

**WESTERN LANDS (AMENDMENT)
ACT.**

Act No. 15, 1927.

An Act to enable the conversion of certain holdings in the Western Division into holdings under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; to enable the acceptance of surrender of portion of the area included in a Western Lands lease; to make further provisions for the withdrawal of lands from Western Lands leases; to amend the Western Lands Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 17th February, 1927.]

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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:—

1. This Act may be cited as the “Western Lands (Amendment) Act, 1927.” Short title.

2. The Western Lands Act of 1901 is amended by inserting next after section twenty-four the following new section:— Amendment
of Act No. 70,
1901.

24A. In the notification declaring any Crown lands open for lease under the provisions of section twenty-four of this Act the Minister may if he thinks fit notify that such lands are set apart for agriculture or for agriculture and grazing combined. New s. 24A.
Lands may be
set apart for
agriculture,
&c.

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Further
amendment of
Act No. 70, 1901.
New s. 28B.

Conversion
of lease.

3. The Western Lands Act of 1901 is further amended as follows:—

(a) by inserting at the end of Part VII the following new section:—

28B. (1) The holder of a lease which is not liable to forfeiture of any lands which have been or may be declared open for lease for agriculture or for agriculture and grazing combined may in the prescribed manner apply to convert such lease into—

- (a) a conditional purchase;
- (b) a conditional purchase and conditional lease, but so that the area of the conditional lease shall not exceed three times the area of the conditional purchase; or
- (c) a homestead farm.

(2) The provisions of section one hundred and eighty-three of the Crown Lands Consolidation Act, 1913, so far as they are modified by the Western Lands (Amendment) Act, 1927, shall mutatis mutandis apply to applications and to holdings converted under this section.

(3) The term of any conditional lease into which a portion of a lease under the Western Lands Acts has been converted shall expire on the thirtieth day of June, one thousand nine hundred and forty-three.

The price of a conditional purchase or the capital value of a homestead farm into which a lease under the Western Lands Acts has been converted under this section shall be determined by the Western Land Board at the time of conversion.

(4) The rent of a conditional lease into which any portion of a lease under the Western Lands Acts has been converted shall for the full period thereof be also determined by the Western Land Board.

(5)

(5) If an applicant is dissatisfied with the determination of the board as to the capital value of a holding converted under this section he may within three months after such determination withdraw his application for conversion upon payment of costs as assessed by the board.

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(6) On confirmation of an application for conversion under this section the lease under the Western Lands Acts shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.

(7) Holdings into which Western Lands leases have been converted under this section shall subject to this section be governed by the general provisions and conditions of the Crown Lands Acts relating to the class of holding applied for.

(b) by inserting next after section thirty-three the following new section:—

New s. 33A.

33A. The Minister on the recommendation of the Commissioners may accept a surrender of any portion of a lease issued under the Western Lands Acts.

Surrender.

(c) by inserting in section thirty-four after the words "Crown Lands Acts" the words "or Western Lands Acts."

Sec. 34.

4. The Western Lands (Amendment) Act, 1918, is amended by omitting section nine and by inserting in lieu thereof the following new section:—

Amendment
of Act No. 15,
1918.

New s. 9.

9. The Governor may withdraw the whole or any part of the land comprised in any Western Lands lease in any case in which in his opinion such land is required for the purpose of settlement, and in connection with such withdrawal shall acquire any freehold portions owned by the lessee and situated within and used in conjunction with such lease or part.

Power to
withdraw.

Upon publication in the Gazette of such withdrawal or acquisition the lessee shall be entitled as compensation to the market value of his interest in the lease of the land so withdrawn together with the

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the market value of such freehold portions. In determining the market value of the interest in a lease such value shall be based entirely upon the market value of the land for pastoral or grazing purposes and no consideration whatever shall be given to the suitability of the land for purposes of agriculture.

Where part only of the land comprised in a lease is withdrawn, the lessee shall be further entitled to compensation for damage caused to the residue of such land by severance. The amount of compensation shall be determined by the Commissioners.

Unless otherwise agreed to, the lessee shall be allowed not less than six months from the date of the publication in the Gazette of the withdrawal within which to remove his stock and plant from the land so withdrawn, and shall pay rent at the same rate per acre as under the Western Lands lease.

Amendment
of Act No.
38, 1905.

(Amendments
to enable
more
complete
incorpora-
tion.)

