

Act No. 15, 1903.

CROWN LANDS ACT
AMENDMENT.

— An Act to amend the Crown Lands Acts so as to provide for granting increased areas to present holders; permitting a present holder to sell to another; for the reduction of interest on unpaid balances and the issue of certificates in certain cases; to alter the present conditions of residence on, and selling, exchanging, and leasing lands; to alter the present system of balloting; to defer payments and provide for family holdings and the right of parents to assist their children; to provide for the conversion and extension of settlement leases and annual leases; and for other purposes. [5th December, 1903.]

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
application.

1. This Act may be cited as the "Crown Lands Act Amendment Act, 1903," and shall be read and construed with the Principal Acts, and shall apply only to the Eastern and Central Divisions.

2.

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2. "Principal Acts" means the Crown Lands Act of 1884, the Interpretation. Crown Lands Act, 1889, and the Crown Lands Act, 1895, together with the Acts amending the same.

Additional conditional purchases, homestead selections, or settlement or conditional leases.

3. The holder of— Additional holdings.
 any homestead selection; or
 any settlement lease; or
 any original conditional purchase, other than the holder of a non-residential conditional purchase;
 may make application as prescribed, and accompanied by such provisional deposit as may be prescribed, for additional land, to be held by him as an additional holding under the same class of tenure (except that the holder of an original or additional conditional purchase may apply for a conditional lease, subject to the limitation of section twenty-six of the Crown Lands Act of 1889), as that under which he holds the land by virtue of which he applies—

- (a) Subject to the provisions of section four of this Act, land shall be available for the purpose of any such application which is available for homestead selection or settlement lease, or conditional purchase or conditional lease, whether specifically set apart for the class of holding applied for or not.
- (b) Not more than one application shall be made by virtue of the same conditional purchase selection or lease, unless and until any previous application or all previous applications under this section have been disposed of, unless the total area applied for (when taken with the area of all conditional purchases or conditional leases of the series) does not exceed the maximum area prescribed by the Principal Acts.
- (c) The mere fact that the land applied for does not adjoin the original conditional purchase or any purchase or lease of the series, or the original homestead selection or settlement lease, shall not be a bar to the additional purchase, homestead selection or lease applied for.

All available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, shall first be exhausted, and the lands applied for or allotted shall be, in the opinion of the board, within a reasonable working distance of the land by virtue of which the application is made :

Provided that the board may confirm any application made under the provisions of this section, although all the available land adjoining the original or prior additional purchases

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purchases or leases of the series, or the original homestead selection or settlement lease, has not been exhausted, if, in the opinion of such board the facts of the case warrant it.

The board may disallow any application if of opinion that the applicant is seeking to take an unfair advantage of the provisions of this section.

- (d) The board shall inquire into the merits of every application under this section, and may disallow such application or confirm it for such an area and in such a position (whether different from that applied for or not) as such board may, with the consent of the applicant, determine, notwithstanding that the area confirmed may, by itself or with the area of the original conditional purchase, homestead selection, or settlement lease, or conditional purchases or leases of the series, exceed the maximum area prescribed by the Principal Acts.

The board shall not confirm any application under the provisions of this section for any area which, shall together with all other lands held by the applicant under whatever tenure (other than annual tenure), exceed such an area as, in the opinion of the board, is sufficient for the maintenance of his home thereon in average seasons and circumstances.

Where two or more persons simultaneously apply for the same land the board may confirm the application of each or either applicant as to part of the land applied for, and shall, as far as practicable, give preference to the applicant whose land adjoins, or is nearest to, the land applied for, but shall not be compelled to give such preference if of opinion that such applicant is less in need of additional land than an applicant whose land does not adjoin, or is not nearest to, the land applied for.

- (e) Except as hereinafter provided, an application under this section shall not, unless and until confirmed, give the applicant any right to use or occupy the land applied for, nor affect any lease or license under which the land may be held, but every such application shall give the applicant, pending the disposal of his application, a preferent claim to the land over any applicant for any original holding who may simultaneously or subsequently apply for the same land under any provisions of the Principal Acts or section eighteen of this Act. The title to the land included in the simultaneous or subsequent application for the original holding, and the effect of such application, shall in the meantime be suspended.

