

CROWN LANDS (AMENDMENT) ACT.

Act No. 27, 1917.

George V, An Act to provide for the conversion of certain tenures under the Acts relating to Crown lands; to modify the conditions attaching to certain holdings; to amend the Crown Lands Consolidation Act, 1913, and the Acts amending it; and for purposes consequent thereon or incidental thereto. [Assented to, 12th November, 1917.]

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:—

**Commence-
ment and
short title.** **1.** This Act shall come into force on a date to be notified by proclamation by the Governor published in the Gazette, and may be cited as the "Crown Lands (Amendment) Act, 1917," and shall be read and construed with the Principal Act. **2.**

2. In this Act "the Principal Act" means the <sup>George V,
No. 27.</sup> _{Principal Act} Crown Lands Consolidation Act, 1913.

3. The following new sections and short headings are <sup>Amendments
of Principal
Act.</sup> inserted next after section one hundred and twenty-nine _{of the Principal Act :—}

Additional suburban holdings.

129A. (1) The Minister may, by notification in ^{New s. 129A.} the Gazette, set apart for disposal by way of additional suburban holdings any suburban Crown lands, or Crown lands within population boundaries or within the Newcastle Pasturage Reserve or any other Crown land at such capital values and subject to such conditions as he may determine. <sup>Additional
suburban
holdings.</sup>

(2) Any holder of a suburban holding who is in residence thereon may in the form and manner prescribed apply for an additional suburban holding of any block of land notified as available therefor within a reasonable working distance of his present holding.

(3) The local land board, after inquiry, shall report to the Minister whether such application shall be granted or refused.

(4) After receipt of such report, the Minister may at his discretion grant or refuse such application either as to the whole or any part of the land applied for.

(5) A condition of five years' residence shall attach to every additional suburban holding but such term shall be reduced by the period of residence performed in respect of the original suburban holding. The condition of residence attaching to the original and additional suburban holding may be performed on one of such holdings.

(6) The Minister may, after report by the local land board, permit the holder of a suburban holding to acquire by transfer another suburban holding within a reasonable working distance, which shall in all respects be deemed to be an additional to the first-mentioned holding.

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New s. 129A.

(7) An original and an additional suburban holding shall not be transferred apart or held separately.

(8) Subject to this section, the provisions and conditions of this Act relating to original suburban holdings and also the general provisions relating to the setting apart of Crown lands for suburban holdings shall apply to additional suburban holdings:

Provided that, in applying such provisions and conditions, the date of the granting of an application for an additional suburban holding shall be deemed to be the date of confirmation of the application for the holding.

Right to purchase suburban holdings.

New s. 129B.
Purchase of
suburban
holdings.

129B. (1) The holder of any suburban holding may apply to purchase the land held thereunder subject to the following conditions and provisions :—

- (a) The application shall be made as prescribed, and shall be accompanied by a deposit as prescribed. If any such application be made in respect of a suburban holding which is subject to mortgage, the mortgagee shall join. If the perpetual lease grant has been issued there shall be forwarded a surrender thereof to the Crown.
- (b) The local land board shall report to the Minister whether there is any objection to the granting of the application and generally as to the merits thereof; and if it considers that the application is unobjectionable shall determine the value of the land as at the date of the application to purchase, which determination shall be irrespective of the value of any improvements effected by or on behalf of the holder or paid for by him.
- (c) After receipt of such report the Minister may at his discretion grant or refuse the application either as to the whole or any part of the holding applied to be purchased.

(d)

(d) Any areas required for roadways or other public purposes may be excluded, and the boundaries may be otherwise modified at the discretion of the Minister.

(e) The purchase money shall be paid by ten equal annual instalments, the first of such instalments being payable within one month of the date of demand made for the same, and one of the remaining instalments shall be paid in each succeeding year on the recurring date of the granting of the application to purchase, or within three months thereafter, until the purchase money, together with interest at the rate of two and one-half per centum per annum, is paid; provided that two or more such instalments may be paid in any one year.

(f) If the applicant be dissatisfied with the price determined by the local land board he may, within one month after such determination, withdraw his application upon payment of costs as assessed by the local land board.

(g) The purchase shall be subject to a condition of residence for a period of five years from the date of the granting of the application to purchase, but such term shall be reduced by the period of residence performed in respect of the suburban holding.

(h) Any special conditions which attached to the suburban holding and any restrictions imposed by section one hundred and twenty-nine in respect of suburban holdings shall until the grant is issued attach to the purchase.

(i) After the expiration of the term of residence the local land board shall inquire whether all conditions other than payment of purchase money have been duly complied with, and upon the local land board certifying that such conditions have been complied with, and upon payment of the balance of purchase money and such other moneys as may be due and payable, a Crown grant shall be issued in the prescribed form to the then holder.

(j)

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New s. 129a.

- (j) If default is made in paying any moneys due in respect of any such purchase, or if the Minister is satisfied that any condition attaching to the holding has not been or is not being complied with, the purchase may be declared to have lapsed, and all moneys paid in respect of the land, and all improvements thereon, shall thereupon become forfeited.
- (k) Except by way of mortgage or release of mortgage a transfer of land purchased under this section shall not be valid unless the consent of the Minister has been obtained. The Minister shall have discretion to grant or refuse his consent. The provisions of this subsection shall apply whether a grant has or has not issued.
- (l) For the purposes of this section the expression "suburban holding" means and includes an original suburban holding and any additional suburban holding held in virtue thereof.

Amendments
Principal Act

Sec. 7

Sec.

Sec. 15

4. The following amendments are made in the Principal Act :—

Section seven: Omit "Governor" and insert "Minister"; omit "proclamation" and insert "notification".

Section eight: Omit "Governor" and insert "Minister," and omit "proclamation" and insert "notification."

Section fifteen: The word "formal" is omitted from the short heading.

The words "formal orders" are omitted and the word "matters" inserted in lieu thereof.

The last paragraph is amended as follows:— The words "and may deal with the same" are omitted. The words after the word "jurisdiction" to the end of the section are omitted and the following is inserted:—"by granting the application or deciding in favour of the party concerned.

