

CROWN LANDS (AMENDMENT) ACT.

Act No. 69, 1932.

An Act to provide for relief to settlers whose holdings have become unproductive by reason of flood, fire, drought, storm or tempest; for the funding of arrears; for reduction of rents and interest in certain cases; for payment of interest only in certain cases in lieu of instalments of purchase money; to extend the period of payment for Crown improvements; to provide that the title conferred by certain leases shall be a lease in perpetuity; to extend certain concessions to certain holders and purchasers of Crown lands; and for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Prickly-pear Acts, 1924-1930, the Returned Soldiers Settlement Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 30th December, 1932.]

George V.
No. 69, 1932.

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 "Crown Lands (Amendment) Act, 1932," and shall be read and construed with the Wentworth Irrigation Act, the Hay Irrigation Act, 1902, the Crown Lands Consolidation Act, 1913,

Short title.

Crown Lands (Amendment) Act.

No. 69, 1932. 1913, as amended by subsequent Acts, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, and the Prickly-pear Acts, 1924-1930.

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 **2.** The enactments mentioned in the Schedule to this Act are, to the extent therein indicated, hereby repealed.

Reduction of interest and annual rental. **3.** (1) Subject to this section the rate of interest upon any debt to the Crown or to the Water Conservation and Irrigation Commission incurred under or by operation of the Wentworth Irrigation Act, the Hay Irrigation Act, 1902, the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1930, or any of those Acts as amended by subsequent Acts, in respect of any purchase of land or of Crown improvements, before the first day of January, one thousand nine hundred and thirty-three, and the annual rental or fee under any lease, permit, or occupation license from the Crown made under or by operation of any of such Acts before the said date, shall respectively be reduced by twenty-two and one-half per centum of such rate or annual rental or fee.

(2) The reduction prescribed by subsection one of this section in respect of interest shall be made as from the date upon which such interest last became due before the first day of January, one thousand nine hundred and thirty-three, and, subject to this section, the rate of interest as so reduced shall continue to be the rate payable for the period of three years immediately succeeding that date:

Provided that in no case shall the rate of interest payable after the first day of January, one thousand nine hundred and thirty-three, exceed four pounds per centum per annum.

(3) The reduction prescribed by subsection one of this section in respect of annual rental or fee shall be made as from the date upon which such annual rental or fee becomes due after the thirty-first day of December, one thousand nine hundred and thirty-two, and, subject to this

this section, the annual rental or fee as so reduced shall continue to be the annual rental or fee payable for the period of three years immediately succeeding that date.

No. 69, 1932.

(4) Where by reason of any waiver, remission or reduction made in pursuance of any enactment other than section one hundred and sixty-seven or section 167A of the Crown Lands Consolidation Act, 1913, section nineteen of the Returned Soldiers Settlement Act, 1916, section two of the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927, or this section the amount payable as interest upon any such debt or the annual rental or fee under any such lease, permit, or occupation license has been decreased the reduction prescribed by subsection one of this section shall not be in addition to the amount of such decrease, but such decrease shall be taken into account in determining the rate of interest or the annual rental or fee to be paid consequent upon the reduction so prescribed.

(5) Where the interest on any conditional purchase or any purchase of Crown improvements made in pursuance of the Crown Lands Consolidation Act, 1913, is reduced by the operation of this section, the amount of such reduction shall be deducted from any instalment which falls due during the period of such reduction.

4. (1) Where the holder of land of any tenure under the Crown Lands Consolidation Act, 1913 (other than a holding within an irrigation area), the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1930, or any of those Acts as amended by subsequent Acts, has been adversely affected by flood, fire, drought, storm, or tempest he may apply to the Minister in the manner and within the time prescribed, by regulations made under any of such Acts, for relief under this section.

Waiver or
remission
of interest
and rent.

(2) The Minister shall refer every such application to the local land board, and if the board so recommends may postpone payment of the whole or part of any instalment payable in respect of any purchase of land or Crown improvements made under or by operation of any

No. 69, 1932.

any of the Acts referred to in subsection one of this section, or may postpone, waive, or remit payment of the whole or part of—

- (a) the interest on any debt to the Crown incurred under or by operation of any of such Acts in respect of any purchase of land or of Crown improvements;
- (b) the annual rental under any lease from the Crown made under or by operation of any of such Acts.

(3) Any such postponement, waiver, or remission may be made unconditionally or subject to such conditions as the Minister may impose.

Where any condition imposed by the Minister is not performed or being performed to his satisfaction, he may revoke the postponement, waiver, or remission as from a date to be specified in a notice to the holder.

(4) The period for which any postponement, waiver, or remission granted under this section shall operate shall not extend beyond a date twelve months after the date of the recommendation of the local land board.

(5) The granting of any postponement, waiver, or remission under this section shall not prevent a further application being made and considered.

(6) Where owing to damage by flood, fire, storm, or tempest the Minister is satisfied after report by the local land board that any improvements which a holder is in course of purchasing from the Crown in pursuance of the provisions of the Crown Lands Consolidation Act, 1913, have become depreciated in value, he may cause a re-determination of the capital value of such improvements to be made by the local land board.

Where the total amount which has been paid as purchase money in respect of the improvements exceeds the capital value as re-determined no refund shall be made.

Where

Where the total amount which has been paid as purchase money in respect of the improvements does not exceed the capital value as re-determined the balance of the capital value of the improvements due after the damage was incurred and all amounts thereafter payable in respect of the improvements shall be adjusted in accordance with the capital value as re-determined.

All amounts, inclusive of interest, payable in respect of the improvements before the damage was incurred shall be paid as if this section had not been enacted.

(7) The Minister shall have discretion to refuse any application under subsection one of this section, which discretion shall be independent of the recommendation of the local land board.

(8) This section shall extend to a case in which the holder has been adversely affected by flood, fire, drought, storm, or tempest at any time after the first day of January, one thousand nine hundred and twenty-seven, and before the commencement of this Act.

5. Where the whole or part of any amount due to the Crown under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, or the Prickly-pear Acts, 1924-1930, or any of those Acts as amended by subsequent Acts, remains unpaid after the due date for payment thereof, the Minister may, notwithstanding anything to the contrary in the said Acts, or any other Act, direct that the whole or portion of any amount so remaining unpaid shall be funded, and the payment thereof distributed over a period of succeeding years not exceeding twenty in number, and any payments falling due during each and every year of such period shall be increased accordingly.

Funding of
arrears.

The amounts so funded or so much thereof as remains unpaid shall bear interest at the rate of two and one-half per centum per annum from the respective dates upon which such amounts became payable.

If default is made in respect of any such payment interest thereon shall be charged at the rate of five per centum per annum: Provided that in any case where the Minister is satisfied that the circumstances warrant it, he may waive or remit the payment of such interest wholly or in part.

Any

Crown Lands (Amendment) Act.

No. 69, 1932.