Upon the confirmation of an application (the effect of which has not been to immediately withdraw the land applied for

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for from any annual lease or occupation license), the land allotted by the board shall be deemed to be withdrawn from any annual lease or occupation license under which it may be held, and the title to the additional purchase selection or to the lease shall thereupon commence.

In the case of an additional conditional purchase or a conditional lease, the area of which (when taken with the area of the purchases and leases of the series) does not exceed the maximum area prescribed by the Principal Acts, the title to the land shall commence from the date of application, if valid, and the application shall withdraw such of the lands therein described as may be available for the purpose from any annual lease or occupation license under which they may be held.

In the case of an additional settlement lease or a conditional lease the rent of the land, if it has not been determined and notified prior to the date of application, shall, for the first period of the lease, be determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

In the case of a conditional purchase the price or, in the case of a homestead selection, the capital value of the land shall, if not notified prior to the date of application, be determined in accordance with that section. The deposit payable on any such conditional purchase shall be ten per centum, and the annual instalments shall be five per centum, of the value of the land as so determined, and every instalment except the first shall be deemed to include interest at the rate of two and one half per centum per annum on the balance of the purchase money. The provisional deposit shall be applied in payment of the deposit of ten per centum, and any excess shall be returned to the applicant; and if the provisional deposit is less than the deposit of ten per centum, the applicant shall pay the amount required to complete the deposit within one month after the value of the land applied for has been determined.

- (f) The general provisions and conditions of the Principal Acts shall apply to every purchase selection or lease under this section; except that the condition of residence attached to the original and additional holdings may be fulfilled on one of such holdings. The board may attach any of the prescribed conditions to any additional homestead selection or settlement lease: Provided that no application under this section shall be entertained from the transferee of an original conditional purchase unless such applicant be in residence on his holding for six months immediately prior to his application, unless the

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the local land board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control.

- (g) Original and additional homestead selections or settlement leases shall be deemed to be one holding, and shall not be transferred apart or held separately.
- (h) The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the provisional deposit money as may after due inquiry seem justifiable.
- (i) The provisions of this section shall not apply to an additional conditional purchase if made out of a conditional lease held before the passing of this Act, but save as aforesaid shall extend to and govern all additional conditional purchases or conditional leases applied for after the passing of this Act.
- (j) Sections twelve and seventeen of the Crown Lands (Amendment) Act, 1899, are hereby repealed.

Lands set apart for additional conditional purchase, &c.

Reservation for original or additional holdings.

4. Notwithstanding anything to the contrary in the Principal Acts, the Minister may, by notification in the Gazette, set apart areas (to become available on and after such dates as may be specified) for additional conditional purchases or conditional leases, or additional homestead selections or additional settlement leases (whether for one or more of such additional holdings), at such rents, capital values, or prices whether above, below, or at one pound per acre, as may be specified in the notification aforesaid, and may in a similar manner set apart areas for any original holdings to the exclusion of any or all of the additional holdings herein mentioned.

The Minister may amend or revoke, wholly or in part, any notification under this section by notification in the Gazette.

Settlement leases.

Settlement leases.

5. Any settlement lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent of the first period shall (subject to the provisions of section three of this Act as far as regards additional leases) be notified by the Minister before the land is made available for lease, and the lessee may, if dissatisfied with the amount so notified, within three months require the said rent to be determined under section six of the Crown Lands Act of 1889, and the annual rent for each succeeding period may, on the application of the lessee, or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

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The holder of any settlement lease applied for before the passing of this Act shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Where any settlement lease applied for before the commencement of this Act, and not brought under the provisions of this section, is transferred or comes, other than by way of bona fide mortgage, into the possession of any person other than the owner thereof at the commencement of this Act, the rent payable for the unexpired term of the lease shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, provided that the provision of this section shall not apply to a lease which may come into the possession of any person through the death or lunacy of the holder thereof.

So much of the Principal Acts as prescribe that the annual rent of a settlement lease shall be one and one quarter per centum of the capital value of the land is hereby repealed so far as regards settlement leases which come under the provisions of this section.