"The chairman may also in open court in any such place deal with any such matters, either by granting, refusing, modifying, or varying

varying the application or deciding in favour of ~~George V,~~
 or against the party concerned. But when ~~No. 27.~~
 sitting alone (whether in open court or not in ~~Sec. 15.~~
 open court) he shall not deal with matters—

- “ (a) involving an appraisement of the price, capital value, or rent of land or improvements, unless an agreement between the applicant and the Crown or the parties has been arrived at; or
- “ (b) involving a question as to home maintenance area unless an agreement has been arrived at as aforesaid; or
- “ (c) referred by the Minister to the local land board under section eighteen of this Act.”

The following new section and short heading are inserted next after section seventeen :—

The Under Secretary may deal with certain matters on behalf of the Minister.

17A. The Under Secretary shall have power ~~Sec. 17A.~~
 on behalf of the Minister to deal with such ~~The Under Sec.~~
 matters as may from time to time be ~~etary for Lands~~
 prescribed; and, where in pursuance of this ~~dealing with~~
 section a decision is given by the Under Secre-
 tary on behalf of the Minister it shall have the
 same effect as if given by the Minister in person.

Section twenty-three, subsection one: Omit all ~~Sec. 23 (1).~~
 words after “accordingly” to the end of the
 subsection.

Subsection four: Omit all words after “Gazette” ~~Sec. 23 (4).~~
 to the end of the subsection.

The following new section and short heading are inserted next after section twenty-five of the Principal Act :—

Certain lands may be disposed of as Crown lands.

25A. It shall be lawful to reserve from sale ~~Sec. 25A.~~
 or lease generally any land appropriated or ~~Disposition of~~
 resumed for any public purpose and vested in ~~certain lands~~
 a Minister of the Crown on behalf of His ~~as Crown~~
 Majesty under the authority of any Statute or
 acquired

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New S. 25A.

Sec. 28. acquired by or on behalf of the Crown by gift or otherwise, and upon revocation of any such reservation, the land may be dealt with as Crown land within the meaning of this Act.

Sec. 29 (b). Section twenty-eight: The words " pending survey or determination by him of the portion to be set apart," and the last paragraph, after " accordingly " to the end of the section, are omitted.

Sec. 30 (b). Section thirty, subsection (b): After the words " Crown lands " the words " from sale for any purpose, or " are inserted.

Sec. 43. Section forty: After the expression " conditional purchase lease " in the last paragraph the words " homestead farm, Crown-lease," are inserted.

Sec. 47 (1). Section forty-seven, subsection one: Omit " ten " insert " five " in lieu thereof.

Sec. 47 (2). Subsection two (d): Omit " such persons shall jointly perform the condition of residence " and insert " any residence condition attaching thereto may be fulfilled by one of such persons " in lieu thereof.

Sec. 47 (4). Subsection four: Omit " ten " insert " five " in lieu thereof ; after the word " expires " at the end of the first paragraph the words " unless the local land board is satisfied that such transferee does not with the land transferred to him hold more than a home maintenance area " are inserted.

Sec. 48. Section forty-eight: Add at end of section :—" Provided also that it shall not be necessary to erect any fencing on the boundaries of an additional conditional purchase, being a conversion of a conditional lease, in any case where the chairman of the local land board finds that the condition of fencing or improvement in lieu of fencing attaching to the said conditional lease has already been complied with."

Sec. 49. Section forty-nine: Add at end of section :—" Provided also that it shall not be necessary to effect any improvements on an additional conditional purchase, being a conversion of a conditional

conditional lease, in any case where the chairman of the local land board finds that the condition of improvement attaching to the said conditional lease has already been complied with." George V,
No. 27.
Sect. 49.

Section fifty-three: Omit "inquiries" insert "an ^{Sec. 53.} inquiry" in lieu thereof; omit "and ten"; omit "respectively"; omit "so far".

Section fifty-six: The words "upon application" ^{Sec. 56.} are omitted and the words "as prescribed" are inserted in lieu thereof.

Section fifty-eight, subsection two: After the words ^{Sec. 58 (2).} "no person" where first occurring insert the words "unless he has obtained the consent of the Minister"; omit the words "and no person who has made (whether before or after the passing of this Act) a conditional purchase under the Crown Lands Acts shall make or hold a conditional purchase under this section."

The following new section and short heading are inserted next after section sixty-four:—

*Restrictions in respect of auction purchases
and after-auction purchases.*

64A. Where after the commencement of the ^{New s. 64A.} Crown Lands (Amendment) Act, 1917, any town or suburban Crown land is sold by public auction at a Government auction sale, or is granted as an after-auction purchase in pursuance of section sixty-four of this Act, it may be a condition of such sale that no person shall purchase or hold—except as a mortgagee—more than a specified number of lots of the land. Any transfer, or agreement, or contract, whether before or after grant which would contravene or have the effect of contravening any such condition shall be void. Restrictions in
respect of
auction
purchases and
after-auction
purchases.

Section seventy-five: In the first paragraph omit ^{Sec. 75.} "three hundred and twenty", and insert "one thousand nine hundred and twenty"; in the second paragraph after the word "provision" insert the following:—"annexed to such lease or any purpose as aforesaid for which any such lease has been granted". Section

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No. 27.
See, 78.

Section seventy-eight: Omit the fifth paragraph and insert in lieu thereof:—"The lease shall have a term not exceeding fourteen years, and in respect of any lease granted for a lesser period than fourteen years, the lessee may, with the approval of the Minister, be granted an extension of the term to fourteen years from the date of commencement of the lease, subject to the payment of such annual rent as may be determined by the local land board."

See, 92A.

Section 82A. The following is added at the end of the section:—

"(j) The holder may apply to purchase the land comprised in a lease held under this section, and the Minister may grant or refuse any such application at his discretion. The price of the land shall be the capital value as at the date of the application to purchase, and shall be determined by the local land board, which determination shall be irrespective of the value of any improvements effected by the holder or paid for by him. The purchase money, together with deed fee and stamp duty, shall be paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid, the application to purchase may be declared to have lapsed and all moneys paid in connection therewith shall thereupon become forfeited."