Any such funding may be directed either unconditionally or subject to such conditions as the Minister may impose.

Where any condition imposed by the Minister is not performed or being performed to his satisfaction, he may revoke the direction as from a date to be specified in a notice to the holder, and thereupon any amount so funded which remains unpaid shall become due and payable.

Amendment
of Act No.
7, 1913.

New s. 119A.

6. The Crown Lands Consolidation Act, 1913, is amended as follows:—

- (a) by inserting after section one hundred and nineteen the following short heading and new section:—

Preferential rights to homestead farms.

Certificates
of preferen-
tial right.

119A. (1) The Minister may issue to any person who was according to the records of the Department of Lands, at the date of the publication of the notification in this section mentioned, in occupation under a permissive occupancy of any of the portions mentioned in the Sixth Schedule to this Act, a certificate of preferential right entitling the recipient to apply for the portion referred to therein as a homestead farm.

(2) The Minister may set apart under this Act any or all of the portions referred to in the said Schedule, for disposal only by way of homestead farms, and where any or all of such portions are occupied under permissive occupancy as aforesaid the notification setting apart the land shall state that such portions are available only for the holders of certificates of preferential right.

(3) Application shall be made by the recipient of any such certificate of preferential right in the manner and form and within the time specified in the notification setting apart the portion referred to in his certificate of preferential right for the allotment to him of such portion as a homestead farm.

(4)

(4) Upon lodgment of the application the applicant shall be deemed to have had the portion confirmed to him.

(5) If application is not made by the recipient of any certificate of preferential right within the time specified in the notification setting apart the portion referred to in his certificate, the Minister may by notice in the Gazette declare that the rights by this section conferred on the recipient shall lapse, and after the date mentioned in such notice the portion referred to in the certificate may be disposed of as a homestead farm in accordance with the general provisions of this Act, subject, however, to the special conditions set out in subsection six of this section.

(6) It shall be a special condition of every homestead farm comprising any portion referred to in the said Schedule or of any holding which is a conversion thereof whether the grant has or has not issued that if the whole or any part of the land comprised therein is required for irrigation purposes, or purposes appertaining thereto, the Governor may resume such land at any time after the thirty-first day of December, one thousand nine hundred and forty-two, and the only compensation to which the holder shall be entitled shall be the value of his interest in the improvements on the land resumed as determined by the local land board:

Provided that where the land resumed was held at the date of resumption by way of conditional purchase or in fee-simple the holder shall also be entitled to a refund of the principal moneys paid to the Crown in respect of the area resumed.

In the disposal of any land so resumed the holder of the land immediately prior to resumption shall be entitled to preferential consideration, if he so desires, to a home-maintenance area on a horticultural basis, to be determined by the Water Conservation and Irrigation Commission.

Such

Crown Lands (Amendment) Act.

No. 69, 1932.

Such area shall be held under such terms and conditions as may be approved by the Commission.

(7) Subject to this section the general provisions of this Act applicable to homestead farms shall apply to every portion set apart for disposal in accordance with the provisions of this section.

(b) by inserting at the end thereof the following new Schedule:—

Sec. 119A.

SIXTH SCHEDULE.

PART I.

| Land District. | County. | Parish. | Portions. |
|----------------|---------------|------------------------|--|
| Hay | Nicholson ... | Warrabalong... | 1, 2, 3, 10, 11. |
| Hay | Nicholson ... | Bolton ... | 19. |
| Hay | Sturt | Maiden ... | 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31. |
| Hay | Sturt | Denny ... | 2, 3, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37. |
| Hay | Sturt | Kooba ... | 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25. |
| Hay | Sturt | Munro ... | 11, 12, 13. |
| Hay | Sturt .. | North Bringagee ... | 49, 50. |

PART II.

| Land District. | County. | Parish. | Portions. |
|----------------|---------------|----------------|-------------|
| Hillston .. | Nicholson .. | Warrabalong... | 13, 14, 15. |
| Hillston ... | Nicholson ... | Bolton ... | 20. |

PART

Crown Lands (Amendment) Act.

701

PART III.

No. 69, 1932.

| Land District. | County. | Parish. | Portions. |
|----------------|------------|-------------|---------------------------------|
| Narrandera ... | Cooper ... | Tabbita ... | 33, 34, 40, 41, 42, 49, 184. |

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

(b) by inserting at the end of section two hundred and eighty-two the following new subsection:—

(2) Interest at the rates prescribed in the foregoing provisions of this section shall be payable until the termination of the year of the conditional purchase current at the commencement of the Crown Lands (Amendment) Act, 1932, and shall be payable in each such succeeding year of the conditional purchase at a rate of two and one-half per centum per annum.

Further amend-
ment of Act
No. 7, 1913.

Sec. 282.
(Conditional
purchases
before
10th Aug-
ust, 1875.)

(b) by inserting at the end of section two hundred and eighty-three the following new subsection:—

(2) Interest at the rates prescribed in the foregoing provisions of this section shall be payable until the termination of the year of the conditional purchase current at the commencement of the Crown Lands (Amendment) Act, 1932, and shall be payable in each such succeeding year of the conditional purchase at a rate of two and one-half per centum per annum.

Sec. 283.
(Conditional
purchases
between
10th Aug-
ust, 1875,
and 1st
January,
1885.)

(c) by inserting at the end of section two hundred and eighty-eight the following new subsection:—

(2) Interest at the rate prescribed in the foregoing provisions of this section shall be payable until the termination of the year of the conditional purchase current at the commencement of the Crown Lands (Amendment) Act, 1932, and shall be payable in each such succeeding year of the conditional purchase at a rate of two and one-half per centum per annum.

Sec. 288.
(Conditional
purchases
before
10th Aug-
ust, 1875,
being
under in-
stalment
system.)

(d)

Crown Lands (Amendment) Act.

No. 69, 1932.

Sec. 289.
(Conditional
purchases
before 10th
August, 1875:
reduction
of balance.)

Sec. 290.

Conditional
purchases
made
before
1st Jan-
uary, 1904:
reduction
of rate of
interest.

Sec. 300.
(Conditional
purchases
made be-
tween 1st
January,
1885, and
1st Jan-
uary, 1904:
condition of
payment.)

Sec. 179.
(Conditional
purchase: sus-
pension of
payment.)

Payment of
interest
in lieu of
instalment.
cf. Act No.
37, 1904,
s. 29 (2)
(a).

(d) by inserting in section two hundred and eighty-nine after the words "paid by way of interest" the words "at a rate of not less than four per centum per annum";

(e) by omitting section two hundred and ninety and by inserting in lieu thereof the following new section:—

290. In any case where the rate of interest payable on the balance of purchase money in respect of any conditional purchase applied for before the first day of January, one thousand nine hundred and four, is greater than two and one-half per centum per annum the rate of interest shall be reduced to two and one-half per centum per annum as from the commencement of the next year of the conditional purchase after the commencement of the Crown Lands (Amendment) Act, 1932.

