

CROWN LANDS (AMENDMENT)
ACT.

Act No. 41, 1931.

George V.
No. 41, 1931.

An Act to amend the law as to the determination of capital and rental values in certain cases; to amend the law relating to the periodical determination of capital and rental values of certain holdings; to amend and extend the law relating to the area that may be applied for as a special lease; to enable applicants for special leases to pay survey fees by instalments; to provide for the postponement of payments on conditional purchases; to amend the law relating to dealings with certain holdings within irrigation areas; to validate certain surrenders by trustees, executors, and administrators, and certain other matters; and for these and other purposes to amend the Crown Lands Consolidation Act, 1913; the Returned Soldiers Settlement Act, 1916; the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927, and certain other Acts; and for purposes connected therewith. [Assented to, 2nd October, 1931.]

BE

BE it enacted by the King's Most Excellent Majesty, No. 41, 1931.
by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Crown Lands Short title.
(Amendment) Act, 1931," and shall be read and construed with the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

2. The Acts mentioned in the Schedule to this Act Repeals.
are, to the extent therein indicated, hereby repealed.

3. The Crown Lands Consolidation Act, 1913, is Amendment of
Act No. 7, 1913.
amended as follows :—

(a) by inserting in section one hundred and sixty- Sec. 166.
(Appraise-
ments by
local land
boards.)
six after the words "provided by the Minister" the following words :—

Where the rent, license fee, price, or capital value of any holding is to be determined, the local land board in making the determination shall have regard to the productive capacity of the land under fair average seasons, prices, and conditions.

Evidence of sales or leases of land similar in quality, locality, and other respects to the land in respect of which the determination is to be made shall not be deemed to be relevant unless the local land board is satisfied that the value reflected by any such sale or lease is fair and reasonable, having regard to the productive capacity of the land under fair average seasons, prices, and conditions.

(b) (i) by omitting subsection three of section one Sec. 167.
(Appraise-
ment of
capital
values.)
hundred and sixty-seven and by inserting in lieu thereof the following new subsection :—

(3) The application may be lodged at any time within five years after the confirmation or approval of the application for the holding, or at any time within two years after the commencement of the Crown Lands (Amendment) Act, 1931.

(ii)

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- (ii) by omitting subsection four of the same section and by inserting in lieu thereof the following new subsection:—

(4) Where, after the commencement of the Crown Lands (Amendment) Act, 1931, an application for appraisalment of the capital value of a holding has been made under the provisions of this section no further application thereunder to have the capital value of the holding determined shall be entertained, notwithstanding that the tenure of the holding has been converted into some other form of tenure.

(See Act No. 4, 1930, s. 4 (a).)
(*Ibid.* s. 4 (b).)

- (iii) by omitting subsection six of the same section ;
- (iv) by omitting subsection (6A) of the same section ;
- (v) by omitting from subsection seven of the same section the words and figures “ Crown Lands (Amendment) Act, 1927 ” and by inserting in lieu thereof the words and figures “ Crown Lands (Amendment) Act, 1931 ” ;
- (vi) by inserting in subsection eight of the same section before the words “ The capital value of the land ” the words “ Subject to the provisions of section one hundred and sixty-six ” ;
- (vii) by omitting from subsection eleven of the same section the words and figures “ Crown Lands (Amendment) Act, 1927 ” and by inserting in lieu thereof the words and figures “ Crown Lands (Amendment) Act, 1931 ” ;
- (viii) by inserting next after subsection thirteen of the same section the following new subsection:—

(14) For the purpose of making application for determination of the capital value of any holding which is abandoned by the holder or forfeited under this Act and of which at the time of abandonment or forfeiture the Commissioners of the Government Savings Bank of New South Wales are mortgagees,

mortgagees, the said Commissioners shall be entitled to exercise the rights of a holder under this section.

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Subsection seven of this section shall not apply to any such application of the said Commissioners.

For the purposes of this subsection a holding shall be deemed to have been abandoned if the said Commissioners furnish to the local land board a certificate to that effect.

- (c) (i) by omitting subsection two of section 167A and by inserting in lieu thereof the following new subsection:—

Sec. 167A.
(Appraisal of rents.)

(2) The application in the prescribed form shall be accompanied by the prescribed fee, and shall be made within five years after the confirmation or approval of the application for the holding, or within two years after the commencement of the Crown Lands (Amendment) Act, 1931.

- (ii) by inserting in subsection four of the same section before the words "The local land board" the words "Subject to the provisions of section one hundred and sixty-six";

- (iii) by omitting from subsection six of the same section the words "Where an appraisal of the annual rent of a holding" and by inserting in lieu thereof the words and figures "Where after the commencement of the Crown Lands (Amendment) Act, 1931, an application for appraisal of the annual rent of a holding";

(See Act No. 4, 1930, s. 16 (j).)

- (iv) by inserting next after subsection seven of the same section the following new subsection:—

(8) For the purpose of making application for determination of the annual rent of any holding which is abandoned by the holder or forfeited under this Act, and of which at the time of abandonment or forfeiture

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forfeiture the Commissioners of the Government Savings Bank of New South Wales are mortgagees, the said Commissioners shall be entitled to exercise the rights of a holder under this section.

Subsection three of this section shall not apply to any such application of the said Commissioners.

For the purposes of this subsection a holding shall be deemed to have been abandoned if the said Commissioners furnish to the local land board a certificate to that effect.

Further amendment of Act No. 7, 1913. New s. 235A. **4.** (1) The Crown Lands Consolidation Act, 1913, is further amended by inserting next after section two hundred and thirty-five the following short heading and new section:—

*Lands measured with boundaries to lakes,
roads, &c.*

Lands alienated with boundaries to lakes, roads, &c.

235A. (1) In this section—

“Bank” means the limit of the bed of any lake or river.

“Bed” means the whole of the soil of any lake or river including that portion thereof which is alternately covered and left bare as there may be an increase or diminution in the supply of water and which is adequate to contain it at its average or mean stage without reference to extraordinary freshets in time of flood or to extreme droughts.

cf. Thames Conservators v. Smeed, 1897, 2 Q.B. at p. 338.

“Lake” includes a lagoon or other like collection of water, whether permanent or temporary, not being water contained in an artificial work.

cf. Water Act, 1912-1930, s. 5.

“River” includes any stream of water whether perennial or intermittent, flowing in a natural channel, and any affluent, confluent, branch, or other stream into or from which the river flows.

Ibid.

(2)

(2) The boundary of any land which is granted or otherwise alienated by the Crown and which is described or alienated as bounded by or by reference to or by the margin or bank of any non-tidal lake or by metes which are expressed or shown to run to the lake or to the bank of the lake shall be deemed to be the bank of the lake at the time of the Crown survey for the purposes of the alienation.

(3) No title to the land comprising the bed of any non-tidal lake shall pass or be deemed ever to have passed by any Crown grant of land adjoining the lake by reason of the land granted being described as bounded by or by reference to or by the margin or bank of the lake or by metes expressed to run to the lake or to the margin or bank of the lake.

(4) No title to the land comprising the bed of any non-tidal lake shall pass or be deemed ever to have passed by any other alienation of land adjoining the lake by reason of the land being alienated as bounded by or by reference to or by the margin or bank of the lake or by metes expressed or shown to run to the lake or to the margin or bank of the lake.

(5) (a) No person shall by reason of his being the owner of any land so described or alienated be entitled to any rights of access over or to the user of any part of such bed.