See, 85 (1).

Section eighty-five, subsection one: After the word "of" in the fifth line and before the word "the" insert "any or all of".

See, 85 (4).

Subsection four: Omit "Secretary for Agriculture" and insert in lieu "Minister administering the Forestry Act."

Subsection

Subsection five: After "original homestead selections" insert—

"original homestead farms"

See. 85 (5).

"original Crown leases."

After "additional homestead selections" insert—

"additional homestead farms"

"additional Crown leases."

Section eighty-seven, subsection one: At end of See. 87 (1).

paragraph add "and an applicant for a conditional purchase or for a conditional purchase and conditional lease shall not be entitled to more than one measured or designed block in the area."

Section ninety-one, subsection (c): The words See. 91 (c).

"until the issue of the grant" are omitted and the words "for a period of five years" are inserted in lieu thereof.

Subsection (d): Next after the word "suspension" the words "or remission as the case may be" are inserted in the proviso.

Subsection (e): Omit "six" wherever occurring, See. 91 (e).

and insert "five".

Section ninety-three, subsection two: Paragraph See. 93 (2)(b).

(b) is omitted.

Subsection two, paragraph (c): The words "to See. 93 (2)(c).

live thereon or" are omitted.

The words "obligations to live on the lands granted and" are omitted and the word "obligation" is inserted in lieu thereof.

The word "incidents" is omitted and the words "an incident" and "incident" are respectively inserted in lieu thereof.

Omit subsection four.

See. 93 (1).

Section ninety-four: Omit "fifteen" where first See. 94.

occurring and insert "twenty"; omit "execution of the grant thereof" and insert "application for such homestead selection"

Section ninety-seven, subsection 2A: Omit "such See. 97 (2A).

persons shall jointly perform the condition of residence" and insert "any residence condition attaching thereto may be fulfilled by one of such persons" in lieu thereof.

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Sec. 97 (3a).

Sec. 101.

Sec. 101 (3b).

Sec. 101 (4).

Sec. 103 (2A).

Sec. 106.

Now subsection
31.

The following subsection is inserted next after subsection three:—

(3A) The term of residence attaching to any additional homestead selection shall be reduced by the period of residence performed on the original homestead selection.

Section one hundred and one: Omit "twelve months" insert "five years" in lieu thereof; after the words "local land board" at the end of the fifth paragraph insert "Provided further that the lessee of a settlement lease made prior to the commencement of the Crown Lands (Amendment) Act, 1917, may within twelve months after such commencement apply in the prescribed manner to have the rent determined for the unexpired portion of the said period. The determination shall take effect from the date when rent is next payable after the application for such determination."

Subsection three: The words "during the whole term" are omitted and the words "for a period of five years" are inserted in lieu thereof.

Subsection four:—Omit the words after "five years" to end of subsection.

Section one hundred and three, subsection 2A: Omit "such persons shall jointly perform the condition of residence" and insert "any residence condition attaching thereto may be fulfilled by one of such persons. The term of residence attaching to any additional settlement lease shall be reduced by the period of residence performed on the original settlement lease."

Section one hundred and six: Omit "twelve months" and insert "five years" in lieu thereof.

Add the following new subsection:—

(3) The holder of any conditional purchase lease made prior to the commencement of the Crown Lands (Amendment) Act, 1917, the capital value of which for the first period of the lease has not been determined by the local land

land board, may on application being made in **George V,**
 the prescribed form within twelve months after **No. 27.**
 the said commencement have the capital value **Now subsec.**
 so determined for the unexpired portion of the
 (3).
 said period. The determination shall take effect
 from the date when rent is next payable after
 the application for such determination.

The fact that any such conditional purchase
 lease has been converted into a conditional
 purchase shall not operate to prevent the
 capital value being so determined. In any
 such case the capital value determined shall be
 the purchase money payable in respect of the
 conditional purchase; but, with respect to the
 interest on the purchase money, shall take effect
 only from the date of the application for such
 determination.

Section one hundred and eight, subsection four : See. 108 (4).
 Omit "ten" insert "five" in lieu thereof.

Section one hundred and thirteen, subsection five : See. 113 (5).
 Omit "ten" insert "five" in lieu thereof.

Paragraph (a) : Omit "ten" insert "five" in
 lieu thereof; after the word "expires" the
 words "unless the local land board is satisfied
 that such transferee does not with the land
 transferred to him hold more than a home-
 maintenance area" are inserted.

Omit "such persons shall jointly perform the
 condition of residence" and insert "any resi-
 dence condition may be fulfilled by one of
 such persons" in lieu thereof.

Section one hundred and fifteen, subsection one :— See. 115 (1).
 Paragraph (a) is omitted.

Subsection two: The words "not less than See. 115 (2).
 twenty and" are omitted.

Section one hundred and eighteen, subsection one : See. 118 (1).
 Omit "to be home maintenance areas".

Subsection four: The following is added at the See. 118
 end of the subsection :—"Provided that any
 such conditions may upon application as
 prescribed and for sufficient cause be modified
 by the local land board."

Section

George V,
No. 27.
Sect. 118A.

New s. 118A.
Provision for
additional
homestead
farms.

Section 118A and short heading are repealed and the following section and short heading are inserted in lieu thereof :—

Additional homestead farms.

118A. (1) Where a classified area is set apart so as to be available for additional homestead farms, the Minister may by notification in the Gazette attach any conditions to additional homestead farms within such area ; and additional homestead farms within such area shall in all respects be subject to the terms of the notification or notifications in pursuance of which such area has been made available.

(2) Any person who is the holder of or applicant for an original homestead farm and who is not subject to any disqualification in that behalf specified in Part VII of this Act may apply in the prescribed manner for an additional homestead farm within a classified area which has been made available as aforesaid, and every such application shall be subject to the provisions of section one hundred and fourteen hereof.

Two or more such persons may apply for an additional homestead farm subject to the provisions of section 155A hereof.