Conditional leases.

6. Any conditional lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent for each period may, on the application of the lessee or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889. Conditional leases.

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application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Rent of homestead selections.

Rent payable on homestead selections.

7. The holder of any homestead selection applied for before or after the commencement of this Act, where the grant of such homestead selection has not issued, shall from and after the expiration of the first six years of such selection pay an annual rent of two and a half per centum of the capital value of the selection.

Transfers of conditional purchases.

Transfers of conditional purchases.

8. Notwithstanding anything contained in section twenty-nine of the Act of 1895, if any conditional purchaser shall die or be declared a lunatic or become an insane patient before the issue of the first certificate on his conditional purchase, such conditional purchase may be transferred to his representatives or their assigns, but may not be again transferred except in similar circumstances until after such certificate has been issued. And upon any sale, transfer, or disposition of the estate or interest of any conditional purchaser, as provided in section one hundred and twenty-five of the Crown Lands Act of 1884, such conditional purchase may be transferred to the purchaser in like manner before the issue of the first certificate on the conditional purchase, but may not be again transferred, except in similar circumstances, until after such certificate has been issued.

Reappraisal of rent of improvement leases.

9. Notwithstanding anything hereinbefore contained, the Minister may, upon application being made to him in the prescribed form, grant a reappraisal of rent of any improvement lease to any Crown tenant who shall lodge such application, together with a deposit of ten pounds to cover the expenses of inquiry and report by the local land board upon such application. But no such reappraisal shall reduce the rent below the price at which the land was offered. And no lease shall be reappraised more than once. This section shall not apply to leases hereafter granted.

Devolution of holder's interest.

Personal representatives may hold leased land.

10. If any holder of a homestead selection or any lease of land under the Crown Lands Acts dies or is declared a lunatic, his interest in such land may be held by his representatives, subject to the fulfilment by them of all unfulfilled conditions except the condition of residence (if any such condition of residence attaches to the holding) in trust for the benefit of the persons entitled: Provided that such representatives

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representatives shall, where a condition of residence attaches to the holding, either sell and assign the lessee's or selector's interest in the land to a bona fide purchaser within twelve months from the date of their becoming entitled to possession hereunder, or else with the approval of the Minister, and for such time as he may permit, appoint a person as their nominee to reside upon the land.

Transfer and exchange of holdings.

11. (1) The holder of any conditional purchase or homestead selection or settlement lease may, subject to the approval of the board and subject to such board being of opinion that such holder does not hold an area which added to the area proposed to be acquired is more than sufficient to maintain his home thereon, acquire by transfer one or more conditional purchases (although a condition of residence attaches thereto) or homestead selections or settlement leases as additional selections or leases, and in any such case, the condition of residence attached to the original and additional holdings may be fulfilled on any one of such holdings. Holder may acquire other holdings.

(2) Holders of conditional purchases, conditional leases, settlement leases, or homestead selections or grants may, subject to the approval of the Minister upon the recommendation of the board, acquire by exchange portions of land held under conditional purchase or conditional or settlement lease or homestead selection or grant by adjoining holders, and the condition of residence attaching to any such portion may be fulfilled by residence on the holding to which such portion has by the exchange become attached. Holder may exchange land.

(3) The lands to be acquired by transfer under this section shall be of the same tenure as the lands in virtue of which they are so acquired; and lands shall only be exchanged under the preceding subsections for lands of identical tenure. Limitation.

(4) In order to complete an exchange of conditionally purchased or conditionally leased land for Crown lands, it shall not be necessary for the purchaser or lessee of such land to convert the same into freehold or conditionally purchased land. Exchanges with the Crown.

Possession by mortgagee or execution creditor.

12. Any mortgagee who has under the powers of the mortgage submitted any homestead selection, or settlement lease, or area consisting of land of both tenures, for sale by public auction, and any execution creditor who has seized under process of any court any such selection, lease, or area, if the mortgagor's or debtor's interest in the land is not then sold to a bona fide purchaser, may, in the prescribed manner, go into possession of the land, and the condition of residence shall, Mortgagee or judgment creditor may go into possession.