(b) Nothing in this section shall affect any license or authority acquired either before or after the commencement of the Crown Lands (Amendment) Act, 1931, under or pursuant to the Water Act, 1912-1930.

(6) The doctrine of accretion shall not apply and shall be deemed never to have applied to a non-tidal lake.

(7) Nothing in this section shall operate to divest any land included in a certificate of title under the Real Property Act, 1900, issued before the commencement of the Crown Lands (Amendment) Act, 1931.

(8)

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(8) Where under the Crown Lands Acts the bed of any river has been reserved from sale or lease no person shall by reason of his being the owner of any land adjoining the river which has been subsequently alienated as bounded by or by reference to or by the margin or bank of the river or by metes expressed or shown to run to the river or to the margin or bank of the river be entitled to any rights of access over or to the user of any part of the bed of the river other than to such rights as are or have been acquired either before or after the commencement of the Crown Lands (Amendment) Act, 1931, under or pursuant to the Water Act, 1912-1930.

(9) Where, either before or after the commencement of the Crown Lands (Amendment) Act, 1931, any land which has been or is granted or alienated by the Crown with a boundary adjoining or as bounded by a road which has been or is created by the Crown, no part of such road shall be deemed to have passed or to pass with the land so granted or alienated.

(10) This section shall extend to all lands comprised in any grant or other alienation whether made before or after the commencement of the Crown Lands (Amendment) Act, 1931.

(11) In this section "alienation" includes any form of tenure under the Crown Lands Acts, the Closer Settlement Acts, or any other Act relating to the alienation of lands of the Crown, and "alienated" has a corresponding meaning.

(12) Nothing in this section shall apply to Lake Victoria or to any other lake to which the River Murray Waters Act, 1915, as amended by subsequent Acts, or any agreement thereby ratified, applies.

Amendment of
Act No. 44, 1912
Sec. 7.
(Rights of
occupiers of
riparian
land.)

(2) The Water Act, 1912-1930, is amended by inserting at the end of subsection six of section seven the words "or, with respect to a lake, to give to an occupier any right of access over or to the user of land not lawfully occupied by him."

5. The Crown Lands Consolidation Act, 1913, is further amended by inserting next after section 235A the following new short heading and section:—

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Further amendment of Act No. 7, 1913. New s. 235B.

Limitation on acquisition of title by possession against the Crown.

235B. No title to any land of the Crown which has been either before or after the commencement of the Crown Lands (Amendment) Act, 1931—

Limitation of acquisition of title by possession.

- (a) set out as a road under any Act or in connection with the alienation of lands of the Crown; or
 - (b) left between Crown grants for use as a road or driftway; or
 - (c) dedicated under the Crown Lands Acts or any other Act for a public purpose; or
 - (d) reserved in any Crown Grant,
- shall by reason of adverse possession be allowed to be asserted or established as against—
- (i) the Crown; or
 - (ii) persons holding such lands in trust for any public purpose.

Nothing in this section shall affect the operation of section thirteen of the Real Property (Amendment) Act, 1921, or the title to any land which has in any proceedings to which the Crown has been a party been adjudged not to be lands of the Crown or the title to any land which the Crown is at the commencement of the Crown Lands (Amendment) Act, 1931, debarred from recovering by reason of the operation of the Crown Suits Act, 1769.

6. The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

- (a) (i) by omitting from section seventy-five the words “three hundred and twenty” and by inserting in lieu thereof the words “one thousand nine hundred and twenty”;
- (ii) by omitting from the same section the words “shells—limestone—loam—brick-earth—gravel—or ballast”;

Sec. 75. (Special Leases: miscellaneous purposes.)

(iii)

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(iii) by inserting at the end of the same section the following words:—

If an applicant so desires, one-tenth of the survey fee only may be paid with the application, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.

Sec. 179.
(Conditional purchase :
suspension of
payment.)

(b) by omitting section one hundred and seventy-nine and the short heading thereto and by substituting in lieu thereof the following short heading and new section :—

Postponement of payment of instalments on conditional purchases.

Conditional purchase :
postponement of
instalments.
cf. Closer
Settlement
Act No. 37,
1904, s. 29
(2) (c).

179. (1) The Minister may postpone the payment conditionally, or unconditionally, of one or more instalments of purchase money owing on a conditional purchase if satisfied of the inability of the holder to pay such instalments on the due date.

Where any such postponement is granted, interest at the rate payable on the conditional purchase to the due date of the postponed instalment shall be added to the amount owing on the conditional purchase.

Where such instalment is subsequently paid the amount owing on the conditional purchase shall be reduced by the amount so paid.

cf. Closer
Settlement
Act, No. 37,
1904, s. 29
(2) (b).

(2) Where interest only is payable yearly in respect of a conditional purchase, the Minister may postpone, conditionally or unconditionally, one or more of such interest payments if satisfied of the inability of the holder to pay such interest on the due date, in which case the amount of such interest unpaid shall be added to the amount owing on the conditional purchase as from the due date for payment of such interest.

Where such interest is subsequently paid the amount owing on the conditional purchase shall be reduced by the amount so paid.

(c)

- (c) by omitting from section fifty-one the word "suspension" and by inserting in lieu thereof the word "postponement"; No. 41, 1931.

Sec. 51.
(Balance of
purchase money
--how paid.)
- (d) by omitting from subsection three of section fifty-eight the word "suspension" and by inserting in lieu thereof the word "postponement." Sec. 58.
(Non-residential
conditional
purchase.)

7. The Crown Lands Consolidation Act, 1913, is further amended— Further
amendment of
Act No. 7, 1913.

- (a) (i) by omitting from subsection one of section fifty-nine the words and brackets "(not being less than thirty shillings per acre)"; Sec. 59.
(Special
areas and
conditional
purchases
therein.)
- (ii) by inserting in the same subsection after the words "and the conditions" the words and brackets "(as to residence, fencing, improvement, or otherwise)";
- (iii) by omitting subsection three of the same section and by inserting in lieu thereof the following new subsection:—

(3) A subdivision of the area shall be made into blocks of such areas as the Minister may determine, and the blocks shall be taken according to the published plan or design thereof, subject to any adjustment upon survey deemed proper by the Minister.

- (b) (i) by omitting from section sixty-six the words "Purchasers under this section shall in addition to the price of the land and the deed fee pay the costs of survey and report incurred in dealing with their applications"; Sec. 66.
(Miscella-
neous special
purchases.)
- (ii) by inserting at the end of the same section the following new subsections:—
- (2) Crown lands may, with the approval of the Minister, be sold, in areas not exceeding five acres in extent, and at prices to be determined by the local land board—
- (a) to or to the trustees of any recognised religious body for any religious or public purpose; or
- (b) to any public authority or to the trustees of any association or institution for any public purpose.

(3)

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(3) Purchasers under this section shall in addition to the price of the land and the deed fee pay the costs of survey and report incurred in dealing with their applications.

Further amendment of Act No. 7, 1913.

Sec. 145A.
(Restrictions on transfer of holdings.)

8. The Crown Lands Consolidation Act, 1913, is further amended by inserting next after subsection six of section 145A the following new subsections:—

(6A) If any holding, other than a town land lease or town land purchase, is mortgaged and the mortgagee enters into possession of the same under his mortgage, he may hold the same for a period of three years after the date of his entering into possession as aforesaid or for such further period as the Commission may permit.