(3) Where an additional homestead farm is held by two or more persons, any residence condition may be fulfilled by one of such persons.

(4) The grant for an additional homestead farm may, upon application by the holder thereof, be issued at any time after the issue of the grant for the original homestead farm, notwithstanding that five years may not have elapsed after the confirmation of the application for the additional homestead farm : Provided that the local land board shall have previously issued its certificate as to the payment of survey fee and value of improvements (if any), and the performance of any special conditions attaching to the additional homestead farm.

(5)

(5) The term of five years' residence ^{George V,}
 shall be reduced by the period of residence ^{No. 27.}
 performed on the original homestead farm. ^{New s. 115A.}

(6) When the capital value of the original homestead farm is determined by the local land board, the capital value of the additional homestead farm shall also be determined at the same time.

(7) Subject to the qualifications contained in this section, the general provisions and conditions of this Act relating to original homestead farms shall, save as otherwise in this Act provided, apply to additional homestead farms.

Section one hundred and twenty, subsection one : ^{See. 124(1).}
 Omit "twelve months" and insert "five years".

The following words are inserted at the end of the subsection :—"Provided that the holder of a homestead farm which was confirmed prior to the commencement of the Crown Lands (Amendment) Act, 1917, the capital value of which has not been determined, may, upon application being made in the prescribed manner within twelve months of such commencement, have the capital value of his homestead farm determined in accordance with the provisions of this section, subject to payment of costs as assessed by the local land board."

Section one hundred and twenty-one: The words ^{See. 124.}
 "in perpetuity" are omitted and the words
 "for a term of five years" are inserted in lieu
 thereof.

Section one hundred and twenty-three, subsection ^{See. 123(2).}
 two : Omit "so far".

Section one hundred and twenty-six: The words ^{See. 126.}
 "in perpetuity" are omitted and the words
 "for a term of five years" are inserted in lieu
 thereof.

Omit "Provided that where the suburban holding is", and omit paragraphs (a), (b), and (c); omit "Minister" insert "local land board"; omit "him" insert "it".

Section

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Sec. 127.

Section one hundred and twenty-seven: Omit "twelve months" and insert "five years" in lieu thereof; omit "1916" and insert "1917"; omit "six months" and insert "twelve months."

Sec. 128 (2).

Section one hundred and twenty-eight, subsection two: Omit "so far".

Sec. 129 (2).

Section one hundred and twenty-nine, subsection two: After the words "suburban holding" the words "except as an additional suburban holding" are inserted.

Sec. 129 (3).

Subsection three: After the words "other holding" the words "except as an additional suburban holding" are inserted.

After the words "suburban holding" where secondly and thirdly occurring, the words "and any additional suburban holding held in virtue thereof" are inserted.

Sec. 130A.

Section 130A and short heading are repealed and the following section and short heading are inserted in lieu thereof:—

Additional Crown-leases.

New s. 130A.
Provision for
additional
Crown-leases.

130A. (1) Where a classified area is set apart so as to be available for additional Crown-leases, the Minister may by notification in the Gazette attach any conditions to additional Crown-leases within such area; and additional Crown-leases within such area shall in all respects be subject to the terms of the notification or notifications in pursuance of which such area has been made available.

(2) Any person who is the holder of or applicant for an original Crown-lease and who is not subject to any disqualification in that behalf specified in Part VII of this Act may apply in the prescribed manner for an additional Crown-lease within a classified area which has been made available as aforesaid, and every such application shall be subject to the provisions of section one hundred and fourteen hereof.

Two or more such persons may apply for an additional Crown-lease, subject to the provisions of section 155A hereof.

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No. 27.
New s. 130A.

(3) Where an additional Crown-lease is held by two or more persons any residence condition may be fulfilled by one of such persons.

(4) The term of an additional Crown-lease shall cease upon the termination of the original Crown-lease in virtue of which it was applied for or is held.

(5) The term of five years' residence shall be reduced by the period of residence performed on the original Crown-lease.

(6) When the capital value of the original Crown-lease is determined by the local land board, the capital value of the additional Crown-lease shall also be determined at the same time.

(7) Subject to the foregoing qualifications, the general provisions and conditions of this Act relating to original Crown-leases shall—save as otherwise in this Act provided—apply to additional Crown-leases.

Section one hundred and thirty-two, subsection one : Sec. 132 (1).
Omit “twelve months” and insert “five years”.

The following words are inserted at the end of the subsection :—“Provided that the holder of any Crown-lease which was confirmed prior to the commencement of the Crown Lands (Amendment) Act, 1917, the capital value of which has not been determined, may upon application being made in the prescribed manner within twelve months of such commencement have the capital value of his Crown-lease determined in accordance with the provisions of this section, subject to payment of costs as assessed by the local land board.”

Section one hundred and thirty-three : The words Sec. 133.
“during the whole term of the lease” are omitted. The words “for a term of five years” are inserted next after the word “thereto.”

Section

George V,**No. 27.**

Sec. 134.

Sec. 136.

New s. 136H.
Purchase of
week-end
leases.

Sec. 149.

Sec. 155A.

Section one hundred and thirty-four: The words "first year of the term" in the proviso are omitted and the words "next year after confirmation" are inserted in lieu thereof.

Section one hundred and thirty-six: Omit "a homestead farm" insert "any other tenure".

The following new section and short heading are inserted next after section 136G of the Principal Act:—

Purchase of week-end leases.

136H. The holder may apply to purchase the land comprised in a week-end lease, and the Minister may grant or refuse any such application at his discretion. The price of the land shall be the capital value as at the date of the application to purchase, and shall be determined by the local land board, which determination shall be irrespective of the value of any improvements effected by the holder or paid for by him. The purchase money, together with deed fee and stamp duty, shall be paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid, the application to purchase may be declared to have lapsed, and all moneys paid in connection therewith shall thereupon become forfeited.

Section one hundred and forty-nine: After "local land board" in the second paragraph the words "or Minister" are inserted; after the word "furnished" in the second paragraph the following words are inserted:—"and such provision shall apply to any consent declaration or other document required to be lodged with any application for conversion of a holding, appraisement of capital or rental value or subdivision of any holding where such consent declaration or document is required."