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shall, for a period of twelve months after the commencement of such possession, or for such further period as may be approved by the Minister, be deemed to be fulfilled, if a nominee of such mortgagee or creditor, to be approved by the local land board, resides upon the land. The mortgagee or creditor shall, within such period or further period, sell the mortgagor's or debtor's interest in the land to a bona fide purchaser, who thereafter shall be subject to all conditions affecting the original holder, and in default of such sale the holding or holdings shall be forfeited: Provided that before any person shall take advantage of this section he shall register at the local lands office the total amount of his mortgage or judgment debt and other particulars as prescribed, and any person may thereafter prior to such forfeiture as aforesaid apply to the local land board to purchase the said holding for the amount of such debt, and the board may grant such application, and upon payment to the mortgagee or judgment creditor of the amount then due the applicant shall become the holder of such land free of such debt, but subject to all unfulfilled conditions attaching to such land: Provided also, that no mortgagee or judgment creditor shall take proceedings hereunder until two years after the passing of this Act, and no such proceedings shall hereafter be taken unless the mortgagor has been in default for one year, or in the case of an execution creditor until one year after judgment has been signed: Provided further, that this section shall not in any way abrogate the provisions of section twenty-three of the Crown Lands Act of 1895.

Reduction of purchase money of conditional purchases under the repealed Act.

Balance of purchase money on conditional purchases made under the Repealed Land Acts.

13. Where any conditional purchase (other than a mining conditional purchase) made under the provisions of the Crown Lands Alienation Act of 1861, and not brought in respect of payment under the provisions of the Lands Acts Amendment Act, 1875, or the Crown Lands Act Further Amendment Act, 1880, or the Crown Lands Act of 1884, is, after the passing of this Act, brought under the instalment system under the provisions of the last-mentioned Act, the balance of purchase money on such conditional purchase shall be reduced by an amount equal to one-fifth of the total amount of interest (exclusive of fines) paid on such balance of purchase money between the date of commencement of the purchase and the date from which the conversion of such purchase under the instalment system takes effect; and the balance of purchase money as so reduced shall be accepted as the balance of purchase money then due and payable on such conditional purchase. Conversion shall take effect from the first day of January of the year during which application to convert is made if such application is made during the first six months of the year, but otherwise shall

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shall take effect from the first day of January of the succeeding year. The provisions of this section shall not apply to any conditional purchase unless brought under the instalment system within two years after the passing of this Act, and shall in any case apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such land and shall apply only in cases where the holder has resided continuously on some part of such land for two years immediately preceding the passing of this Act: Provided that the Board may waive such condition of residence in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family.

Rate of interest on conditional purchases.

14. After the passing of this Act, the rate of interest payable on the balance of purchase money on any conditional purchase (other than a mining conditional purchase), whether applied for before or after the passing of this Act, shall (if the balance of purchase money is payable by annual instalments) be two and one half per centum per annum, instead of four per centum per annum: Provided that interest shall not be computed at the lower rate except where it commences to accrue for a full year of the purchase after the thirty-first day of December, one thousand nine hundred and two, and shall be charged at the original rate where it has commenced to accrue before the first day of January, one thousand nine hundred and three, for such year of the purchase as may be current at the passing of this Act.

Reduction of interest on conditional purchases.

This section shall in any case, as to conditional purchases held at the passing of this Act, apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such land and shall apply only in cases where the holder has for two years immediately before such date continuously resided on some part of such area or on a conditional purchase or conditional lease of the same series:

Provided that the board may waive such condition of residence in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family. In any case where the rate of interest is reduced to two and one half per centum as well as in respect of all conditional purchases hereafter to be made the annual payment may be made at the rate of nine pence per acre per annum.

*Crown Lands Act Amendment.**Payments may be deferred.*

Deferment of
payments.

15. The Minister may, at any time, defer the payment of any amount due, or to become due, within twelve months from the date of the application, on any holding under the Crown Lands Acts for any period not exceeding five years. Any payment so deferred shall bear interest at the rate of five per centum per annum from the date it became due until it is paid; and such interest shall, if the Minister so directs, be payable on such dates as he may determine. The Minister may allow the deferred amounts to be repaid by annual instalments, with interest at the rate mentioned in this section. Nothing in this section shall prevent the payment of any amount before it becomes due.