But the mortgagee shall not, notwithstanding the terms of his mortgage, so enter into possession of the mortgaged land more than once, except by permission of the Commission.

The mortgagee shall not foreclose the mortgage without the consent of the Commission. Such consent shall be applied for and may be given or refused, as in the case of a sale; and the provisions of subsection one of this section shall apply thereto.

The mortgagee shall not transfer the land except in accordance with this section or by way of discharge of mortgage.

If within such period the mortgagee does not obtain the consent of the Commission to a foreclosure or does not transfer the holding in accordance with this section, the same shall be liable to forfeiture, and on notification by the Commission in the Gazette may be forfeited, and thereupon shall revert to the Crown.

A foreclosure or transfer in contravention of this subsection shall be void, and any agreement or contract for the sale of any such holding made without the permission of the Commission shall render such holding liable to forfeiture if such agreement or contract be not submitted for the approval of the Commission within three months from the date of execution thereof.

The

The fact that the mortgagee or some person by his authority occupies or uses any part of the mortgaged land shall be prima facie evidence that the mortgagee has entered into possession of the land under the mortgage.

(6B) If any holding devolves under a will or intestacy upon a person who is not qualified under this section to be a transferee thereof, such person may nevertheless hold the holding for a period of three years after the death of the testator or intestate, or for such further period as the Commission may permit.

Within any such period such person may, upon application to the Commission, and on showing that he is then qualified under this section to be a transferee as aforesaid, receive from the Commission a certificate to that effect, which shall entitle him to hold the holding; or such person may, subject to this section, sell and transfer the holding.

If by the provisions of the will or by law such person has power to sell the land the sale may be effected under such power; in any other case the sale may be effected with the consent of all persons beneficially entitled to the land, or by order of the Supreme Court in its equitable jurisdiction, which may be obtained in the manner prescribed by rules of court, or until such rules are made by summons at chambers.

If such person does not within any such period obtain the certificate of the Commission as aforesaid, nor transfer the holding as aforesaid, the same shall be liable to forfeiture, and on notification in the Gazette may be forfeited, and thereupon shall revert to the Crown.

9. (1) The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

- (a) (i) by omitting from section fifty-two the words "Such term shall be divided into a first period of fifteen years computed from the commencement of the lease, a second period

Sec. 52.
(Term and rent of conditional lease.)

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period of fifteen years commencing from the expiration of such first period, and a third and final period of ten years”;

- (ii) by omitting from the same section the words “in accordance with this Act. The annual rent for the first period shall be determined”;
- (iii) by omitting from the same section the words “The annual rent for the second and third periods respectively shall be determined by the local land board if an application in that behalf is made by the lessee accompanied by a fee as prescribed, or if a reference for that purpose is made by the Minister, such application or reference being respectively made not later than twelve months after the commencement of the period in question: Provided that in the absence of any such application or reference rent shall be payable for the period then current at the same rate as was paid for the period last expired”;
- (iv) by omitting from the same section the words “divided into two periods of ten years. The annual rent for each such period shall be as determined by the local land board” and by inserting in lieu thereof the words “The annual rent for the extended period shall be as determined by the local land board”;

Sec. 77.
(Scrub lease.)

- (b) by omitting from section seventy-seven the words “The term of a scrub lease may be divided into such periods as the Minister shall fix, and the rent for the second or any succeeding period shall be determined by the local land board”;

Sec. 82A.
(Leasing of
Crown lands
within
towns.)

- (c) (i) by omitting from paragraph (d) of section 82A the words “for the first period of twenty years of the lease” and by inserting in lieu thereof the words “during the term of the lease”;

(ii)

- (ii) by omitting paragraph (c) of the same section; No. 41, 1931.
- (iii) by omitting from paragraph (f) of the same section the words "for the first period of twenty years of the lease";
- (d) by omitting section ninety-four and the short heading thereto and by inserting in lieu thereof the following short heading and new section :— Substituted
s. 94.
(Capital value
of homestead
selection
or grant.)

Capital value of homestead selection or grant.

94. The capital value of a homestead selection or grant shall be the value as notified, or as determined by the local land board. Capital value
of homestead
selection or
grant.

- (e) (i) by omitting from section one hundred and one the following words: "Such term shall be divided into a first period of fifteen years computed from the commencement of the lease, a second period of fifteen years commencing from the expiration of such first period, and a third and final period of ten years"; Sec. 101.
(Original
settlement
lease.)
- (ii) by omitting from the same section the words "for the first period";
- (iii) by omitting from the same section the following words: "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.
"The annual rent for each succeeding period may on application by the lessee or reference by the Minister be separately determined by the local land board";
- (iv) by omitting from subsection two of the same section the words "divided into two periods of ten years"; (See Act No.
4, 1930, s. 15.)

(v)

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(See Act No. 4, 1930, s. 15.)

(*Ibid.*)

Sec. 104.
(Original conditional purchase lease areas.)

Sec. 107.
(Term and rent of conditional purchase lease.)

Sec. 109.
(Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

- (v) by omitting from the same subsection the words "each such period" and by inserting in lieu thereof the words "the extended period";
 - (vi) by omitting from subsection three of the same section the words "and shall be divided into two periods of ten years each";
 - (vii) by omitting from the same subsection the words "for each period";
 - (f) (i) by omitting from paragraph two of section one hundred and four the words "for the first period of the lease";
 - (ii) by omitting from the same paragraph the words "and a similar basis shall be adopted by the local land board in determining the capital value of a block for the first or any succeeding period of the lease as hereinafter provided";
 - (g) (i) by omitting from section one hundred and seven the words "divided into two periods each of twenty-five years";
 - (ii) by omitting from the same section the words "for the first period of twenty-five years after the application therefor";
 - (iii) by omitting from the same section the words "and for the second period of twenty-five years shall be determined by the local land board";
 - (h) by omitting paragraph (b) of subsection seven of section one hundred and nine and by inserting in lieu thereof the following new paragraph :—
 - (b) The rent payable in respect of any such conditional lease shall be at the same rate per acre as was payable in respect of the conditional purchase lease.

Such rent shall be paid annually in advance on the recurring date of the application for conversion.
- (i)

- (i) by omitting from section one hundred and ten the words "for the period of the lease"; No. 41, 1931
Sec. 110.
(Payment of purchase money on conversion.)
- (j) by omitting from subsection one of section one hundred and thirteen the words "for the first period"; Sec. 113.
(Additional in virtue of conditional purchase leases &c.)
- (k) (i) by omitting from section one hundred and seventeen the words "for the first period of ten years"; Sec. 117.
(Determination of capital value.)
- (ii) by omitting from the same section the words "For each succeeding period of ten years the local land board shall determine the capital value on a similar basis";
- (l) by omitting from paragraph two of section one hundred and eighteen the words "for the first period of the lease"; Sec. 118.
(Homestead farm areas.)
- (m) (i) by omitting from section one hundred and twenty-two the words "for each and every period of the lease." Sec. 122.
(Homestead farm: rent and periods.)
- "The first period of the lease shall determine at the expiration of twenty-five years after the date of the application for the homestead farm, and the second and all succeeding periods shall be each of twenty years, each of such periods commencing at the expiration of the last preceding period";
- (ii) by omitting from the same section the words "for the first period";
- (iii) by omitting from the same section the words "The capital value of the homestead farm for the second and every succeeding period shall be determined by the local land board upon the same basis as that provided for fixing the capital value in the first instance, but irrespective of any improvements on the farm effected or owned by the lessee. The unimproved values of freehold lands of similar quality and similarly situated, if any, shall be a factor in determining such capital value";
- (n)

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Sec. 123A.
(Right of
conversion.)

