any moneys paid in respect thereof shall be forfeited "

The following words are added at the end of the section :—" Unless a subdivision is necessary, in which case a subdivision fee at the rate prescribed shall accompany the application."

Section thirty-eight—The word " Acts " is substituted for the words " Act of 1895 "

The words " lease granted under the provisions of section eighteen of the Crown Lands Act Amendment Act, 1903, or inferior lands or scrub or " are inserted next after the word " any "

Amendments of the Crown Lands (Amendment) Act, 1912.

32. The following amendments are made :—

Section four—All the words of the section following the words " specially mentioned or provided in this Act " are omitted ;

and the words " Provided that any married woman may, with moneys belonging to her for her separate estate, apply for and thereafter may hold a homestead farm " are inserted in lieu thereof.

Section nine—The words " the confirmation of " wherever occurring are omitted.

Section eleven—The words " in the prescribed form " are inserted next after the word " grant "

The word " representatives " is omitted and the word " heirs " is inserted in lieu thereof.

Section

Crown Lands (Amending and Declaratory).

Section thirteen—The words “and with all the powers conferred on him by the several subsections of such section” are inserted next after the words “in manner provided by section three of this Act”

The words “the confirmation of” in subsection three are omitted.

Section seventeen—The words “in the prescribed form” are inserted next after the word “grant”

The word “representatives” is omitted, and the word “heirs” is inserted in lieu thereof.

Section eighteen—The words “the area of a Crown-lease shall be such as the Minister may determine, and he shall have all the powers conferred upon him by the several subsections of section three aforesaid” are inserted next after the words “effect thereof”

Section nineteen—The words “and a person not so qualified shall be incompetent to hold a Crown lease” are omitted.

Section twenty-four—The words “in the prescribed form” are inserted next after the word “grant”

The word “representatives” is omitted, and the word “heirs” is inserted in lieu thereof.

Section twenty-seven—The words “the holding of irrigable land shall not disqualify a person from being an applicant, and that” are inserted next after the words “except that”

Section twenty-eight—The words “except that the holding of irrigable lands shall not disqualify a person from being an applicant” are inserted at the end of subsection (a).

Saving of treaty rights of aliens.

Saving of treaty rights of aliens.

33. Nothing contained in the Crown Lands Acts shall prejudice the rights of any of the subjects of a foreign power between which and the United Kingdom of Great Britain and Ireland there is now subsisting, or shall hereafter subsist, any treaty of commerce whereby reciprocal civil rights of the subjects of such treaty powers are reserved, granted, or declared, and which treaty is or shall hereafter be applicable to the State of New South Wales.

Reservations of lands on expiration of certain leases.

Reservation of lands on expiration of certain leases.

34. Upon the expiration of the term of any conditional lease, special lease, settlement lease, improvement lease, scrub lease, lease under section eighteen of the Crown Lands Act Amendment Act, 1903, or Crown lease, the land formerly held under such lease shall be deemed to be reserved from sale or lease until otherwise notified in the Gazette.