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

(2) Interest at the rates prescribed in the foregoing provisions of this section shall be payable until the termination of the year of the conditional purchase current at the commencement of the Crown Lands (Amendment) Act, 1932, and shall be payable in each such succeeding year of the conditional purchase at a rate of two and one-half per centum per annum.

(g) by inserting next after subsection one of section one hundred and seventy-nine the following new subsection:—

(1A) Subject to the approval of the Minister interest only may be paid, in lieu of instalments of purchase money, for such periods and subject to such conditions as the Minister may determine and irrespective of whether the instalments were payable before or become payable after the commencement of the Crown Lands (Amendment) Act, 1932.

Such interest shall be charged at the rate of two and one-half per centum per annum and shall

shall be paid annually on the date that the instalment of purchase money would otherwise have been payable.

No. 69, 1932.

- (h) (i) by omitting from subsection one of section two hundred and sixteen the words " by not more than fifteen equal yearly instalments, together with interest at the rate of four per centum per annum " and by inserting in lieu thereof the words—

Sec. 216.
(Periods allowed for payment for improvements.)

"(a) where the value of the improvements does not exceed three hundred pounds—by not more than fifteen equal yearly instalments together with interest at the rate of four per centum per annum;

(b) where the value of the improvements exceeds three hundred pounds—by not more than twenty-five equal yearly instalments together with interest at the rate of four per centum per annum.

The first of the instalments under paragraph (a) or paragraph (b) of this subsection shall be payable at the end of the third year after the date of commencement of title to the holding when such date is after the commencement of the Crown Lands (Amendment) Act, 1932.

Where an applicant for a holding has, prior to the commencement of the Crown Lands (Amendment) Act, 1932, exercised his option of payment by instalments and the value of the improvements exceeds three hundred pounds, he may on the prescribed application have the terms of payment of the balance of such value varied so as to provide for payment by equal yearly instalments over an additional period not exceeding ten years, together with interest at the rate of four per centum per annum."

(ii)

No. 69, 1932.

- (ii) by omitting from the same subsection the words: " Provided that upon application in the prescribed form being made by the applicant the payment of such yearly instalments during the first period of five years may be deferred; but in such case the prescribed interest on the amount determined or owing shall be paid each year of the said period; and thereafter the payment shall be completed by not more than ten equal yearly instalments together with interest at the rate aforesaid."

Further amend-
ment of Act
No. 7, 1913.

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

Sec. 63.
(Sale by
auction of
Crown
lands.)

- (a) (i) by inserting in subsection six of section sixty-three after the word "forfeited" the words "except to the extent that the Minister, in pursuance of subsection eight of this section, directs that the whole or part thereof shall be credited or applied as payment in respect of the purchase of any other area";
- (ii) by inserting in subsection seven of the same section after the word "forfeited" the words "except to the extent that the Minister, in pursuance of subsection eight of this section, directs that the whole or part thereof shall be credited or applied as payment in respect of the purchase of any other area";
- (iii) by inserting next after the same subsection the following new subsection:—

(8) Where a person has prior to the commencement of the Crown Lands (Amendment) Act, 1932, become the purchaser of two or more areas of land under this section and either before or after the commencement of the said Act the purchase of one or more of such areas is declared to have lapsed, the Minister may, upon the prescribed application, direct that the whole or
part

part of any moneys paid in respect of any such purchase whether the same have become forfeited or not shall be credited or applied as payment in respect of the purchase by such person, or his wife or her husband as the case may be, of any other area under this section; and where such direction has been given the whole or part of such moneys shall be credited or applied accordingly.

- (b) by omitting from section sixty-four the words: Sec. 64.
(Crown
lands
not sold
at auction:
purchase
after
auction.)
“The applicant shall with his application lodge a deposit of one-quarter of the said upset price, and if the application be approved by the Minister shall pay the balance of the said price in accordance with the terms and conditions which were notified in the Gazette in connection with the aforesaid offering at auction; and upon default in the due payment thereof the purchase may be declared to have lapsed, and any moneys paid in respect thereof shall thereupon become forfeited” and by inserting in lieu thereof the words: “The applicant shall lodge with his application a deposit in accordance with the terms and conditions notified in the Gazette in connection with the aforesaid offering at auction; and if the application be approved by the Minister shall pay the balance of the said upset price in accordance with such terms and conditions. Upon default in due payment thereof the purchase may be declared to have lapsed and any moneys paid in respect thereof shall thereupon become forfeited except to the extent that the Minister, in pursuance of this section, directs that the whole or part thereof shall be credited or applied as payment in respect of the purchase of any other area.

Where a person has prior to the commencement of the Crown Lands (Amendment) Act, 1932, become the purchaser of two or more areas of land under this section and either before or after the commencement of the said Act the purchase of one or more of such areas is declared to have

Crown Lands (Amendment) Act.

No. 69, 1932.

have lapsed, the Minister may, upon the prescribed application, direct that the whole or part of any moneys paid in respect of any such purchase whether the same have become forfeited or not shall be credited or applied as payment in respect of the purchase by such person, or his wife or her husband as the case may be, of any other area under this section; and where such direction has been given the whole or part of such moneys shall be credited or applied accordingly."

Further amend-
ment of Act
No. 7, 1913.

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

Sec. 14.
(General
power to
amend.)

(a) by omitting paragraph six of section fourteen and by inserting in lieu thereof the following new paragraph:—

Local
land
boards.

(6) Where it may deem it necessary in the interests of justice a local land board may permit any error, uncertainty, misdescription, defect, or omission in, of, or from any notice, application, declaration, consent, complaint, particulars or other proceedings before it to be amended or supplied or may, where any declaration, consent or other document has not been lodged with an application permit the omission, if not wilful, to be supplied.

In this paragraph—

- (a) the term "error" shall include the case where an application is made embracing two different classes of tenure, or a tenure which cannot be held in virtue of the basal holding in respect of which the application is made;
- (b) the term "misdescription" shall include the case where a mortgagor applies on behalf of a mortgagee when the application should have been made in the name of the mortgagor.

The

The powers of the local land board under this paragraph may be exercised by the chairman where he is required or authorised to act alone or on behalf of the board.

If any party concerned would, in the opinion of the local land board or the chairman, as the case may be, be prejudiced by the exercise of the powers conferred by this paragraph, the proceedings may at the request of such party be adjourned.

Any exercise of the powers conferred by this paragraph on the local land board or the chairman shall be evidenced by the initials of the chairman.

- (b) (i) by omitting from section one hundred and forty-nine the words "No error, uncertainty, misdescription or omission in or from any application for any holding whatever under the Crown Lands Acts, or in or from any declaration made in connection with any such application shall invalidate the application in any case where the local land board is satisfied that such error, uncertainty, misdescription or omission was not wilful, and made with intent to deceive. The local land board shall have full power to authorise the correction of any error or omission in or from any application or declaration, so as to bring the same into conformity with the statutory requirements" and by inserting in lieu thereof the following words: "No error, uncertainty, misdescription, defect or omission in, of or from any application whatever under the Crown Lands Acts or in, of or from any declaration, consent or other document required in connection with any such application shall invalidate the application in any case where the local land board under the power conferred upon it by section fourteen of this Act permits any amendment to be made or any omission to be supplied.
- In

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

No. 69, 1932.