- (n) (i) by omitting from subsection four of section 123A the words "and shall, for the purpose of the division of the lease into periods, be deemed to have commenced at that date";
- (ii) by omitting from subsection five of the same section the words "for the remainder of the then current period";
- (iii) by omitting from the same subsection the words "and for subsequent periods at such rate as may be determined by the local land board";

Sec. 124.
(Suburban
holding areas.)

- (o) by omitting from paragraph two of section one hundred and twenty-four the words "for the first period of the lease";

Sec. 127.
(Suburban
holding:
rent and
periods.)

- (p) (i) by omitting from section one hundred and twenty-seven the words "for each and every period of the lease";
- (ii) by omitting from the same section the words "during any period";
- (iii) by omitting from the same section the words "The first period of the lease shall determine at the expiration of twenty years after the date of the application for the suburban holding, and the second and all succeeding periods shall be each of twenty years, each of such periods commencing at the expiration of the last preceding period";
- (iv) by omitting from the same section the words "for the first period";
- (v) by inserting in the same section after the words "by the Minister in the Gazette" the words "or as determined by the local land board";
- (vi) by omitting from the same section the following words: "The capital value of the suburban holding for the second and every succeeding period shall be determined by the local land board, irrespective of any improvements

improvements on the holding effected or owned by the holder thereof, but any improvements which are the property of the Crown shall be taken into account";

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- (q) by omitting from paragraph two of section one hundred and thirty the words "for the first period of the lease"; Sec. 130. (Crown-lease areas.)
- (r) (i) by omitting from section one hundred and thirty-four the words "and shall be divided into three periods each of fifteen years"; Sec. 134. (Crown-lease rent, term, and periods.)
- (ii) by omitting from the same section the words "for the first period of the term";
- (iii) by omitting from the same section the words "The capital value of the Crown lease for the second and third periods of the term respectively shall be determined by the local land board irrespective of any improvements effected or owned by the lessee, but any improvements which are the property of the Crown shall be taken into account";
- (iv) by omitting from the same section the words "for each period of the term";
- (v) by omitting from the same section the words "for that period";
- (vi) by omitting from the same section the words "payable during any period";
- (s) by omitting from paragraph two of section 136A the words "for the first period of the lease"; Sec. 136A. (Crown land set apart for week-end leases.)
- (t) (i) by omitting from section 136c the words "for each and every period of the lease"; Sec. 136c. (Rent for week-end leases.)
- (ii) by omitting from the same section the words "during any period";
- (iii) by omitting from the same section the words "The first period of the lease shall determine at the expiration of twenty-five years after the date of the application for the week-end lease, and the second and all succeeding periods shall be each of twenty years, each of such periods commencing at the expiration of the last preceding period";
- (iv)

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- (iv) by omitting from the same section the words "for the first period";
- (v) by omitting from the same section the words "The capital value of the week-end lease for the second and every succeeding period shall be determined by the local land board upon the same basis as that provided for fixing the capital value in the first instance, but irrespective of any improvements on the farm effected or owned by the lessee. The unimproved values of freehold lands of similar quality and similarly situated, if any, shall be a factor in determining such capital value";

Sec. 167.
(Appraisalment
of capital
values.)

- (u) by omitting from subsection nine of section one hundred and sixty-seven the words "during the then current period of the holding";

Sec. 167A.
(Appraisalment
of
rents.)

- (v) by omitting from subsection five of section 167A the words "until the termination of the period then current, or, if the unexpired portion of the period then current does not exceed five years, then in the case of a homestead selection, homestead farm, suburban holding, conditional lease, settlement lease, or Crown lease until the termination of the period next succeeding, and, in the case of a conditional purchase lease, until the termination of the lease.

In any case where the board determines the annual rent in pursuance of an application made under this section, the rent for each succeeding period, if not already determined with the unexpired portion of the preceding period, shall be determined by the local land board" and by inserting in lieu thereof the words "except in the case of a special lease, the conditions of which require the rent to be separately determined for stated periods.

In any such case, the rental determined under this section shall be deemed to be the rental for the remainder of the period current at the date of such determination."

(w)

- (w) (i) by omitting from subsection four of section one hundred and eighty-three the words "for the first period thereof"; No. 41, 1931.
Sec. 183.
(Conversion of homestead selection or grant.)
- (ii) by omitting from subsection five of the same section the words "for the first period";
- (iii) by omitting from subsection (5A) of the same section the words "for the first period thereof";
- (iv) by omitting from subsection six of the same section the words "for the first fifteen-year period thereof";
- (x) (i) by omitting from paragraph two of section one hundred and eighty-five the words "until the expiration of the first fifteen-year period thereof or the sooner termination of the lease"; Sec. 185.
(Conversion of settlement lease conditions upon conversion.)
- (ii) by omitting from the same paragraph the words "and thereafter and until the expiration of the second fifteen-year period thereof or the sooner termination of the lease shall be as determined by the local land board, and the rent for the third and final period of ten years or portion, if any, thereof shall be determined in the like manner";
- (iii) by omitting from paragraph five of the same section the words "divided into two periods of ten years";
- (iv) by omitting from the same paragraph the words "each such period of ten years" and by inserting in lieu thereof the words "the extended period";
- (y) (i) by omitting from subsection eight of section one hundred and ninety the words "until the expiration of the first period thereof respectively"; Sec. 190.
(Conversion of special lease.)]
- (ii) by omitting from the same subsection the words "until the expiration of the first twenty-five year period thereof";
- (iii) by omitting from the same subsection the words "until the expiration of the first fifteen-year period thereof respectively";
- (z)

No. 41, 1931.

Sec. 193.
(Conversion of certain leases into homestead grants.)

Sec. 193A.
(Conversion of prickly-pear leases.)

(See Act No. 4, 1930, s. 7.)

Sec. 194.
(Conversion of certain holdings into homestead farms.)

Sec. 309.
(Conditional leases acquired before 1st January, 1904; term already extended.)

Sec. 310.
(Conditional leases acquired before 1st January, 1904; extension of term.)

(z) by omitting from paragraph (d) of subsection one of section one hundred and ninety-three the words "for the first and succeeding periods";

(aa) by omitting from subsection eight of section 193A the words "for the first period thereof";

(bb) (i) by omitting from paragraph six of section one hundred and ninety-four the words "The capital value for the first period of the homestead farm which shall commence from the date of approval of the application for conversion" and by inserting in lieu thereof the words "The conversion shall take effect as from the date of approval of the application for conversion and the capital value";

(ii) by omitting from subparagraph (e) of the same paragraph the words "for the period current";

(iii) by omitting from the proviso to the same paragraph the words "for the aforesaid first period";

(cc) by inserting at the end of section three hundred and nine the following new subsection:—

(2) Where the second period of any such lease terminates on or after the date of the commencement of the Crown Lands (Amendment) Act, 1931, the rent payable at the termination of the said second period shall be the rent payable for the balance of the term of the lease, and the provisions of this section authorising the lessee to make an application or the Minister to make a reference to the local land board shall not apply in respect of any such lease.