Sec. 7.

5. (1) The Western Lands (Amendment) Act of 1905 is amended as follows:—

(a) by inserting immediately before the letter and brackets “(a)” in section seven the figures “11”; and by omitting from paragraph (b) of the same section the words “section eleven of the Principal Act” and by inserting in lieu thereof the words “this section”; and by omitting from the same paragraph the words “this Act” and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”; and by omitting from paragraph (c) of the same section the words “section eleven” and by inserting in lieu thereof the words “this section”; and by omitting from paragraph (d) of the same section the words “the said section” and by inserting in lieu thereof the words “this section”; and by omitting the words “this Act” and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”;

Sec. 11.

(b) by inserting at the commencement of section eleven the following words: “The Principal Act is amended by inserting next after section seventeen the following new section 17A”;
and

and by omitting from the section the words “this Act” and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”;

- (c) by inserting at the commencement of section thirteen the following words: “The Principal Act is amended by inserting next after section eighteen the following new section 18A”; and by omitting from the section the words “this Act” wherever occurring and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”;
- (d) by inserting at the commencement of section fourteen the following words: “The Principal Act is amended by inserting after section 18A the following new section 18B”;
- (e) by inserting at the commencement of section fifteen the following words: “The Principal Act is amended by inserting after section 18B the following new section 18c”;
- (f) by inserting at the commencement of section sixteen the following words: “The Principal Act is amended by inserting after section 18c the following new section 18D”; and by omitting from the section the words “this Act” and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”;
- (g) by omitting from paragraph (b) of section seventeen the words “this Act” and by inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”; and by omitting from paragraph (c) of the same section the words “this Act” where firstly occurring and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”; and by omitting from paragraph (c) of the same section the words “the Principal or”; and by omitting from paragraph (c) of the same section the words “the Principal Act” and inserting in lieu thereof the words “this Act”;

(h)

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Sec. 25.

(h) by inserting in section twenty-five before the words "Notwithstanding anything" the figures and letter "28A"; and by omitting from the section the words "the Principal" where they firstly and thirdly occur and inserting in lieu thereof the word "this"; and by omitting from the section the words "the Principal" where they secondly occur;

Sec. 26.

(i) by omitting from section twenty-six the words "the Principal" and by inserting in lieu thereof the word "this";

Sec. 27.

(j) by inserting at the commencement of section twenty-seven the following words: "The Principal Act is amended by inserting next after section twenty-nine the following new section 29A";

Sec. 28.

(k) by inserting at the commencement of section twenty-eight the following words: "The Principal Act is amended by inserting next after section 29A the following new section 29B";

Sec. 29.

(l) by inserting at the commencement of section twenty-nine the following words: "The Principal Act is amended by inserting next after section thirty-one the following new section 31A"; and by omitting from the section the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from the section the words "or the Principal."

Secs. 32 40.

(2) For the purposes of the Amendments Incorporation Act, 1906, sections thirty-two to forty inclusive of the Western Lands (Amendment) Act of 1905, as amended by subsequent Acts, may be renumbered sections 35A to 35I and reprinted as Part IXA of the Western Lands Act of 1901 with the following modifications:—

(a) omit the words "the Principal or" from section thirty-four;

(b)

- (b) omit the words "the Principal Acts" from section forty and insert in lieu thereof the words "this Act." George V,
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(3) For the purposes of the Amendments Incorporation Act, 1906, sections two to ten inclusive of the Western Lands (Amendment) Act, 1918, as amended by subsequent Acts, may be reprinted in the Western Lands Act of 1901 as sections thirty-seven to forty-five inclusive, with the following modifications:— Act No. 15,
1918, ss. 2-10.

- (a) in section two: In lieu of the words "the Western Lands Act of 1901" there shall be printed the words "this Act";
- (b) in section five: In lieu of the word "eight" there shall be printed the word "forty-three";
- (c) in section eight:—
- (i) in lieu of the word "four" there shall be printed the word "thirty-nine";
- (ii) in lieu of the word "six" there shall be printed the word "forty-one";
- (iii) in lieu of the words "the Western Lands Act of 1901" there shall be printed the words "this Act."

(4) Paragraph (f) of section eight of the Land and Valuation Court Act, 1921, is amended by omitting the words "ten of the Western Lands (Amendment) Act, 1918" and by inserting in lieu thereof the words "forty-five of the Western Lands Act of 1901."