In this section—

- (a) the term “error” shall include the case where an application is made embracing two different classes of tenure, or a tenure which cannot be held in virtue of the basal holding in respect of which the application is made;
 - (b) the term “misdescription” shall include the case where a mortgagor applies on behalf of a mortgagee when the application should have been made in the name of the mortgagor.”
- (ii) by omitting from the same section the words: “Where a declaration or consent required by the Crown Lands Acts has not been lodged, the local land board or Minister may permit such omission if not wilful to be supplied, and the required declaration or consent to be furnished, and such provision shall apply to any consent, declaration or other document required to be lodged with any application for conversion of a holding, appraisalment of capital or rental value or subdivision of any holding where such consent, declaration or document is required”;
- (iii) by omitting from the same section the words “the passing of this Act” and by inserting in lieu thereof the words “the commencement of the Crown Lands (Amendment) Act, 1932.”

Further amend-
ment of Act
No. 7, 1913.**10.** The Crown Lands Consolidation Act, 1913, is further amended—**Sec. 52.**
(Term and
rent of
conditional
lease.)

- (a) (i) by omitting from section fifty-two the words “A conditional lease shall have a term of forty years” and by inserting in lieu thereof the words—

“Save as provided in this section or elsewhere expressly in this Act the title conferred by a conditional lease which commences

mences after the commencement of the Crown Lands (Amendment) Act, 1932, shall be a lease in perpetuity.

Save as provided in this section or elsewhere expressly in this Act the term of a conditional lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1932, or of a conditional lease applied for before and confirmed after such commencement, may, upon the application of the holder, be extended to a lease in perpetuity.

Every application under this section shall be made in the manner and in the form prescribed.

Upon publication in the Gazette of a notification that the Minister has granted the application as to the whole or part of the land comprised in the lease the title conferred by the conditional lease as to the land or part thereof in respect of which the application is granted, shall become a lease in perpetuity.

The term of a conditional lease, whether the title thereto commenced before or after the commencement of the Crown Lands (Amendment) Act, 1932, as to so much of the land comprised therein as—

- (a) was formerly comprised in a settlement lease, and constitutes an area which has been determined to be non-convertible under the provisions of section one hundred and eighty-four of this Act and has not been declared to be convertible under the provisions of section 188A of this Act;
- (b) is within a reserve from sale, conditional sale, conditional purchase, or other alienation under the Crown Lands Acts;
- (c) is within a State forest, or timber or forest reserve;

(d)

(d) is within a reserve for mining or for mining purposes, or within an area exempted from alienation under the Mining Act, 1906,

shall be forty years, but the term of any conditional lease, so far as such lease relates to any such area, may be extended under the provisions of this section.

In the case of so much of the land comprised in a conditional lease as was formerly comprised in a settlement lease, and constitutes an area which has been determined to be non-convertible under the provisions of section one hundred and eighty-four of this Act, upon the declaration of the Minister under the provisions of section 188A of this Act, that the conditional lease, as to that area or a part thereof, shall be convertible, an application may be made by the holder to have the term of the conditional lease as to the area or part thereof so declared to be convertible extended to a lease in perpetuity.

And, in the case of so much of the land comprised in a conditional lease as is within a reserve from sale, conditional sale, conditional purchase, or any other alienation under the Crown Lands Acts, an application may be made under this section by the holder to have the term of the conditional lease as to that land extended to a lease in perpetuity.

And, in the case of so much of the land comprised in a conditional lease as is within a State forest or timber or forest reserve an application may be made by the holder to have the term of the conditional lease, as to that land, extended to a lease in perpetuity, but such application shall not be granted except with the approval of the Forestry Commission.

And, in the case of so much of the land comprised in a conditional lease as is within a reserve for mining or for mining purposes,

or

No. 69, 1932.

or within an area exempted from alienation under the Mining Act, 1906, an application may be made by the holder to have the term of the conditional lease, as to that land, extended to a lease in perpetuity, but such application shall not be granted except with the approval of the Secretary for Mines.

The cost of any necessary survey shall be paid by the holder in the manner and at the time prescribed and upon default of payment the leases shall become liable to forfeiture."

- (ii) by omitting from the same section the words "subsisting at the commencement of the Crown Lands and Closer Settlement (Amending) Act, 1924," and by inserting in lieu thereof the words "having a term of forty years";
- (iii) by omitting from the same section the words "The annual rent for the extended period shall be as determined by the local land board."
- (b) by inserting at the end of subsection one of section 188A the words: "but no such declaration shall be required in respect of any such conditional lease which has become a lease in perpetuity under the provisions of this Act";
- (c) by omitting section three hundred and eight;
- (d) by omitting section three hundred and nine;
- (e) by omitting section three hundred and ten;

Sec. 188A.
(Non-convertible conditional leases may be declared convertible.)

Sec. 308.
(Conditional leases acquired before 1st January, 1904: term, if not extended.)

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

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

(f)

No. 69, 1932.

Sec. 311.

- (f) by omitting section three hundred and eleven and the short heading thereto and by inserting in lieu thereof the following short heading and new section:—

Conditional leases.

Conditional leases: term, etc.

311. A conditional lease shall, subject to the provisions of this Part, be deemed to be subject to the provisions of section fifty-two hereof.

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

- (g) by omitting paragraph (a) of subsection seven of section one hundred and nine and by inserting the following new paragraph:—

(a) the title to any such conditional lease shall be deemed to have commenced on the date of the commencement of the conditional purchase lease.

Sec. 185.
(Conversion of settlement lease conditions upon conversion.)

- (h) by omitting paragraph one of section one hundred and eighty-five and by inserting the following new paragraph:—

(1) The title to any such conditional lease shall be deemed to have commenced on the date of the commencement of the settlement lease or Crown lease.

- (i) by omitting from paragraph five of the same section the words “subsisting at the commencement of the Crown Lands and Closer Settlement (Amending) Act, 1924,” and by inserting in lieu thereof the words “having a term of forty years”;

Sec. 101.
(Original settlement leases.)

- (j) (i) by omitting from subsection one of section one hundred and one the words “Upon the expiration of the full term of the lease” and by inserting in lieu thereof the words “Upon the expiration of the full term of any lease not held in perpetuity”;

- (ii) by omitting subsections two, three, four and five of the same section and by inserting in lieu thereof the following subsections:—

(2) The holder of a settlement lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1932, or thereafter

thereafter confirmed or granted may apply in the manner and within the time prescribed to have such lease extended to a lease in perpetuity.