(dd) (i) by omitting from subsection one of section three hundred and ten all words after the words "forty years computed from the commencement of the lease" and by inserting in lieu thereof the words "and the

- the rent to be paid shall, after the commencement of the Crown Lands (Amendment) Act, 1931, be the rent last determined by the local land board”;
- (ii) by omitting from subsection two of the same section the words “divided into two periods of ten years”;
- (iii) by omitting from the same subsection the words “each such period of ten years” and by inserting in lieu thereof the words “the extended period”;
- (ee) (i) by omitting paragraph one of section three hundred and nineteen;
- (ii) by omitting from paragraph two of the same section the words “for the residue of the first twenty-year period of such homestead selection (if such period be current at the passing of this Act)”;
- (iii) by omitting from the same paragraph the words “and for the second twenty-year period or—if such period be current at the passing of this Act—for the residue thereof, and for every succeeding period the capital value of the homestead selection shall be taken to be the value of the land as determined by the local land board irrespective of improvements, less any sums paid before the conversion as purchase money of any part of such land exclusive of sums paid by way of interest”;
- (iv) by omitting from paragraph three of the same section the words “for the first twenty-year period or residue thereof (if current at the passing of this Act)”;
- (v) by omitting from the same paragraph the words “for the said first period or residue thereof”;
- (vi) by inserting at the end of the same section the following new paragraph:—
- (5) In every other case the capital value or rent, as the case may be, of the homestead selection shall be that last determined by the local land board.
- (ff)

Sec. 319.
(Existing
homestead
selections:
grants
executed.)

No. 41, 1931.

Sec. 322.

(Settlement leases applied for before 1st January, 1904: term already extended.)

(ff) by omitting paragraphs one, two, and three of section three hundred and twenty-two and by inserting in lieu thereof the following words: "and the term of the lease shall be forty years, and notwithstanding anything to the contrary contained in any instrument of lease, the rent to be paid shall, after the commencement of the Crown Lands (Amendment) Act, 1931, be the rent last determined by the local land board";

Sec. 323.

(Settlement leases applied for before 1st January, 1904.)

(gg) (i) by omitting from subsection one of section three hundred and twenty-three all words after the words "forty years computed from the commencement of the lease" and by inserting in lieu thereof the following words: "and notwithstanding anything to the contrary contained in any instrument of lease, the rent to be paid shall, after the commencement of the Crown Lands (Amendment) Act, 1931, be the rent last determined by the local land board";

(See Act No. 4, 1930, s. 15.)

(ii) by omitting from subsection two of the same section the words "divided into two periods of ten years";

(iii) by omitting from the same subsection the words "each such period" and by inserting in lieu thereof the words "the extended period";

(*Ibid.*)

(iv) by omitting from subsection three of the same section the words "and shall be divided into two periods of ten years each";

(v) by omitting from the same subsection the words "for each period";

Sec. 325.

(Settlement leases applied for after 1st January, 1904.)

(hh) (i) by omitting the proviso to section three hundred and twenty-five and by inserting in lieu thereof the following new proviso: "Provided that, notwithstanding anything to the contrary contained in any instrument of lease, the rent to be paid in respect of the settlement lease shall, after the commencement of the Crown Lands (Amendment) Act, 1931, be the rent last determined by the local land board";

(ii)

- (ii) by omitting from the first proviso to section three hundred and thirty-seven the words wherever occurring "for the first period thereof";

No. 41, 1931.

Sec. 337.
Conversions heretofore effected under Act No. 30, 1903 ss. 1-13.)

(2) Where, at the date of the commencement of this Act, any periodical determination of capital value or rent required by law to have been made has not been made, no such periodical determination shall be made; and the capital value or rent current at the termination of the preceding period shall continue to be the capital value or rent in respect of the holding.

10. The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

- (a) (i) by inserting in subsection one of section eleven after the word "Crown" the following words:—

Sec. 11.
(Local and boards.)

"Any member other than the chairman appointed before or after the commencement of the Crown Lands (Amendment) Act, 1931, shall retire the day on which he attains the age of seventy years: Provided, however, that any member who has already attained that age at the date of the commencement of the said Act or any member who may attain that age within a period of two months from the said date may continue to hold office until the expiration of such period";

- (ii) by omitting subsection four of the same section;

- (b) by omitting from section twelve the words "A majority of the members of any local land board shall constitute a quorum, and the chairman shall, if present" and by inserting in lieu thereof the words "The chairman and one member shall constitute a quorum, and the chairman shall";

Sec. 12.
(Decisions of board.)

- (c) (i) by omitting from section fifteen the words "within any land district under his jurisdiction";

Sec. 15.
(Formal matters which chairman may deal with.)

- (ii) by omitting from the same section the words "in any such place" and by inserting in lieu thereof the words "at any convenient place within any land district under his jurisdiction";

(d)

No. 41, 1931.

Sec. 17A.
(Under Secretary for Lands may deal with certain matters on behalf of Minister.)

(d) (i) by inserting in section 17A after the words "Under Secretary" where firstly occurring the words "and any other prescribed officer";

(ii) by inserting in the same section after the words "Under Secretary" where secondly occurring the words "or such other officer";

Sec. 57.
(Conversion of conditional lease into additional conditional purchase.)

(e) by inserting at the end of subsection one of section fifty-seven the words "or to any part of a conditional lease which is for the time being covered by a reserve from alienation under the Mining Act, 1906, or any Act amending or replacing the same";

Sec. 80.
(Residential lease on gold-field or mineral field.)

(f) by omitting from subsection four of section eighty the words "proviso to subsection two" and by inserting in lieu thereof the words "provisoes to subsections two and three";

(See Act No. 1930, s. 11.)

Sec. 85.
(Power to classify Crown lands.)

(g) by inserting at the end of subsection two of section eighty-five the following words:—

Provided that in any notification setting apart areas of land for specified kinds of additional holdings it shall be lawful for the Minister to include in the notification a condition to the effect that any additional holding taken out of areas so set apart shall be subject to the same conditions, where applicable, which attach to the original holding in virtue of which the application for the additional holding is made. This provision shall extend to any such notification, whether made before or after the commencement of the Crown Lands (Amendment) Act, 1931.

Sec. 101.
(Original settlement lease.)

(h) (i) by inserting in subsection two of section one hundred and one after the words "the area of which" the words "together with all other lands held by the lessee to be taken into account under the provisions of this Act";

(ii) by inserting in subsection three of the same section after the words "by the settlement lease" the words "together with all other lands held by the lessee to be taken into account under the provisions of this Act";

(iii)

(iii) by inserting in the same subsection after the words "the area as" the words "together with such other lands"; No. 41, 1931.

(iv) by inserting at the end of the same subsection the words "No condition of residence or of fencing shall attach to the lease";

(v) by inserting at the end of subsection four of the same section the following proviso:—

Provided that upon conversion into conditional purchase or into 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 of the land as last notified or determined; or if not notified or determined such capital value as shall be determined by the local land board as at the date of the application for the expired settlement lease, and irrespective of the value of any improvements owned by the applicant for conversion.

(vi) by inserting next after subsection four of the same section the following new subsection:—

(5) The expression "settlement lease" in subsections two, three, and four of this section means an original settlement lease and any additional settlement lease held in virtue thereof in the same interest.

(i) by omitting from subsection five of section one hundred and thirteen all words after the words "under this section" and by inserting in lieu thereof the following words:— Sec. 113.
(Additional
in virtue of
conditional
purchase
leases, &c.)

