

CROWN LANDS, CLOSER SETTLE-
MENT AND RETURNED
SOLDIERS SETTLEMENT
(AMENDMENT) ACT.

Act No. 6, 1935.

An Act to amend the Crown Lands Consolidation Act, 1913, and certain other Acts in certain respects; to validate certain transfers of Returned Soldiers' Special Holdings; and for purposes connected therewith. [Assented to, 26th February, 1935.]

George V.
No. 6, 1935.

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, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935." Short title.

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 The enactments mentioned in the Schedule to this Act are, to the extent therein indicated, hereby repealed.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

3. (1) Subsections two, three and four, subparagraph (iii) of paragraph (a) of subsection five and paragraphs (b) and (c) of subsection five of this section shall be deemed to have commenced on the thirtieth day of December, one thousand nine hundred and thirty-two. Commence-
ment.

(2)

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Amendment
of Act No. 7,
1913.

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

Sec. 64.
(Crown
lands
not sold
at auction;
purchase
after
auction.)

(2) The Crown Lands Consolidation Act, 1913, is amended as follows:—

- (a) by omitting subsection eight of section sixty-three and by inserting in lieu thereof the following subsection:—

(8) Where a person has prior to the commencement of the Crown Lands (Amendment) Act, 1932, become the purchaser of any area of land under this section and either before or after the commencement of the said Act the purchase of such area is declared to have lapsed, the Minister may, upon the prescribed application, direct that the whole or part of any moneys paid in respect of 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 by any member of the family of such person, of any other area under this section or of any area under section sixty-four of this Act; and where such direction has been given the whole or part of such moneys shall be credited or applied accordingly.

In this subsection the expression "member of the family of such person" shall include such person's father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-brother, step-sister, step-son and step-daughter.

- (b) by omitting from section sixty-four all words after the words "purchase of any other area" and by inserting in lieu thereof the following words:—

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

respect of 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 by any member of the family of such person, of any other area under this section or of any area under section sixty-three of this Act; and where such direction has been given the whole or part of such moneys shall be credited or applied accordingly.

In this section the expression "member of the family of such person" shall include such person's father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-brother, step-sister, step-son and step-daughter.

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

Sec. 179.
(Conditional purchase: postponement of instalments.)

Postponement of payment of instalments and interest on purchases.

179. (1) The Minister may postpone, conditionally or unconditionally, the payment of one or more instalments in respect of any purchase under the Crown Lands Acts, if satisfied of the inability of the holder to pay such instalments on the due date, irrespective of whether such instalments became payable before or become payable after the commencement of the Crown Lands (Amendment) Act, 1932.

Postponement of instalment.

Where any such postponement is granted, interest at the rate payable in respect of the purchase to the said due date shall, if the Minister so directs, be added to the amount owing in respect of the purchase, and if such instalments be subsequently paid, the amount owing in respect of the purchase shall be reduced by the amount so paid.

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Where the Minister does not direct that such interest shall be added to the amount owing in respect of the purchase, the interest so postponed shall, unless paid, be and remain a separate non-interest bearing debt in respect of the purchase payable at the end of the term of the purchase.

In the application of this subsection to purchases other than conditional purchases, an instalment shall be deemed to include the instalment of principal and the amount of interest due or owing on the purchase on the due date of the instalment of principal.

Payment of
interest
in lieu of
instalment.

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

Subject to the provisions of section three of the Crown Lands (Amendment) Act, 1932, such interest shall be charged at the rate payable in respect of the purchase and shall be paid annually on the date upon which the instalment would otherwise have been payable.

Postpone-
ment of
interest.

(3) Where interest only is payable yearly in respect of any such 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, irrespective of whether such interest became payable before or becomes payable after the commencement of the Crown Lands (Amendment) Act, 1932.

Where any such postponement is granted, the amount of such interest shall, if the Minister so directs, be added to the amount owing in respect of the purchase as at the due date for payment

of

of such interest, and if such interest be subsequently paid, the amount owing in respect of the purchase shall be reduced by the amount so paid.

Where the Minister does not direct that the amount of such interest shall be added to the amount owing in respect of the purchase, the interest so postponed shall, unless paid, be and remain a separate non-interest bearing debt in respect of the purchase payable at the end of the term of the purchase.

(4) Any postponement granted in pursuance of the section which this section replaces before the commencement of the Crown Lands (Amendment) Act, 1932, or granted in pursuance of this section may at any time be modified or revoked by the Minister at his discretion.