The local land board may grant the application as to the whole or part of the land in the settlement lease.

The following provisions shall apply in respect of every such application—

- (a) the application shall be granted only in respect of such part of the land comprised in the settlement lease as will not together with all other lands of the holder which are to be taken into account under the provisions of this Act, substantially exceed a home-maintenance area;
- (b) the application shall not be granted in respect of such part of the land comprised in the settlement lease as is—
 - (i) reserved from sale, conditional sale, conditional purchase or other alienation under the Crown Lands Acts—unless the Minister so approves;
 - (ii) within a State forest or timber or forest reserve—unless the Forestry Commission so approves;
 - (iii) within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906—unless the Secretary for Mines so approves.

(3) Where an application under subsection two of this section has been granted as to the whole of the land comprised in the settlement lease the instrument of lease shall

shall be lodged with the Department of Lands in order that a notification of the extension may be endorsed thereon.

(4) Where an application under subsection two of this section has been granted as to part only of the land comprised in a settlement lease—

- (a) the settlement lease shall be surrendered and separate leases issued for such part and for the residue of the land comprised in the settlement lease;
- (b) the new leases shall commence on the date upon which the application under subsection two of this section is granted and the term of the new lease for such residue shall be the balance of the term of the settlement lease subsisting at that date;
- (c) no additional condition of residence or of fencing shall attach to such new leases;
- (d) the new leases shall, subject to this section, be held subject to the conditions appertaining to the settlement lease at the date of the said application;
- (e) the cost of any necessary survey shall be paid by the holder in the manner and at the time prescribed and upon default of payment the leases shall become liable to forfeiture.

(5) Subject to this section the general provisions and conditions relating to settlement leases shall apply to the new leases issued in pursuance of this section: Provided that upon conversion of the lease in perpetuity into a conditional purchase or into a conditional purchase and conditional lease the price of the conditional purchase and the price at which land comprised in a conditional lease shall be convertible into an additional

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 settlement lease, and irrespective of the value of any improvements owned by the applicant for conversion.

No. 69, 1932.

(6) Any number of settlement leases held in the same interest and whether original or additional or both may be included in one application under subsection two of this section; but an original settlement lease and any additional settlement lease held in virtue thereof in the same interest shall be included in one application.

(k) by omitting subsection three of section one hundred and three and by inserting in lieu thereof the following subsection:—

Sec. 103 (3).
(Term of additional settlement leases.)

(3) The term of an additional settlement lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1932, which has not become a lease in perpetuity shall cease—

(a) where the original settlement lease in virtue of which it was applied for or is held has not become a lease in perpetuity—upon the termination of such original settlement lease;

(b) where such original settlement lease has become a lease in perpetuity—on the date upon which such original settlement lease would have terminated had it not become a lease in perpetuity.

(l) by omitting section three hundred and twenty-one;

Sec. 321.
(Settlement leases applied for before 1st January, 1904: term, if not extended.)

(m)

No. 69, 1932.

Sec. 323.
 (Settlement
 leases applied
 for before 1st
 January, 1904:
 extension of
 term.)

(m) by omitting subsections two, three, four and five of section three hundred and twenty-three and by inserting in lieu thereof the following subsections:—

(2) The holder of any such settlement lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1932, may apply in the manner and within the time prescribed to have such lease extended to a lease in perpetuity.

The local land board may grant the application as to the whole or part of the land in the settlement lease.

The following provisions shall apply in respect of every such application—

(a) the application shall be granted only in respect of such part of the land comprised in the settlement lease as will not together with all other lands of the holder which are to be taken into account under the provisions of this Act substantially exceed a home maintenance area;

(b) the application shall not be granted in respect of so much of the land comprised in the settlement lease as is—

(i) reserved from sale, conditional sale, conditional purchase or other alienation under the Crown Lands Acts—unless the Minister so approves;

(ii) within a State forest or timber or forest reserve—unless the Forestry Commission so approves;

(iii) within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906—unless the Secretary for Mines so approves.

(3) Where an application under subsection two of this section has been granted as to the whole of the land comprised in the settlement lease

lease the instrument of lease shall be lodged with the Department of Lands in order that a notification of the extension may be endorsed thereon.

(4) Where an application under subsection two of this section has been granted as to part only of the land comprised in a settlement lease—

- (a) the settlement lease shall be surrendered and separate leases issued for such part and for the residue of the land comprised in the settlement lease;
- (b) the new leases shall commence on the date upon which the application under subsection two of this section is granted and the term of the new lease for such residue shall be the balance of the term of the settlement lease subsisting at that date;
- (c) no additional condition of residence or of fencing shall attach to such new leases;
- (d) the new leases shall, subject to this section, be held subject to the conditions appertaining to the settlement lease at the date of the said application;
- (e) the cost of any necessary survey shall be paid by the holder in the manner and at the time prescribed and upon default of payment the leases shall become liable to forfeiture.

(5) Subject to this section the general provisions and conditions relating to settlement leases shall apply to the new leases issued in pursuance of this section: Provided that upon conversion of the lease in perpetuity into a conditional purchase or into a conditional purchase and conditional lease the price of the conditional purchase and the price at which land comprised in a 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

No. 69, 1932.

the settlement lease, and irrespective of the value of any improvements owned by the applicant for conversion.

(6) Any number of settlement leases held in the same interest and whether original or additional or both may be included in one application under subsection two of this section; but an original settlement lease and any additional settlement lease held in virtue thereof in the same interest shall be included in one application.

Sec. 324.

(Settlement leases applied for before 1st January, 1904: rent not to be fixed in future on percentage basis.)

(n) by omitting section three hundred and twenty-four;

Sec. 107.

(Term and rent of conditional purchase lease.)

(o) by omitting from section one hundred and seven the words " A conditional purchase lease shall have and shall be deemed to have had a term of fifty years from the date of the application therefor " and by inserting in lieu thereof the following words:—

" Save as provided in this section or elsewhere expressly in this Act the title conferred by a conditional purchase lease which commences after the commencement of the Crown Lands (Amendment) Act, 1932, shall be a lease in perpetuity.

Save as provided in this section or elsewhere expressly in this Act the term of a conditional purchase lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1932, or of a conditional purchase lease applied for before and confirmed after such commencement, may, upon the application of the holder, be extended to a lease in perpetuity.

Every application under this section shall be made in the manner and in the form prescribed.

Upon publication in the Gazette of a notification that the Minister has granted the application as to the whole or part of the land comprised in

the

the lease the title conferred by the conditional purchase lease as to the land or part thereof in respect of which the application is granted, shall become a lease in perpetuity.

No. 69, 1932.

The term of a conditional purchase lease, whether the title thereto commenced before or after the commencement of the Crown Lands (Amendment) Act, 1932, as to so much of the land comprised therein as is within a State forest or timber or forest reserve or within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906, shall be fifty years, but the term of any conditional purchase lease, so far as such lease comprises land within any such reserve, State forest or area, may be extended under the provisions of this section.