Section 155A: After "additional conditional purchase lease" insert "an additional homestead farm, an additional Crown-lease"; at the end of

of the section the words "but any residence condition attaching thereto may be fulfilled by one of such persons" are inserted.

Section 161A : After the word "effected" in parenthesis the words "on a homestead farm" are inserted; after the word "void" the words "if the Minister so declares, and the land shall thereupon be again available for application for any class of holding for which it was set apart unless otherwise notified" are inserted.

Section one hundred and sixty-two : At the end of the section the following words are inserted:—

"Notwithstanding anything to the contrary in this Act any enhanced value in any Crown land arising from or created by improvements and due to the inherent capabilities of the soil shall be the property of the Crown; and in the setting apart of any such land under any form of purchase, homestead selection, or lease shall be included in the notified capital value of the land and in any subsequent appraisement of such capital value: Provided that the foregoing shall not apply to any enhanced value created by or arising from any improvements effected by the holder of any such purchase, homestead selection, or lease."

Section one hundred and sixty-seven, subsection one : Omit "twelve months" and insert "five years" in lieu thereof.

Subsection two : After "deposit" insert "and instalments"

Subsection (5) (a) : Omit "1916", insert "1917"; omit "six" wherever occurring, insert "twelve"; omit "are", insert "were"; omit "said Act", insert "Crown Lands Amendment Act, 1916".

Section one hundred and seventy-four : After sub-section five insert:—

(6) Original and additional homestead farms shall be deemed to be one holding.

(7) Original and additional Crown-leases shall be deemed to be one holding.

Section

George V,
No. 27.
Sec. 175.

Section one hundred and seventy-five : After the words "Where two or more holdings" the words "of any tenure under the Crown Lands Acts" are inserted ; the words "are of any of the following kinds—holdings within a classified area (except a special conditional purchase lease)—or a conditional purchase conditional lease, or additional conditional purchase lease not within a classified area—and such holdings" are omitted.

Sec. 176.

Section one hundred and seventy-six : After "same interest" the words "after as well as prior to the conversion of such holdings into other tenures" are inserted.

The following new section and short heading are inserted next after section one hundred and seventy-six :—

Residence by devisees.

New s. 176A.
Residence by
devisees.

176A. Where a holding which is subject to residence devolves upon two or more persons under the will or on the intestacy of a deceased holder, any residence required may be performed by such persons either jointly or by one or other of them, but notice as to how the residence is to be performed shall be given as prescribed.

The following new section and short heading are inserted after section one hundred and seventy-seven :—

Reduction of term of residence to five years.

New s. 177A.
Reduction of
term of
residence.

177A. Not more than five years' residence shall attach or shall be deemed to have attached to any conditional purchase, conditional lease, conditional purchase lease, or conditional purchase, being a conversion of a conditional purchase lease, settlement lease, homestead farm, Crown-lease, suburban holding, or to any homestead selection before or after the issue of the grant, whether such holding was applied for

for before or after the commencement of the **George V.**
Crown Lands (Amendment) Act, 1917; and **No. 27.**
any provision in a homestead grant requiring **New s. 177A.**
the performance by the grantee, his heirs and
assigns for ever of an obligation to live on the
homestead selection having his home and place
of abode there shall cease to have effect upon
the issue by the local land board of a certificate
that five years' residence subject to any remis-
sion has been performed.

Section one hundred and seventy-eight : The **Sec. 178.**
following is inserted after subsection three :—

(4) The Minister may dispense with the
condition of residence in respect of any holding
where the area is not of a greater unimproved
value than three hundred pounds, and in lieu
of such residence shall require improvements
of a permanent, fixed, and substantial character
to have been or to be effected within such
time and of such value as he may specify.

Section one hundred and eighty-two : After the **Sec. 182.**
words "Crown-lease" the words "or conditional
purchase lease" are inserted.

Section one hundred and eighty-three and short **Sec. 183.**
heading are amended as follows :—

The words "or homestead farms" are added to
the short heading.

Subsection one : After the word "grant", where **Sec. 183 (1).**
first occurring, the words "or of any homestead
farm—other than a homestead farm which is
a conversion of a settlement purchase—" are
inserted.

After paragraph "(c)" the following is
inserted :—"Subject, however, to the conditions
following :—

(d) Where, in the opinion of the local land
board, the land comprised in such home-
stead selection or grant or homestead
farm, together with all other lands
held by the applicant for conversion
which

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 Sec. 183 (1).

which under the provisions of this Act are to be taken into account, would not—when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which they are reasonably fitted—exceed a home maintenance area, the conversion shall be into a conditional purchase lease, or into a conditional purchase, or into a conditional purchase and a conditional lease.

- (e) Where, in the opinion of the local land board, the land comprised in the homestead selection or grant or homestead farm together with all such other lands as aforesaid, would, when improved as aforesaid, exceed a home-maintenance area, the conversion shall be—
 - (i) as to so much of the land comprised in the homestead selection or grant or homestead farm as the local land board determines would not, together with all such other lands held as aforesaid, exceed when improved as aforesaid a home-maintenance area, or as to not less than one-fourth of such area, into a conditional purchase—and
 - (ii) as to the remainder of the land into a conditional lease:

Provided that upon confirmation of the conversion the local land board shall define the area of the conditional lease which shall be convertible into an additional conditional purchase, and that the right of conversion is hereby limited to such area."

Before the words "any balance" the words "The cost of any necessary survey or subdivision and" are inserted.

After

After the word "forfeited" the following is **George V.**
inserted :—**No. 27.**
"Provided that at the request of the applicant survey may be deferred pending the Sec. 183 (1). conversion into an additional conditional purchase of land comprised in any conditional lease granted in pursuance of a conversion under this section."

After the words "homestead grant" the words "or of a homestead farm in respect of which the perpetual lease grant has been issued" are inserted.

After the word "grant" where else occurring in the proviso the words "or homestead farm" are inserted.