Parents may assist children to acquire land.

Assistance of
children by parents.

16. The board shall not disallow an application for any holding under the Principal Acts or this Act as not having been made in good faith merely because the applicant has been or is to be financially assisted in connection with such holding by a parent of such applicant.

Married women may acquire land.

Married woman.

17. Any married woman (the provisions of the Principal Acts to the contrary notwithstanding) may, with the consent of the Minister, out of moneys belonging to her for her separate use, acquire by purchase or otherwise other than by an original application a conditional purchase, conditional lease, homestead selection, or settlement lease, and she shall have the same power of dealing with and disposing of the same both at law and in equity as if she were a femme sole, and it shall be a sufficient compliance with the Principal Acts, so far as residence is concerned, if she shall reside upon any conditional purchase, conditional lease, homestead selection, or settlement lease held by her husband; or her husband may fulfil the condition of residence on any conditional purchase, conditional lease, homestead selection, or settlement lease held by himself or any holding held by his wife under this section. In either case notice as prescribed shall be forwarded to the chairman of the local land board of the intention so to reside.

Leases to outgoing pastoral lessees.

Pastoral lessee may
apply for lease.

18. The registered holder or person entitled to the equity of redemption of any pastoral lease, preferential occupation license, or occupation license may apply for a lease of an area not exceeding one-third of the total area of the land comprised within the lease or license

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license or lease and license at the date of expiration of the pastoral lease, and the Minister shall thereupon refer such application to the local land board for report as to the area of and class of all leases held by the applicant or on his behalf, and as to whether the whole or any part of the land comprised in such application is suitable for closer settlement or to enable present holders not having a living area to add to their holdings.

The Governor may, upon a report from the board recommending such lease, grant such application, either wholly or in part, for a period not exceeding twenty-eight years, subject to the rent conditions of improvement and withdrawal for settlement named in such reference, or such other rent and conditions as the Governor may determine.

No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

A return of every such lease granted shall be laid before Parliament if in session within one month from date of the granting of the same or otherwise within one month after the commencement of the next ensuing session.

No extension of any such lease or license held by way of mortgage on or since the first day of January, one thousand nine hundred and three, shall be granted unless and until a common agreement shall have been arrived at between the mortgagor, the mortgagee, and the Minister as to any adjustment or otherwise of the mortgage debt and as to the terms and conditions to be entered into by such mortgagor and mortgagee in respect of such debt; and for the purposes of this section the Minister shall be entitled to inspect or cause to be inspected on his behalf all or any books of account, mortgages, deeds, securities, conveyances, agreements or any documents or instruments relating to the said debt or the security therefor. The acceptance of any such extended leases by any mortgagee and mortgagor shall have the effect of discharging the mortgage debt in connection with such lease or other security worked in conjunction therewith to the extent determined upon in the common agreement referred to. The mortgages and other instruments by which the repayment of the debt is secured shall have endorsed thereon the particulars of such agreement and all parties thereto shall be bound by such agreement: Provided that the area which may be granted under the provisions of this section shall be inclusive of all lands previously granted on such holding to the applicant under improvement lease conditions. Any lease under this section shall be deemed to be a lease for pastoral purposes within the meaning of the Acts relating to mining.

Family

*Crown Lands Act Amendment.**Family selections.*

Holdings by members
of a family.

19. In any case where two or more holdings situated within working distance are held either under conditional purchase (whether fully paid up or otherwise), conditional lease, homestead selection, or settlement lease by members of one family, bona fide in their own separate interests, any condition of residence required to be performed by them in respect of their holdings shall be deemed to have been duly performed if such residence is carried out on any portion of the lands so held: Provided that the consent of the local land board shall have been obtained in the prescribed manner.

Ballots.

Ballot.

20. Section six of the Crown Lands (Amendment) Act of 1899, is (except as to the repeals in the first clause thereof) hereby repealed.