In the case of so much of the land comprised in a conditional purchase lease as is within a State forest or timber or forest reserve, an application may be made by the holder to have the term of the conditional purchase lease, as to that land, extended to a lease in perpetuity, but such application shall not be granted except with the approval of the Forestry Commission.

And, in the case of so much of the land comprised in a conditional purchase lease as is within a reserve for mining or for mining purposes, or within an area exempted from alienation under the Mining Act, 1906, an application may be made by the holder to have the term of the conditional purchase lease, as to that land, extended to a lease in perpetuity, but such application shall not be granted except with the approval of the Secretary for Mines.

The cost of any necessary survey shall be paid by the holder in the manner and at the time prescribed and upon default of payment the leases shall become liable to forfeiture.

Where

No. 69, 1932.

Where an instrument of lease has issued in respect of the conditional purchase lease the following provisions shall have effect:—

- (a) if the conditional purchase lease has been extended to a lease in perpetuity as to the whole of the land comprised therein, the instrument of lease shall be lodged with the Department of Lands in order that a notification of such extension may be endorsed thereon;
- (b) if the conditional purchase lease has been extended to a lease in perpetuity as to part only of the land comprised therein the instrument of lease shall be surrendered and separate instruments of lease which, subject to this section, shall be held under the conditions appertaining to the conditional purchase lease, shall be issued for such part and for the residue of the land comprised in the conditional purchase lease.”

Sec. 134.
(Crown-
lease: rent
term and
periods.)

- (p) by omitting from section one hundred and thirty-four the words “The term of a Crown-lease shall be forty-five years” and by inserting in lieu thereof the words—

“ Save as provided in this section or elsewhere expressly in this Act the title conferred by a Crown-lease which commences after the commencement of the Crown Lands (Amendment) Act, 1932, shall be a lease in perpetuity.

Save as provided in this section or elsewhere expressly in this Act, the term of a Crown-lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1932, or of a Crown-lease applied for before and confirmed after such commencement may, upon the application of the holder, be extended to a lease in perpetuity.

Every application under this section shall be made in the manner and in the form prescribed.

Upon

Upon publication in the Gazette of a notification that the Minister has granted the application as to the whole or part of the land comprised in the lease the title conferred by the Crown-lease as to the land or part thereof in respect of which the application is granted, shall become a lease in perpetuity.

The term of a Crown-lease, whether the title thereto commenced before or after the commencement of the Crown Lands (Amendment) Act, 1932, as to so much of the land comprised therein as is within a State forest, or timber or forest reserve or within a reserve for mining or for mining purposes, or within an area exempted from alienation under the Mining Act, 1906, shall be forty-five years, but the term of any Crown-lease, so far as such lease comprises land within any such reserve, State forest, or area, may be extended under the provisions of this section.

In the case of so much of the land comprised in a Crown-lease as is within a State forest or timber or forest reserve an application may be made by the holder to have the term of the Crown-lease, as to that land, extended to a lease in perpetuity, but such application shall not be granted except with the approval of the Forestry Commission.

And, in the case of so much of the land comprised in a Crown-lease as is within a reserve for mining or for mining purposes, or within an area exempted from alienation under the Mining Act, 1906, an application may be made by the holder to have the term of the Crown-lease, as to that land, extended to a lease in perpetuity, but such application shall not be granted except with the approval of the Secretary for Mines

The cost of any necessary survey shall be paid by the holder in the manner and at the time prescribed, and upon default of payment the leases shall become liable to forfeiture.

Where

No. 69, 1932.

Where an instrument of lease has issued in respect of the Crown-lease the following provisions shall have effect:—

(a) if the Crown-lease has been extended to a lease in perpetuity as to the whole of the land comprised therein, the instrument of lease shall be lodged with the Department of Lands in order that a notification of such extension may be endorsed thereon;

(b) if the Crown-lease has been extended to a lease in perpetuity as to part only of the land comprised therein the instrument of lease shall be surrendered and separate instruments of lease which, subject to this section, shall be held under the conditions appertaining to the Crown-lease, shall be issued for such part and for the residue of the land comprised in the Crown-lease.”

Sec. 123A.
(Right of
conversion.)

(q) by omitting subsection four of section 123A and by inserting in lieu thereof the following new subsection:—

(4) Where the land is wholly or partly within a reserve from sale, conditional sale, conditional purchase or other alienation under the Crown Lands Acts, or within a State forest or timber or forest reserve, or within a reserve for mining or for mining purposes, or within an area exempted from alienation under the Mining Act, 1906, the Crown-lease shall, subject to the provisions of section one hundred and thirty-four hereof, terminate at the expiration of forty-five years from the commencement of title to the homestead farm.

Sec. 130A
(4).
(Term of
additional
Crown-
lease.)

(r) by omitting subsection four of section 130A and by inserting in lieu thereof the following subsection:—

(4) The term of an additional Crown-lease subsisting at the commencement of the Crown
Lands

Lands (Amendment) Act, 1932, which has not become a lease in perpetuity shall cease—

No. 69, 1932.

- (a) where the original Crown-lease in virtue of which it was applied for or is held has not become a lease in perpetuity—upon the termination of such original Crown-lease;
- (b) where such original Crown-lease has become a lease in perpetuity—on the date upon which such original Crown-lease would have terminated had it not become a lease in perpetuity.

(s) by omitting section one hundred and thirty-five.

Sec. 135.
(Crown-lease conversion into homestead farm.)

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

Further amendment of Act No. 7, 1913.

(a) by omitting from section one from the matter appearing in Division 4, Part VIII, the figures and letter “194b” and by inserting in lieu thereof the figures and letter “194c”;

Sec. 1.
(Division into parts.)
(Revision.)

(b) by omitting from section forty all words after the words “Minister in writing previously obtained” and by inserting in lieu thereof the words “The disqualification set out in this section shall not be taken to extend to the making of an original conditional purchase which is a conversion of a conditional purchase lease, homestead farm, Crown-lease, special conditional purchase lease, homestead selection, settlement lease, or non-residential conditional purchase”;

Sec. 40.
(Competency of applicant for conditional purchase or conditional lease.)

(c) by inserting at the end of section seventy-eight the words—

Sec. 78.
(Snow lease.)

“The holder of a snow lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1932, may if he considers the rent to be excessive apply in the prescribed manner to have the annual rent determined by the local land board.

The

No. 69, 1932.

The application shall be made within two years after the commencement of the Crown Lands (Amendment) Act, 1931, and shall be accompanied by the prescribed fee.

The local land board shall determine the fair annual rent of the lease, and the amount so determined shall from the recurring date of the commencement of the lease next after the date of application for determination be deemed to be the annual rent of the lease.

Where a determination has been made in pursuance of the provisions of this section no further application thereunder shall be entertained."