The following is added to the second proviso :
"Provided, however, that a homestead farm which has been granted as an additional area may be included in one application with the homestead farm in virtue of which it was granted."

Subsection three, paragraphs (a), (b), and (c): Sec. 183 (3).

After the word "grant" the words "or homestead farm" are inserted. Paragraph (c):
After "reduced" insert "and shall be deemed to have been reduced"; after "by the applicant" insert "or his predecessors in title"; omit "up to and immediately before the date of such confirmation" and in lieu thereof insert "whether the application for conversion was made before or after the commencement of the Crown Lands (Amendment) Act, 1917."

After the word "relaxation" the words "or remission" are inserted.

Paragraph (d): The words "he shall be entitled to have a Crown grant issued to him" are omitted and the following words are inserted :—"a Crown grant shall be issued as prescribed."

After

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Sec. 183 (3).

After paragraph (d) the following new paragraphs are inserted :—

- (e) If the applicant is dissatisfied with the determination of the local land board as to the area which may be converted into a conditional purchase or additional conditional purchase, or as to the capital value thereof, he may within three months after such determination withdraw his application for conversion, upon payment of costs as assessed by the local land board.
- (f) The design of the area to be converted shall be in accordance with the provisions of section forty-six of this Act.

After subsection five the following new subsection is inserted :—

New subsec.
(5A).

(5A) Upon conversion of a homestead farm into a conditional purchase lease or into a conditional purchase with or without a conditional lease, the capital value of the conditional purchase lease for the first fifteen-year period thereof, or the price of the conditional purchase, or the price at which land comprised in the conditional lease shall be convertible into an additional conditional purchase, shall be the capital value upon which the rent of the homestead farm was payable at the date of the application for such conversion.

Sec. 183 (7).

Subsection seven : Add the following at the end of the subsection :—“ and the expression ‘ homestead farm ’ means and includes an original homestead farm and any additional homestead farm held in virtue thereof whether the perpetual lease grant has or has not issued ”

Sec. 184.

Section one hundred and eighty-four and the short heading are amended as follows :—

The words “ or Crown-leases ” are added to the short heading.

Sec. 184 (1).

Subsection one : After the words “ settlement lease ” where first occurring the words “ or Crown-lease ” are inserted.

Subsection

Subsection one, paragraphs (a), (b), (b i), (b ii), **George V,** (e): The words "or Crown-lease" are inserted **No. 27.** after the words "settlement lease" wherever Sec. 184 (1). occurring.

Subsection one, paragraph (c) is omitted. Sec. 184 (1).

Subsection one, paragraph (f): After the words "settlement lease" where first occurring the words "or Crown-lease" are inserted.

Subsection two: At the end of the subsection Sec. 184 (2). the following is inserted:—"and the expression "Crown-lease" means and includes an original Crown-lease and any additional Crown-lease held in virtue thereof"

Section one hundred and eighty-five is amended as Sec. 185. follows:—

After the words "settlement lease" where occurring in the first paragraph, the words "or Crown-lease" are inserted.

Subsection one: Omit the words "on the date at Sec. 185 (1). which the settlement lease would have expired" and insert "at the expiration of forty years from the date of the commencement of the settlement lease or Crown-lease".

After the words "settlement lease" wherever else occurring in the section the words "or Crown-lease" are inserted.

At the end of subsection four the following is Sec. 185 (4). inserted:—"Provided, however, that a Crown-lease which has been granted as an additional area may be included in one application with the Crown-lease in virtue of which it was granted."

Section one hundred and eighty-six, subsection one: Sec. 186 (1).

At the end of paragraph (b) the following is inserted:—"Upon application being made and upon payment of costs incurred by the Crown the holder may, before applying for conversion, have such capital value determined."

After the word "conversion" in the first proviso insert "or determination of capital value."

The second proviso is omitted. The

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Sec. 186.
New subsec.
(1A).

Sec. 187.

Sec. 188.

The following new subsection is inserted after subsection one :—

(1A) Upon conversion of a Crown-lease into a conditional purchase or into a conditional purchase and a conditional lease the price of the conditional purchase and the price at which land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value upon which the rent of the Crown-lease was payable at the date of the application for such conversion.

In respect of any Crown-lease applied for prior to the commencement of the Crown Lands (Amendment) Act, 1917, such capital value shall include the value of the timber on the land.

Section one hundred and eighty-seven : Omit “ten” insert “five” in lieu thereof; after the words “settlement lease” the words “or Crown-lease” are inserted; after “reduced” insert “and shall be deemed to have been reduced”; after “by the applicant” insert “or his predecessors in title” omit “up to and immediately before the date of the confirmation of the conversion”, and in lieu thereof insert “whether the application for conversion was made before or after the commencement of the Crown Lands (Amendment) Act, 1917”; the words “such date” are omitted and the words “the date of the confirmation of such conversion” are inserted in lieu thereof.

Section one hundred and eighty-eight : After the words “settlement lease” the words “or Crown-lease” are inserted.

The following is added at the end of the section :—“A conversion into a conditional purchase shall not be allowed of land within a reserve for mining or mining purposes except with the approval of the Secretary for Mines, or of land within a State forest or timber reserve except with the approval of the Forestry Commission.”

The

The following new section and short heading are **George V.** inserted next after section one hundred and **No. 27.** eighty-eight of the Principal Act :—

Disposal of small areas.

188A. Where on conversion of any holding New s. 188A. into a conditional purchase or conditional Disposal of
purchase and conditional lease under the pro-
visions of section one hundred and eighty-three
or section one hundred and eighty-four of this
Act, small areas may have been or may be
determined to be non-convertible by reason of
excess of value or home maintenance area, and
the local land board reports that in its opinion
the land in question should not be otherwise
disposed of, the Minister may at his discretion
(notwithstanding any provision to the con-
trary in the sections mentioned) add such
areas to such conditional purchase or to the
convertible part of such conditional lease at
such price or capital value or rent as may be
determined by the local land board, and on
such conditions as to the Minister may seem fit.

The following new section and short heading are inserted next after section 188A of the Principal Act :—

Conversion of certain additional holdings.