Provided that—

(a) the term of residence shall be reduced by the period of residence performed in respect of the original conditional purchase lease or conditional purchase, as the case may be;

(b)

No. 41, 1931.

(b) where an additional conditional purchase lease, or additional conditional purchase, or conditional lease is held by two or more persons, any residence condition attaching thereto may be fulfilled by one of such persons ;

(c) conditions of residence attaching to any number of additional conditional purchase leases or additional conditional purchases or conditional leases of the same series may be performed concurrently, and a person residing upon any purchase or lease of the series shall for the purpose of any conditions of residence be taken to be residing upon every purchase or lease of the series.

Sec. 114.
(Classified areas : applications for additional holdings how with.)

(j) by omitting paragraph (f) of subsection two of section one hundred and fourteen and by inserting in lieu thereof the following new paragraph :—

(f) Except with the consent of the Minister the holder of any holding which is a conversion of a special lease where such special lease is granted on or after the twenty-third day of December, one thousand nine hundred and twenty-four, shall not be entitled to apply for an additional holding under the provisions of this section.

Sec. 129A.
(Additional suburban holdings.)

(k) by inserting at the commencement of subsection seven of section 129A the words "Except with the consent of the Minister" ;

Sec. 149.
(Informal applications for holdings, how rectified.)

(l) by inserting in section one hundred and forty-nine after the words "document is required" the words :—

Where the whole or part of any deposit, survey or other fee required by law to be lodged with any application under this Act to which the provisions of section 161A of this Act do not extend has not been so lodged, such omission shall not of itself invalidate the application in any case where the local land board,

board, on sufficient reasons being shown, permits the amount unpaid to be subsequently paid. The local land board shall in any such case fix the period within which such amount shall be paid. Any failure to pay such amount within the period so fixed shall render the application null and void if the Minister so declares.

- (m) by inserting next after section 155A the following short heading and new section:—

Surrenders by trustees, executors, and administrators.

155B. (1) A surrender for the purpose of completing any conversion or purchase under any of the sections contained in Parts IV, V, and VI of this Act may be effected by a trustee or executor as if a power to that effect were contained in the instrument creating such trust or the will appointing such executor as the case may be, or by any administrator in respect of land which he holds as administrator:

Surrenders by trustees, executors, and administrators.

Provided that any land assured to any trustee or executor or administrator upon conversion or purchase under any of the sections contained in the said Parts of this Act shall be held by him subject to the same trusts as the land surrendered by him.

(2) Every such surrender made before the commencement of the Crown Lands (Amendment) Act, 1931, shall be as valid as if that Act had been in operation when the surrender was made.

- (n) by omitting from section one hundred and seventy-six the words "other than a suburban holding";
- (o) by inserting at the end of section one hundred and seventy-eight the following new subsection:—

Sec. 176.
(Residence on two holdings concurrently.)

Sec. 178.
(Suspension or remission of conditions other than payment.)

(5) Where in the opinion of the local land board or chairman the fulfilment of the condition requiring the boundaries of a holding to be fenced should not be insisted upon, and the

the

No. 41, 1931.

the non-performance of such condition would be otherwise unobjectionable in the public interest, the local land board or chairman may grant an exemption from compliance with the condition of fencing the whole or any part of such boundaries.

Sec. 188A.
(Disposal of small areas.)
(See Act No. 4, 1930, s. 6.)

(p) by inserting in paragraph (c) of subsection two of section 188A after the words "non-convertible area of the lease" the words "or the balance thereof, as the case may be";

Sec. 190.
(Conversion of special lease or church and school lands lease.)

(q) by inserting at the end of paragraph (f) of subsection one of section one hundred and ninety the words "or an additional homestead farm";

New s. 194c.

(r) by inserting next after section 194B the following short heading and new section:—

Surrenders by trustees, executors, and administrators.

Surrenders by trustees, executors and administrators.

194c. (1) A surrender under any of the sections contained in this Division may be effected by a trustee or executor in respect of land which he holds as trustee or executor, as if a power to that effect were contained in the instrument creating such trust, or the will appointing such executor, as the case may be, or by any administrator in respect of land which he holds as administrator:

Provided that any land assured to any trustee, executor, or administrator upon conversion under any of the sections contained in this Division shall be held by him, subject to the same trusts as the land surrendered by him.

(2) Every such surrender made before the commencement of the Crown Lands (Amendment) Act, 1931, shall be as valid as if that Act had been in operation when the surrender was made.

Sec. 195
(Exchanges and surrenders)

(s) by omitting from subsection six of section one hundred and ninety-five the words "Provided that no such surrender shall be effected by any administrator without the consent of all persons

persons beneficially interested, or the order of the Court in that behalf which may be obtained in the same manner as an order under section fifty-six of the Wills, Probate, and Administration Act, 1898 ”;

No. 41, 1931.

- (t) (i) by omitting from section one hundred and ninety-seven the words “of equal value ”; Sec. 197. (Exchanges and purchases for public purpose)
- (ii) by inserting in the same section after the words “in pursuance thereof shall ” the words “for the purposes of this section ”;
- (iii) by inserting in the same section after the words “exchanged for the purposes of this section ” the following words :—
- In any exchange under this section the lands exchanged shall, as nearly as practicable, be of equal value, or if the Crown lands to be granted be of greater value, the Minister may impose such conditions as to payment of the difference in value as he may deem expedient.
- (u) (i) by inserting in subsection five of section two hundred and two before the words “council of a municipality ” the words “Minister or by the ”; Sec. 202. (Enclosure of roads and water-courses.)
- (ii) by omitting from the same subsection the words “by such council ”;
- (iii) by inserting in the same subsection before the words “such council on the hearing of such complaint ” the words “the Minister or ”;
- (iv) by inserting next after subsection seven of the same section the following new subsection :—

(See Act No. 4, 1930, s. 16 (1).)

(8) Any permission to enclose a road or watercourse granted in pursuance of the provisions of section fourteen of the Crown Lands Act Further Amendment Act, 1888, shall be deemed to be a permission granted under the provisions of subsection one of this section, and shall be subject to payment of such annual rent as may be determined by the local land board.

The

No. 41, 1931.

The liability for payment of rent under this subsection shall commence from the date of determination by the local land board.

Sec. 222.
(Tenant
right : how
it arises.)

(v) by inserting in subsection two of section two hundred and twenty-two after the words "Crown-lease" wherever occurring the words "settlement lease";

Sec. 231.
(Surrender of
certain
leases.)

(w) by omitting section two hundred and thirty-one and the short heading thereto and by substituting in lieu thereof the following short heading and new section :—

Surrender of leases.

Surrender
of leases.

231. The holder of any lease under this Act may, with the consent of the Minister, surrender the whole or part thereof by an instrument in the prescribed form. The holder of a lease within an irrigation area may, with the consent of the Commission, surrender the whole or part thereof by an instrument in the prescribed form.

Sec. 231A.
(Surrender of
settlement
lease.)

(x) by omitting section 231A.

Sec. 241.
(Rights of
aliens.)

(y) (i) by inserting at the end of subsection one of section two hundred and forty-one the words "and such land shall become and be reserved from every form of sale and lease until otherwise notified in the Gazette";
(ii) by inserting at the end of subsection three of the same section the words "and the land shall become and be reserved from every form of sale and lease until otherwise notified in the Gazette";

Sec. 258.
(Provision
governing
subdivided
portions.)