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

(d) by inserting at the end of paragraph (c) of subsection two of section one hundred and fourteen the following words: "or unless, in the opinion of the local land board, an applicant whose land does not adjoin or is not nearest to the land applied for, having regard to all the circumstances, including the respective periods of the ownership of basal holdings of the applicants and the manner in which such basal holdings have been used, is deserving of preference over an applicant whose land adjoins or is nearest to the land applied for";

Sec. 116.
(Conditions attaching to special conditional purchase leases.)

(e) by inserting in section one hundred and sixteen after the words "conditional purchases" wherever occurring the words "and conditional leases";

Sec. 157.
(Disqualification by having previously selected.)

(f) by omitting section one hundred and fifty-seven;

Sec. 166.
(Appraisal by local land boards.)

(g) by omitting from section one hundred and sixty-six the words: "Nothing in this section shall be taken to affect any rent, license, fee, price, capital value, or value the rate or the amount of which has been or shall be duly fixed by auction or tender or by any method other than is prescribed by the aforesaid section six of the Crown Lands Act of 1899 or this section";

(h)

- (h) (i) by inserting in the short heading to section one hundred and sixty-seven after the words "suburban holdings" the words "suburban holding purchases, settlement leases"; **No. 69, 1932.**
Sec. 167. (Appraisal of capital values.)
- (ii) by inserting in subsection one of the same section after the words "suburban holding" the words "suburban holding purchase, settlement lease";
- (iii) by omitting from subsection eight of the same section the words "where the holding was applied for after the first day of January, one thousand nine hundred and eighteen";
- (i) by inserting in paragraph two of section one hundred and eighty-five after the words "Crown-lease" the words "Provided that where the rent of any conditional lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1931, has prior to such commencement been determined by the local land board, the rent last so determined shall continue to be the rent payable in respect of the conditional lease"; **Sec. 185.**
(Conversion of settlement lease conditions upon conversion.)
- (j) by omitting from subsection three of section two hundred and six the words " if it be, in terms or in effect, provided by the Crown Lands Acts that such additional holding and such original holding (with or without further additional holdings) are to be deemed to be or to form one holding together " and by inserting in lieu thereof the words " held in virtue thereof in the same interest "; **Sec. 206.**
(Operation of forfeiture.)
- (k) by omitting from section two hundred and twenty-eight the words " conditional lease special lease scrub lease improvement lease settlement lease Crown lease " and by inserting in lieu thereof the words " lease under this Act "; **Sec. 228.**
(Expiration of certain leases: land to be reserved.)
- (l) by omitting from subsection four of section two hundred and seventy-two the words "and notwithstanding the provisions express or implied of any will under which he claims, sell and transfer the holding: **Sec. 272.**
(Restrictions as to assigns of certain holdings.)

Provided

No. 69, 1932.

Provided that where such person is a trustee not solely entitled beneficially to the said holding, he shall, before effecting any sale or any transfer in pursuance of this section, obtain the directions of the Chief Judge in Equity as to the manner of such sale, and as to the disposal of the proceeds thereof. Such directions may be obtained on petition or on originating summons" and by inserting in lieu thereof the words "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."

Sec. 302.
(Conditional purchases made after 1st January, 1885: payment.)

(m) by omitting from paragraph one of section three hundred and two the word " suspension " and by inserting in lieu thereof the word " postponement."

(2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Sec. 272.
(Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(a) by omitting paragraph (j) of subsection one of section two hundred and seventy-two;

(b) by inserting in the same subsection after the words "in the opinion of the Minister" the word "substantially."

(3) Subsection two of this section shall be deemed to have commenced on the second day of October, one thousand nine hundred and thirty-one.

Amendment of Act No. 21, 1909.
(Additional holdings.)

12. The Closer Settlement (Amendment) Act, 1909, is amended by inserting next after subsection three of section twenty-one the following new subsection:—

(3A) Notwithstanding anything to the contrary in any Act, the holder of any settlement purchase may apply in the form and manner prescribed for an original

original homestead farm under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, out of any area set apart for additional homestead farms in conjunction with other classes of additional holdings in pursuance of the provisions of section eighty-five of that Act.

An application under this subsection shall be deemed to be an application for an additional holding within the meaning of section one hundred and fourteen of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and shall be dealt with in accordance with the provisions of that section.

The term of residence attaching to the homestead farm shall be reduced by the period of residence performed in respect of the settlement purchase; and the condition of residence attaching to either the settlement purchase or the homestead farm may be carried out on one of such holdings.

Subject to the foregoing qualifications the general provisions of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, relating to homestead farms, shall govern homestead farms applied for in pursuance of this subsection.

13. The Closer Settlement (Amendment) Act, 1918, is amended by omitting from section twenty-eight the word "lands" and by inserting in lieu thereof the words "applications for, holdings comprising, and dealings with, land which has been or may be."

Amendment
of Act
No. 48, 1918.
Sec. 28.
(Regula-
tions.)

14. The Returned Soldiers Settlement Act, 1916, is amended—

Amendment
of Act
No. 21, 1916.
Sec. 4B.
(Additional
holdings.)

(a) by inserting next after subsection ten of section 4B the following new subsection:—

(11) Notwithstanding anything to the contrary in any Act, the holder of any group purchase may apply in the form and manner prescribed for an original homestead farm under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, out of any area set apart for additional homestead farms in conjunction with other classes of additional holdings in pursuance of the provisions of section eighty-five of that Act.

An

No. 69, 1932.

An application under this subsection shall be deemed to be an application for an additional holding within the meaning of section one hundred and fourteen of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and shall be dealt with in accordance with the provisions of that section.

The term of residence attaching to the homestead farm shall be reduced by the period of residence performed in respect of the group purchase; and the condition of residence attaching to either the group purchase or the homestead farm may be carried out on one of such holdings.

Subject to the foregoing qualifications the general provisions of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, relating to homestead farms shall govern homestead farms applied for in pursuance of this subsection.

(b) by omitting section fifteen.

Sec. 15.
(Extension of
time, &c.)
(Exhausted.)

Amendment
of Act No.
14, 1927.

Sec. 2.
(Amendment
of Closer
Settlement
Acts. Ap-
praisement
of price or
value.)

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

- (a) by inserting in subsection one of section two after the words "The Crown Lands (Amendment) Act, 1931" the words "or the holder of any land not being land within any area designed for village or township settlement acquired from the Crown either by such holder or his predecessors in title by purchase by tender before the passing of the Crown Lands (Amendment) Act, 1931";
- (b) by inserting in subsection seven of the same section after the words "settlement purchase" where firstly occurring the words "or of land purchased by tender as aforesaid";
- (c) by inserting in subsection ten of the same section after the words "settlement purchase" the words "or on any land purchased by tender as aforesaid";

(d)

(d) by inserting in subsection fourteen of the same section after the words "settlement purchase" the words "or of land purchased by tender as aforesaid."

No. 69, 1932.