188B. Where a homestead farm or Crown- New s. 188B. lease has been granted as an additional area Conversion of
certain
additional
holdings. to any homestead selection or lease and has been continuously held in conjunction therewith such area may, on the recommendation of the local land board, be deemed to be of the same class of tenure as the holding by virtue of which it was granted and may be included therewith in one application for conversion under section one hundred and eighty-three or section one hundred and eighty-four of this Act.

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In like manner, where such a homestead farm or Crown-lease has been granted as an additional area to a conditional purchase and is converted under one of the aforesaid sections, any holding into which such homestead farm or Crown-lease may be converted shall in all respects be deemed to be an additional to the conditional purchase in virtue of which the area was originally granted.

Sec. 189.

Section one hundred and eighty-nine, subsection one: Omit "ten" insert "five" in lieu thereof; the words "(not exceeding five years)" are omitted; the words "or his predecessors in title" are inserted after "holder"

Sec. 190 (7)
(a).

Section one hundred and ninety, subsection seven, paragraph (a): After "reduced" insert "and shall be deemed to have been reduced"; omit "immediately before such approval"; after "by the applicant" insert "or his predecessors in title"; after "conditional lease" and before "and that" insert "whether the application for conversion was made before or after the commencement of the Crown Lands (Amendment) Act, 1917: Provided that upon conversion of a special lease granted over an expired conditional lease, the holder of which had failed to apply for extension of the term—

- (a) such conversion shall be at the same price at which the conditional lease before expiry could have been converted into additional conditional purchase;
- (b) the holding shall be exempt from any condition of residence and from the provisions of paragraph (b) of subsection two of this section.

This proviso shall apply only to the original lessee of the special lease or the person entitled to a transfer of such lease, and only in respect of land which was formerly held under the conditional lease—"

Section

Section one hundred and ninety-three, subsection one: After the words "homestead lease" (second occurring) the words "or lease under the Prickly Pear Destruction Act, 1901" are inserted; after the words "such portion" the words "in the case of a pastoral or homestead lease in the Western Division" are inserted; after the words "in area" the words "and in any other case under the section a home maintenance area" are inserted; after "homestead selection" insert "(whether such home maintenance area exceeds or does not exceed one thousand two hundred and eighty acres)"; in paragraph (a) after "per acre" insert "but improvements shall not in any case be required to be of a greater value than six hundred and forty pounds"; add at end of the paragraph "In determining what is a home-maintenance area for the purposes of this section, the local land board shall consider the land which is the subject of such application and all other lands held by the applicant which under this Act are to be taken into account when improved by necessary ringbarking scrubbing suckering clearing and provision for water supply and when used for the purpose for which they are reasonably fitted"; in paragraph (b) omit "before the grant is issued" insert "as and when prescribed"; in paragraph (d) omit "The Governor may thereafter grant to the applicant the land for which the application has been confirmed as a homestead selection", omit "of which"; in paragraph (e) omit "the issuing of the grant" insert "confirmation", omit "granted"; at the end of paragraph add "The rent of the homestead selection shall be two and one-half per centum of the capital value so determined, and shall be payable from the date of confirmation." The

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Sec. 193 (1).

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Sec. 193 (1).

The following paragraph is added to the subsection :—

(f) The term of residence shall commence on the date of the confirmation of the homestead selection, but shall be reduced by the period during which continuous residence has been performed on the land by the applicant or his predecessors in title.

Sec. 193 (2).

Subsection two: After “homestead grant”, where first occurring, insert “and the Governor may issue the same.”

Sec. 194.

Section one hundred and ninety-four, first paragraph: Omit “or settlement purchase under the Closer Settlement Acts (other than a settlement purchase acquired under the Closer Settlement Promotion Act, 1910) ”.

Sec. 194 (4).

Subsection four: Omit “or settlement purchase” wherever occurring.

Sec. 194 (6).

Subsection six: Omit paragraph (c).

Sec. 194 (7).

Subsection seven: Omit “under this section”.

Sec. 194 (8).

Subsection eight: Insert at the end of the subsection “and any special condition which attached to a settlement purchase converted into a homestead farm before the commencement of the Crown Lands (Amendment) Act, 1917, shall be deemed to have attached and shall attach to the homestead farm.”

The following new section and short heading are inserted next after section one hundred and ninety-four :—

Conversion of homestead farms into settlement purchases.

New s. 194A.
Conversion
of homestead
farms into
settlement
purchases.

194A. Where before the commencement of the Crown Lands (Amendment) Act, 1917, a settlement purchase has been converted into a homestead farm, the holder may in the prescribed form and manner apply to reconvert such

such homestead farm into a settlement purchase **George V,**
under the Closer Settlement Acts subject to **No. 27.**
the following conditions :— New s. 194A.

- (a) The conversion shall be subject to the approval of the Minister.
- (b) If the holding is subject to a mortgage or charge, the unconditional concurrence of the person having such mortgage or charge shall appear on the application for conversion.
- (c) The price of the settlement purchase shall be taken to be the capital value of the homestead farm.
- (d) Interest shall be calculated at the rate of four per centum per annum on the price of the settlement purchase as from the date of approval of the conversion into homestead farm, and shall be paid within one month of demand being made for same. Any moneys paid as rent on the homestead farm shall be applied on account of such interest.
- (e) Any indebtedness due in consequence of the postponement of any instalment of purchase money on the settlement purchase before conversion into a homestead farm shall be treated as a like indebtedness in respect of the settlement purchase.
- (f) Upon approval of conversion the settlement purchase shall be held subject to the provisions of the Closer Settlement Acts as if no conversion into homestead farm had taken place.
- (g) The term of residence attaching to the settlement purchase shall be reduced by the period of residence performed on the land whether held as homestead farm or settlement purchase.

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Sec. 197.

Section one hundred and ninety-seven: The following paragraph is inserted after the first paragraph:—

“Any surveyor or other person duly authorized in that behalf may for all purposes of this section enter upon any lands proposed to be resumed thereunder, and do all things necessary thereon without obstruction or resistance, but notice shall be given as prescribed.”