When any applications simultaneously made for original holdings are conflicting, whether severally or collectively, the land agent shall determine by ballot in the prescribed manner the priority of such applications, and the local land board shall deal with the application which has gained priority in the ballot.

Where the land agent has omitted to hold a ballot, or has held a ballot but not in the prescribed manner, the local land board may direct the land agent to hold a ballot or a fresh ballot, as the case may be: Provided that if the application which by the first or any subsequent ballot is determined to have priority is withdrawn or disallowed a fresh ballot shall be held in every such case to determine the priority of those applications which remain and were included in the previous ballot.

The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the deposit money as may after due inquiry seem justifiable, and may at its discretion disqualify such applicant from making any fresh application for a period to be determined by such board.

Applications for conditional purchases and conditional leases of the same series shall, for the purposes of any ballot, be deemed to form together a single application for the whole of the land described in the said applications taken together.

Residential leases.

Residential leases.

21. Subject to the provisions of section forty-eight of the Crown Lands Act of 1889, and section fifty of the Crown Lands Act of 1895, any holder of a residential lease not exceeding nineteen acres may make additional residential leases adjoining the original or any prior additional residential lease or may acquire by purchase or otherwise any residential lease so adjoining: Provided that the original and
any

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any additional residential leases do not exceed in the whole twenty acres. Residence may be carried out on any part of the land under lease. The term of any residential lease (whether applied for before or after the commencement of this Act) may be fixed for, or extended to, any term not exceeding twenty-eight years :

Provided further that any residential holder of an area whether freehold or otherwise on a gold-field may obtain a residential lease, subject to the approval of the board, of an area which when taken with the area he already holds on such gold-field does not exceed twenty acres. The condition of residence attached to the lease may be fulfilled on the lease or on the land on which he has already been residing.

Homestead selections or settlement leases may be acquired before survey.

22. Notwithstanding the provisions of the Principal Acts, land may be made available for homestead selection or settlement lease before the blocks or farms are measured ; but any block or farm shall be taken according to any published plan or design thereof. After survey any necessary adjustment of area or rent shall be made, and any roads deemed to be necessary may be reserved or excluded in the measurement of any block or farm. Any rent due for any excess of area, or other moneys due, shall be paid within such period as the Minister may allow, and if not so paid, the homestead selection or settlement lease shall be liable to forfeiture : Provided also that in cases of existing holdings the Minister may make any minor variation of the existing design or survey of such holding to enable a better boundary to be secured for fencing or other purposes.

Homestead selection or settlement lease before survey.

Annual leases.

23. An annual lease shall not exempt the land held thereunder from lease of any other kind, and upon the land being sold or leased the annual lease shall be held to have ceased and determined so far as regards the land so sold or leased.

Annual leases.

The holder of any annual lease or leases (held by him on the first day of January, one thousand nine hundred and three), may apply to the Minister for an improvement lease of the whole or any part of the lease or leases so held, and the Minister shall thereupon refer the application to the local land board, and if such board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interest exists to the granting of such application the board may recommend and the Governor may grant a lease of an area sufficient for that purpose for a period not exceeding seven years, subject to such rent and conditions as may be set out by the

Holder of annual lease may apply for improvement lease.

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the Minister in such reference, or such other rent and conditions as the Minister may after such report determine. The balance of the area (if any) may be held by the applicant as an annual lease: Provided that no such lease shall be granted on any proclaimed gold or mineral field except with the approval of the Minister for Mines.

Any holder of land held under annual lease may apply to have the rent thereof determined in accordance with the provisions of section six of the Crown Lands Act, 1889.

Auction sales.

Sales by auction and after auction, selections.

24. Section sixty-one of the Crown Lands Act of 1884 is hereby amended by the substitution of the words "one month" for the words "two months nor more than three months," and by the substitution of the words "other lands fifteen shillings" for the words "other lands one pound five shillings."

The provisions of the Crown Lands (Auction Sales Balances) Act, 1887, and of section fifty-six of the Crown Lands Act, 1895, are hereby extended to any portion of country lands of a less area than forty acres.

Conversion of settlement leases into homestead selections.

Conversion of settlement leases into homestead selections.