16. The Prickly-pear Acts, 1924-1930, is amended by inserting next after section thirteen the following new section:—

Amendment of Act No. 31, 1924.
New s. 13A.

13A. The Minister may, if the local land board so recommends and the Colonial Treasurer concurs, waive or remit the payment of any principal moneys or interest or both due or to become due by any person in pursuance of the provisions of section twelve or section thirteen of this Act.

Waiver or remission of indebtedness.

17. Where but for any waiver, remission, or reduction made before the first day of January, one thousand nine hundred and thirty-three, in pursuance of any enactment, the rate of interest payable upon any debt to the Crown incurred under or by operation of any of the enactments referred to in subsection one of section three of this Act, in respect of any purchase of land or of Crown improvements, would on the thirty-first day of December, one thousand nine hundred and thirty-two, have exceeded four pounds per centum per annum, then as from the date upon which the waiver, remission or reduction ceases to operate, the maximum rate of such interest shall be four pounds per centum per annum.

Interest on certain debts incurred before 31st December, 1932.

18. (1) Notwithstanding anything contained in the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, or in the regulations thereunder, the deposit and subsequent instalments of purchase money to be paid in connection with settlement purchases, and the instalments of purchase money to be paid in connection with group purchases, acquired under such Acts, on or after the commencement of this Act, shall be at the rate of five per centum per annum of the capital value, or at such rate as may be prescribed by regulations made under the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916.

Settlement purchases and group purchases: deposits, instalments, and interest.

(2) Where the title to the settlement purchase or group purchase commenced before the passing of this Act, the instalment of purchase money for the year ending

No. 69, 1932.

ending on the thirtieth day of November, one thousand nine hundred and thirty-three, and each and every year thereafter, in the case of a settlement purchase, and for the year ending on the thirty-first day of August, one thousand nine hundred and thirty-three, and each and every year thereafter, in the case of a group purchase, shall be at the rate of five per centum per annum of the capital value of the settlement purchase or group purchase, as the case may be, or at such rate as may be prescribed by regulations made under the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916.

(3) The interest payable in respect of any settlement purchase or group purchase acquired on or after the date of the commencement of this Act shall be at the rate of four per centum per annum, or at such rate as may be prescribed by regulations made under the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916.

Waiver or
remission of
interest and
rent:
irrigation
holdings.

19. (1) Where the holder of land of any tenure under Part VI of the Crown Lands Consolidation Act, 1913, the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902, or any of those enactments as amended by subsequent Acts, has been adversely affected by flood, fire, drought, storm, or tempest he may apply to the Water Conservation and Irrigation Commission in the manner and within the time prescribed by regulations made under any of such Acts for relief under this section.

(2) The Commission shall refer every such application to the special land board, and if the board so recommends may postpone, waive, or remit payment of the whole or part of—

- (a) the interest on any debt to the Commission incurred under or by operation of any of the Acts referred to in subsection one of this section in respect of any purchase of land or of Crown improvements;
- (b) the annual rental under any lease from the Commission made under or by operation of any of such Acts.

(3)

(3) Any such postponement, waiver, or remission may be made unconditionally or subject to such conditions as the Commission may impose.

Where any condition imposed by the Commission is not performed or being performed to its satisfaction, it may revoke the postponement, waiver, or remission as from a date to be specified in a notice to the holder.

(4) The period for which any postponement, waiver, or remission granted under this section shall operate shall not extend beyond a date twelve months after the date of the recommendation of the special land board.

(5) The granting of any postponement, waiver or remission under this section shall not prevent a further application being made and considered.

(6) The Commission shall have discretion to refuse any application under subsection one of this section, which discretion shall be independent of the recommendation of the special land board.

(7) This section shall extend to a case in which the holder has been adversely affected by flood, fire, drought, storm, or tempest at any time after the first day of January, one thousand nine hundred and twenty-seven, and before the commencement of this Act.

Crown Lands (Amendment) Act.

No. 69, 1932.

Sec. 2.

SCHEDULE.

| Number of Act. | Short Title. | Extent of Repeal. |
|-----------------|------------------------------------|--|
| 1916, No. 29... | Crown Lands Amendment Act, 1916. | So much of section 7 as amended subsection (1) of section 157, Crown Lands Consolidation Act, 1913. |
| 1916, No. 29... | Crown Lands Amendment Act, 1916. | So much of section 24 as amended subsection (2) of section 157, Crown Lands Consolidation Act, 1913. |
| 1916, No. 29... | Crown Lands Amendment Act, 1916. | So much of section 24 as inserted the proviso in subsection (1) of section 216, Crown Lands Consolidation Act, 1913. |
| 1917, No. 27... | Crown Lands (Amendment) Act, 1917. | So much of section 4 as amended section 40, Crown Lands Consolidation Act, 1913. |
| 1917, No. 27... | Crown Lands (Amendment) Act, 1917. | So much of section 4 as amended section 149, Crown Lands Consolidation Act, 1913. |
| 1917, No. 27... | Crown Lands (Amendment) Act, 1917. | So much of section 4 as amended section 185, Crown Lands Consolidation Act, 1913, by omitting the words "on the date at which the settlement lease would have expired" and by inserting the words "at the expiration of forty years from the date of commencement of the settlement lease or Crown-lease." |
| 1919, No. 44... | Crown Lands (Amendment) Act, 1919. | So much of section 2 as amended section 321, Crown Lands Consolidation Act, 1913. |

SCHEDULE

Crown Lands (Amendment) Act.

733

SCHEDULE—continued.

No. 69, 1932.

| No. of Act. | Short Title. | Extent of Repeal. |
|-----------------|---|--|
| 1919, No. 51... | Returned Soldiers Settlement (Amendment) Act, 1919. | So much of section 5 as inserted section 15, Returned Soldiers Settlement Act, 1916. |
| 1924, No. 51... | Irrigation Holdings (Freehold) Act, 1924. | Paragraph (c) of section 4. |
| 1924, No. 52... | Crown Lands and Closer Settlement (Amending) Act, 1924. | Paragraph (g) of section 7. |
| 1930, No. 4 ... | Crown Lands (Amendment) Act, 1930. | Section 15. |
| 1930, No. 4 ... | Crown Lands (Amendment) Act, 1930. | Subparagraph (v) of paragraph (y) of section 16. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Subparagraphs (iv), (v), (vi), and (vii) of paragraph (e) of subsection (1) of section 9. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Subparagraph (i) of paragraph (n) of subsection (1) of section 9. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Paragraph (cc) of subsection (1) of section 9. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Paragraph (dd) of subsection (1) of section 9. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Subparagraphs (ii), (iii), (iv), and (v) of paragraph (gg) of subsection (1) of section 9. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Paragraph (h) of section 10. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Subparagraph (iii) of paragraph (bb) of section 10. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Paragraph (ee) of section 10. |
| 1931, No. 41... | Crown Lands (Amendment) Act, 1931. | Paragraph (ff) of section 10. |