In the third paragraph the words “public purpose and the owner thereof will not agree to convey the land at a price determined or to be determined by the local land board” are omitted and the words “of the above purposes” inserted in lieu thereof.

The following paragraph is inserted after the fourth paragraph:—

“Every person claiming payment for land acquired in pursuance of this section shall, within sixty days of the date of determination or decision as to price, lodge with the Minister a notice in the prescribed form setting forth the nature of his estate or interest in such land and an abstract of his title.”

Sec. 202 (1).

Section two hundred and two, subsection one: After the expression “Crown Lands Acts” the words “or of a freehold” are inserted.

Sec. 202 (1).

Subsection one: At end of first paragraph insert “A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate.”

Sec. 202 (5).

Subsection five: After “determine” and before the proviso insert “If such complaint be made by the council of a municipality or shire a deposit will not require to be made by such council in respect of costs, nor shall costs be awarded against such council on the hearing of such complaint”.

Subsection

Subsection six: The words "upon a reference made for that purpose by the Minister" are omitted, and the following words are inserted:— Sec. 202 (6).

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"upon the matter being brought before it on a report by the district surveyor, or in the case of lands within an irrigation area, by the Water Conservation and Irrigation Commission. A determination by a local land board shall constitute a permit under this section and a local land board shall have power to direct that gates or suitable substitutes shall be erected as provided in subsection one of this section"; the words "or watercourse" are inserted after the word "road" wherever occurring in the subsection.

Section two hundred and six, subsection four: Sec. 206 (4).

After the words "auction purchase" the words "or of a purchase of a suburban holding" are inserted.

Section two hundred and eighteen and short heading Sec. 218.
are repealed.

Section two hundred and twenty-two, subsection Sec. 222 (2).

two: After the word "surrender", where first occurring, the words "wholly or in part" are inserted.

Subsection three: After the words "conditional Sec. 222 (3).
lease" insert the words "or part thereof", omit "Governor", insert "Minister".

Section two hundred and thirty-one, subsection one: Sec. 231 (1).
The word "Governor" is omitted and the word "Minister" inserted in lieu thereof.

At the end of the subsection the words "or part thereof" are inserted.

Subsection two: Omit "within an irrigation Sec. 231 (2).
area" from the proviso.

Section 231A: The words "—in any case where he Sec. 231A.
is satisfied that the lessee is compelled by sickness of himself or family or other adverse circumstances to leave his holding—" are omitted.

Section

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See. 238 (e).

See. 238 (d).

See. 248.

New s. 252A.
Penalty for
inducing
withdrawal of
application.

Section two hundred and thirty-eight, subsection (c) : The words “(other than a special lease, or an agricultural or pastoral lease granted under the Church and School Lands Dedication Act, 1880)” are omitted.

Subsection (d) : The following paragraph is inserted after paragraph (iv) :—

(v) She may, with the consent of the Minister, obtain an extension of the term of a special lease legally held by her.

At end of section add—“Provided nevertheless the Minister shall have discretion to grant his consent where a holding devolves upon a married woman under the will of one of her parents or on an intestacy.

“Nothing in this section shall prevent a married woman from acquiring or holding, as mortgagee only, any purchase, homestead selection, lease, or license.”

Section two hundred and forty-eight : The words “and a justice of the peace for the State of New South Wales” are added at the end of the first paragraph.

The following new section and short heading are inserted next after section two hundred and fifty-two :—

Penalty for inducing withdrawal of application.

252A. (1) Any person who accepts or obtains or who agrees or offers to accept, and any person who aids, abets, or counsels any person to accept or obtain, any gift or consideration as an inducement to withdraw any application under any Act relating to Crown lands shall be liable to a penalty not exceeding one hundred pounds, and to be imprisoned with or without hard labour for any term not exceeding six months.

(2) Any person convicted of an offence against the preceding subsection who applies for any holding under the abovementioned Acts within

within one year from the date of such conviction shall be liable to a penalty not exceeding fifty pounds.

Section two hundred and fifty-four : The following is inserted after paragraph (e) :—

(f) fencing in of a road and non-payment of the rent fixed for same without proof of actual use of the land being necessary; or

Section two hundred and sixty, subsection two : Omit "first"; omit "so far".

Subsection three : Omit "first".

Section two hundred and sixty-two : At the commencement of the section insert "Except where otherwise provided in this Act"; omit "the issue of the grant" and insert "five years of the condition of residence have been performed".

Section two hundred and sixty-five ; The words "mortgage or charge the same with the repayment of moneys advanced on the security thereof" are omitted.

Section two hundred and sixty-seven : After "homestead selection" insert "homestead farm, Crown-lease"; after "homestead selections" insert "homestead farms, Crown-leases".

Section two hundred and seventy-two, subsection one : The following is inserted after the words "settlement leases" in paragraph (h):— "homestead farms, Crown-leases"; after paragraph (h) insert "—or

"(i) homestead selections or homestead grants obtained or granted under section one hundred and ninety-three of this Act."

After the word "mortgage" insert the words "or discharge of mortgage".

Subsection two : Omit the word "mortgage"; and after the words "or otherwise" insert the words "except by way of mortgage or discharge of mortgage".

H **Subsection**

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Sec. 272 (3).

Subsection three : After the words "A foreclosure or transfer in contravention of this section shall be void" add "and any agreement or contract for the sale of any holding made without the permission of the Minister shall render such holding liable to forfeiture if such agreement or contract be not submitted for the approval of the Minister within three months from date of execution thereof"; after the words "this section" (second occurring) insert the words "or by way of discharge of mortgage".

Sec. 273 (3).

Section two hundred and seventy-three, subsection three : Omit "rent" insert "capital value".

Sec. 274 (1).

Section two hundred and seventy-four, subsection one : After the word "mortgage" the words "or release of mortgage" are inserted.

Sec. 274 (2).

Subsection two : At the end of the subsection the words "Provided that this subsection shall not apply to a transfer by way of mortgage or release of mortgage of a homestead farm or Crown-lease" are inserted.