25. The holder of any settlement lease which is not at the time of application hereunder liable to forfeiture, may at any time after the expiration of the first five years of the lease apply in the prescribed manner, subject to the provisions of section twenty-seven of the Crown Lands Act, 1895, for an area not exceeding one thousand two hundred and eighty acres of the land comprised under such lease as a homestead grant, and the board may allow such application in whole or in part if they find that the applicant is deserving of such grant, and the Governor may issue the same.

In all such cases the remaining area of such settlement lease may be held at a proportionate part of the rental thereof.

A refund of the rental shall not be granted until after the execution of the homestead grant, and, when granted, shall be calculated from the date of such execution. The condition of residence attached to the settlement lease and to the homestead selection may be fulfilled for both holdings conjointly either on the land held under homestead selection or on the land held under settlement lease, so long as both such selection and lease are held in the same interest.

The value of the land taken under homestead selection shall be determined by appraisalment in accordance with the provisions of section six of the Crown Lands Act, 1889.

Enclosure

Crown Lands Act Amendment.

Enclosure of roads.

26. Permission to enclose a road under the provisions of section eight of the Crown Lands (Amendment) Act, 1899, may be granted to an applicant, although such road at the time of application forms part of an occupation license or annual lease, and the granting of such permission shall have the effect of withdrawing the area of land comprised in such road from such license or lease.

Amendment of s. 8 of Crown Lands (Amendment) Act of 1899, and s. 14 of Crown Lands Act of 1884.

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, 1884.

In every case where the boundaries of any holding must be fenced, the board may, on application in the prescribed manner, authorise a give-and-take fence, and such fence when erected shall be deemed a compliance with the law, and shall, for all purposes of law and equity, be the boundary between the parties.

Amendment of Acts.

27. The holder of any conditional lease may at any time exercise his right to make an additional conditional purchase of the whole or any part of such conditional lease not being less than forty acres, notwithstanding that the area included in such application shall exceed six hundred and forty acres.

Conditional leases.

28. Section thirty of the Act fifty-eighth Victoria number eighteen is amended by the insertion of the words "so long as the person upon whom the performance of the said condition would for the time being devolve is the person who applied for the original conditional purchase of the series and for the said additional conditional purchase or conditional lease," in substitution for the words inserted therein under section seventeen of the Crown Lands (Amendment) Act, 1899.

Amendment of s. 30 of Crown Lands Act of 1895.

29. Section twenty-two of the Crown Lands Act of 1884 is hereby amended by the addition of the words "other than lands within a proclaimed special area" after the words "refer to Crown lands."

Amendment of s. 22 of Crown Lands Act of 1884.

30. The holder of any freehold the area of which is not less than forty acres, and in the opinion of the local land board is not sufficient to maintain his family, may, if he has for two years immediately prior to the passing of this Act and at the time of making application is residing on such freehold and using the same for the maintenance of his family by farming pursuits, apply under and subject to the provisions of section three for an additional conditional purchase or conditional lease in virtue thereof, and shall be entitled to the benefit and subject to the conditions of the said section as if such freehold area were a conditional purchase.

Conditions under which applications may be made by freeholders.

Sydney Harbour Trust (Leasing).

Improvement lease
granted upon
recommendation of
local land board.

31. Section twenty-six of the Crown Lands Act of 1895 is hereby amended by inserting in the first line after the word "may" the words "upon the recommendation of the local land board."

Power of chairman
of board.

32. In addition to the matters specified in section thirty-seven of the Crown Lands Act of 1895, the chairman shall have power, subject to the provisions of that section, to deal with—

- (i) inquiries as to fulfilment of conditions;
- (ii) certificates of confirmation;
- (iii) confirmation of applications; and
- (iv) applications for annual leases.

Condition of residence.

Holder may reside
on either holding.

33. Where a person is the holder of two holdings of any tenure under the Crown Lands Acts, and a condition of residence attaches to either or both holdings, he may, with the consent of the board, and subject to such conditions as the board may impose, perform the condition or conditions of residence by residing on one of such holdings.

Commencement of
Act.

34. This Act shall come into force on the first day of January, one thousand nine hundred and four.