(z) by omitting the proviso to section two hundred and fifty-eight and by inserting in lieu thereof the following new proviso :—

Provided always that the holder of any portion of a holding subdivided under section two hundred and fifty-seven shall not be entitled to apply for an additional holding in virtue thereof unless he has previously obtained the Minister's permission in writing.

(aa)

- (aa) (i) by inserting in subsection one of section two hundred and sixty-five after the word "Act" the words "or any conditional purchase lease comprising land allotted in exchange under the provisions of section one hundred and ninety-seven"; No. 41, 1931.
Sec. 265.
(Restrictions as to assignment and assigns of conditional purchase lease.)
- (ii) by omitting from the same subsection the word "thereof" where firstly occurring and by inserting in lieu thereof the words "of any conditional purchase lease";
- (bb) (i) by inserting in subsection one of section two hundred and seventy-two after the words "as the case may be—or" the following words: "holdings comprising land granted or allotted in exchange under the provisions of section one hundred and ninety-five, section one hundred and ninety-seven, or section one hundred and ninety-eight for any of the classes of holdings hereinbefore mentioned—or"; Sec. 272.
(Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)
- (ii) by inserting in paragraph (g) of the same subsection after the words "conditional purchase leases" the words "or exchanged lands or additional holdings";
- (iii) by inserting next after paragraph (i) of the same subsection the following new paragraph:—
- (j) additional holdings applied for after the commencement of the Crown Lands (Amendment) Act, 1931, in virtue of any holding applied for before the first day of February, one thousand nine hundred and nine.
- (cc) by inserting at the end of subsection one of section three hundred and seven the words "or of any land which is for the time being covered by a reserve from alienation under the Mining Act, 1906, or any Act amending or replacing the same"; Sec. 307.
(Conversion of existing conditional lease into additional conditional purchase.)
- (dd) by omitting paragraph four of section three hundred and nineteen; Sec. 319.
(Existing homestead selections grants executed.)
- (ee)

Crown Lands (Amendment) Act.

No. 41, 1931.

Sec. 321.

(Settlement
leases applied
for before 1st
January,
1904: term,
if not
extended.)

Sec. 323.

(Settlement
lease applied for
before 1st
January, 1904.)

- (cc) (i) by omitting from section three hundred and twenty-one the words "Subject to the provisions hereinafter contained";
- (ii) by omitting from the same section all words after the words "issued in respect thereof";
- (ff) (i) by inserting in subsection two of section three hundred and twenty-three after the words "the area of which" the words "together with all other lands held by the lessee to be taken into account under the provisions of this Act";
- (ii) by inserting in subsection three of the same section after the words "by the settlement lease" the words "together with all other lands held by the lessee to be taken into account under the provisions of this Act";
- (iii) by inserting in the same subsection after the words "the area as" the words "together with such other lands";
- (iv) by inserting at the end of the same subsection the words "No condition of residence or of fencing shall attach to the lease";
- (v) by inserting at the end of subsection four of the same section the following proviso:—

Provided that upon conversion into conditional purchase or into conditional purchase and 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 of the land as last notified or determined; or if not notified or determined, such capital value as shall be determined by the local land board as at the date of the application for the expired settlement lease, and irrespective of the value of any improvements owned by the applicant for conversion.

(vi)

(vi) by inserting next after subsection four of the same section the following new subsection:—

No. 41, 1931.

(5) The expression "settlement lease" in subsections two, three, and four of this section means an original settlement lease and any additional settlement lease held in virtue thereof in the same interest.

(gg) by omitting sections three hundred and thirty-nine, three hundred and forty, three hundred and forty-one, and three hundred and forty-two.

Secs. 339-342. (Western Division.)

11. The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

(a) by omitting from subsection one of section 136B the words "except a married woman not living apart from her husband under an order for judicial separation made by any court of competent jurisdiction";

(b) by omitting section one hundred and sixty;

(c) by omitting section two hundred and thirty-eight;

(d) by omitting from subsection one of section two hundred and seventy-two the words "or to a married woman who is not competent to take a transfer thereof under the provisions in that behalf contained in section two hundred and thirty-eight hereof";

(e) by omitting from subsection one of section two hundred and seventy-four the words—

"or—

(b) to a married woman who is not made competent to take a transfer thereof by the provisions in that behalf contained in section two hundred and thirty-eight hereof."

12. The Returned Soldiers Settlement Act, 1916, is amended as follows:—

Amendment of Act No. 21, 1916.

(a) (i) by omitting from section 3A the words "and upon the issue of such certificate the soldier or sailor named therein shall be deemed to have had such farm or block confirmed to him without reference to the local land board" and by inserting in lieu thereof

Sec. 3A. (Preferential right certificate.)

No. 41, 1931;

thereof the words "and upon lodgment of an application for the farm or block in the manner and within the time specified in the notification setting the land apart, the person named in the certificate shall be deemed to have had such farm or block confirmed to him";

- (ii) by inserting at the end of the same section the following words:—

The action of the Minister in requiring a formal application to be lodged with the Crown land agent for a farm or block deemed to have been confirmed by virtue of a certificate of preferential right in accordance with the provisions of this section, and in regarding the date of such application as the date from which the title to such farm or block commenced, is hereby validated.

Sec. 4.
(Special provision for settlement of discharged soldiers.)

- (b) by inserting next after subsection nine of section four the following new subsection:—

(10) Where land other than land within an irrigation area has been disposed of under section four of the Returned Soldiers Settlement Act, 1916, and a condition of the tenure requires the capital value or rent to be determined for the second or any subsequent period of the tenure, the following provisions shall have effect:—

- (a) where the second or any subsequent period of the tenure terminated prior to the date of the commencement of the Crown Lands (Amendment) Act, 1931, and any periodical determination required by law to have been made has not been made, no such periodical determination shall be made; and the capital value or rent current at the termination of such period shall continue to be the capital value or rent in respect of the holding until the termination of the tenure;

(b)

- (b) where the second or any subsequent period of the tenure terminates on or after the date of the commencement of the Crown Lands (Amendment) Act, 1931, the capital value or rent of the holding current at the termination of such period shall be the capital value or rent in respect of such holding until the termination of the tenure;
- (c) (i) by omitting from subsection one of section Sec. 13. nineteen the words "a discharged soldier is";
- (ii) by inserting in the same subsection after the words "Closer Settlement Acts" the words "is a discharged soldier or a person deriving title through or under a discharged soldier";
- (iii) by omitting from subsection (1A) of the same section the words "a discharged soldier is";
- (iv) by inserting in the same subsection after the words "Closer Settlement (Amendment) Act, 1919" the words "is a discharged soldier or a person deriving title through or under a discharged soldier";
- (d) (i) by omitting from subsection (1B) of section Sec. 19. nineteen the words and figures "twelve (Appraise-ment of soldiers' holdings.) months from the commencement of the Returned Soldiers' Settlement (Amendment) Act, 1928" and by inserting in lieu thereof the words and figures "two years from the commencement of the Crown Lands (Amendment) Act, 1931";
- (ii) by inserting in subsection (3A) of the same section after the words "Closer Settlement (Amendment) Act, 1919, do not exist" the following words:—

The board in determining the price or capital value or freehold value of land pursuant to this section shall have regard to the productive capacity thereof under fair average seasons, prices, and conditions.

Evidence

Evidence of sales of land similar in quality, locality, and other respects to the land in respect of which the determination is to be made shall not be deemed to be relevant unless the board is satisfied that the value reflected by any such sale is fair and reasonable, having regard to the productive capacity of the land under fair average seasons, prices, and conditions;

- (iii) by omitting subsection four of the same section and by inserting in lieu thereof the following new subsection :—

(4) Where, after the commencement of the Crown Lands (Amendment) Act, 1931, an application has been made under the provisions of this section to have the capital value price or value of the land or the amount of the charge of purchase money on the land determined, no further application for a similar determination shall be entertained either under this section or section one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913, or section two of the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927.

Where, after the commencement of the Crown Lands (Amendment) Act, 1931, an application has been made under the provisions of section one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913, to have the capital value of the land determined, or, under section two of the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927, to have the capital value price or value of the land or the amount of the charge of purchase-money on the land determined, no further application for a similar determination shall be entertained either under section one hundred and sixty-seven of the Crown Lands Consolidation Act,

Act, 1913, or section two of the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927, or this section.

No. 41, 1931.

13. The Returned Soldiers' Settlement (Amendment) Act, 1928, is amended by omitting section four.

Amendment of Act No. 49, 1928. Sec. 4. (Restriction on right to apply for reappraisal.)

14. The Closer Settlement Act, 1904, is amended by omitting from paragraph (d) of section twenty-six the words: "The person applying, if a female, shall be unmarried or widowed; or, if married, be living apart from her husband under an order for judicial separation made by a court of competent jurisdiction: Provided that with the Minister's consent a married woman not living apart from her husband may apply for a settlement purchase, in which case" and by inserting in lieu thereof the words: "Where a married woman not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction applies for a settlement purchase."

Amendment of Act No. 37, 1904.

15. The Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927, is amended as follows:—

Amendment of Act No. 14, 1927.

- (a) by omitting from subsection one of section two the words "this Act" and by inserting in lieu thereof the words and figures "the Crown Lands (Amendment) Act, 1931";
- (b) by inserting in subsection two of the same section after the words and figures "Closer Settlement (Amendment) Act, 1919" the words and figures "before the commencement of the Crown Lands (Amendment) Act, 1931";
- (c) by omitting from subsection four of the same section the words "this Act" wherever occurring and by inserting in lieu thereof the words and figures "the Crown Lands (Amendment) Act, 1931";
- (d) by omitting from subsection five of the same section the words "this Act" and by inserting in lieu thereof the words and figures "the Crown Lands (Amendment) Act, 1931";

Sec. 2. (Appraisal of price or value.)

(e)

No. 41, 1931.

- (e) by inserting next after subsection eight of the same section the following new subsection:—

(8A) The board in determining the price or capital or freehold value of land pursuant to this section shall have regard to the productive capacity of the land under fair average seasons, prices, and conditions. Evidence of sales of land similar in quality, locality, and other respects to the land in respect of which the determination is to be made shall not be deemed to be relevant unless the board is satisfied that the value reflected by any such sale is fair and reasonable, having regard to the productive capacity of the land under fair average seasons, prices, and conditions.

- (f) by inserting at the end of subsection nine of the same section the following paragraph:—

A reference by the Minister may be made as provided by section twenty of the Crown Lands Consolidation Act, 1913, in any case where the Minister is of the opinion that a rehearing or further consideration is warranted, but no reference shall be made as provided in that section in any case where the capital value only is in issue.

- (g) by omitting subsection thirteen of the same section and by inserting in lieu thereof the following new subsection:—

(13) For the purpose of making application for determination of the capital value of any holding which is abandoned by the holder or forfeited under this Act and of which at the time of abandonment or forfeiture the Commissioners of the Government Savings Bank of New South Wales are mortgagees, the said Commissioners shall be entitled to exercise the rights of a holder under this section.

Subsection fourteen of this section shall not apply to any such application of the said Commissioners.

For

For the purposes of this subsection a holding shall be deemed to have been abandoned if the said Commissioners furnish to the local land board a certificate to that effect.

No. 41, 1931.

16. (1) The following reserves from sale or lease, notified under the provisions of section twenty-nine of the Crown Lands Consolidation Act, 1913, are hereby validated:—

Validations,
(Certain
reserves
comprising
the beds of
rivers, &c.)

Reserve number fifty-two thousand seven hundred and eighty-eight, notified in the Government Gazette number fifty-five, folio two thousand one hundred and sixteen, of the third day of May, one thousand nine hundred and eighteen; and

Reserve number fifty-six thousand one hundred and forty-six, notified in the Government Gazette number fifty-six, folio two thousand two hundred and fifty-three, of the eleventh day of May, one thousand nine hundred and twenty-three.

(2) The title of Alexander Allan Martin to one thousand nine hundred and nineteen, land district of Gosford, of portion three hundred and twenty-three, parish of Kincumber, county of Northumberland, and to the additions thereto of portions three hundred and fifty-eight, three hundred and fifty-nine, and three hundred and seventy-one of the same parish, shall not be invalid merely for the reason that at the time of his application for the said additional conditional purchase or at the time of the additions thereto the lands were not Crown lands within the meaning of the Crown Lands Consolidation Act, 1913, available for conditional purchase.

A.C.P. No.
13 of 1919,
Gosford.

(3) The term of the conditional lease number seventeen thousand six hundred and seventy-three, applied for on the seventeenth day of July, one thousand eight hundred and ninety, is hereby extended until the sixteenth day of July, one thousand nine hundred and fifty.

C.L. 17673.

Crown Lands (Amendment) Act.

No. 41, 1931.

SCHEDULE.

Number of Act.	Short title.	Extent of repeal.
1914, No. 10	Crown Lands and Irrigation (Amendment) Act, 1914.	So much of section 2 as inserted the proviso to section 231, Crown Lands Consolidation Act, 1913.
1916, No. 29	Crown Lands (Amendment) Act, 1916.	So much of section 7 as inserted the words "week-end lease" in section 231 (2) of Crown Lands Consolidation Act, 1913. So much of section 7 as inserted the words "other than a week-end lease" in paragraph (i), subsection (d), section 238, Crown Lands Consolidation Act, 1913.
1916, No. 29	Crown Lands (Amendment) Act, 1916.	The whole of section 13. So much of section 24 as inserted the words "or—in any case where her husband has not acquired a suburban holding—a suburban holding" in paragraph (b), section 238, Crown Lands Consolidation Act, 1913.
1917, No. 27	Crown Lands (Amendment) Act, 1917.	So much of section 4 as inserted the proviso in section 101, Crown Lands Consolidation Act, 1913. So much of section 4 as amended subsection one of section 231, Crown Lands Consolidation Act, 1913. So much of section 4 as amended section 238, Crown Lands Consolidation Act, 1913.
1919, No. 44	Crown Lands (Amendment) Act, 1919.	So much of section 2 as amended section 238, Crown Lands Consolidation Act, 1913.

SCHEDULE

Agricultural Lessees Relief Act.

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SCHEDULE—*continued.*

No. 41, 1931.

Number of Act.	Short title.	Extent of repeal.
1924, No. 52	Crown Lands and Closer Settlement (Amending) Act, 1924.	Paragraph (d) of section 7, paragraph (b) of section 9.
1927, No. 16	Crown Lands (Amendment) Act, 1927.	Section 5.
1930, No. 4...	Crown Lands (Amendment) Act, 1930.	Paragraph (b) of section 4.