(d) (i) by omitting from section one hundred and eighty the words " and if the conditions so imposed or any of them are or is not duly performed the concession granted by the Minister shall cease to operate ";

Sec 180.
(Deferring
of pay-
ments.)

(ii) by omitting from the same section the words " remit the payment of such interest wholly or in part " and by inserting in lieu thereof the words " direct that the whole or part of such interest shall not be charged, irrespective of whether such interest accrued due before or accrues due after the commencement of the Crown Lands (Amendment) Act, 1932.

No refund shall be made as a consequence of any such direction."

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

Any deferment granted or remission or direction made in pursuance of this section whether before or after the commencement of the Crown Lands (Amendment) Act, 1932, may at any time be modified or revoked by the Minister at his discretion.

(e).

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Sec. 216.
(Periods
allowed for
payment.)

(e) (i) by inserting in subsection one of section two hundred and sixteen after the words "after the commencement of the Crown Lands (Amendment) Act, 1932," the words "and interest in any such case shall be charged only as from the expiration of three years from that date";

(ii) by omitting from the same subsection the words "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" and by inserting in lieu thereof the words "Where at the commencement of the Crown Lands (Amendment) Act, 1932, the holder of one or more of such holdings as are referred to in this subsection is liable for payment for improvements to the Crown, and the total value of such improvements exceeds three hundred pounds, he may, on the prescribed application, have the terms of payment of the balance of the value of the improvements in respect of each of the holdings so held 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.

Sec. 278.
(Interest
on arrears.)

(f) by omitting from section two hundred and seventy-eight the words "remit the payment of such interest wholly or in part or may grant an extension of time for the payment of all or any part

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part of such interest” and by inserting in lieu thereof the words “irrespective of whether such interest accrued due before or accrues due after the commencement of the Crown Lands (Amendment) Act, 1932—

- (a) direct that the whole or part of such interest shall not be charged; or
- (b) grant an extension of time for the payment of all or any part of such interest; or
- (c) remit the payment of such interest wholly or in part.

No refund shall be made as a consequence of any such direction.”

(3) The Closer Settlement Act, 1904, is amended as follows:—

Amendment of Act No. 37, 1904.

(a) by omitting subsection two of section twenty-nine;

Sec. 29 (2).
(Payment of interest in lieu of instalments: postponement of interest and of instalments.)

(b) by inserting next after section twenty-nine the following short heading and new section:—

New s. 29A.

Postponement of payment of instalments of interest on purchases.

29A. (1) The Minister may postpone, conditionally or unconditionally, the payment of one or more instalments owing in respect of any purchase under the Closer Settlement Acts, if satisfied of the inability of the holder to pay such instalments on the due date, irrespective of whether such instalments became payable before or become payable after the commencement of the Crown Lands (Amendment) Act, 1932.

Postponement of instalments.

Where any such postponement is granted, interest at the rate payable in respect of the purchase to the said due date shall, if the Minister so directs, be added to the amount owing in respect

respect of the purchase, and if such instalments be subsequently paid, the amount owing in respect of the purchase shall be reduced by the amount so paid.

Where the Minister does not direct that such interest shall be added to the amount owing in respect of the purchase, the interest so postponed shall, unless paid, be and remain a separate non-interest bearing debt in respect of the purchase payable at the end of the term of the purchase.

In the application of this subsection to purchases other than settlement purchases an instalment shall be deemed to include the instalment of principal and the amount of interest due or owing on the purchase on the due date of the instalment of principal.

Payment
of interest
in lieu of
instalment.

(2) Subject to the approval of the Minister interest only in respect of any such purchase 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 became payable before or become payable after the commencement of the Crown Lands (Amendment) Act, 1932.

Subject to the provisions of section three of the Crown Lands (Amendment) Act, 1932, such interest shall be charged at the rate payable in respect of the purchase and shall be paid annually on the date upon which the instalment of purchase money would otherwise have been payable.

Postpone-
ment
of interest.

(3) Where interest only is payable yearly in respect of any such 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, irrespective of

whether

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whether such interest became payable before or becomes payable after the commencement of the Crown Lands (Amendment) Act, 1932.

Where any such postponement is granted, the amount of such interest shall, if the Minister so directs, be added to the amount owing in respect of the purchase as at the due date for payment of such interest, and if such interest be subsequently paid, the amount owing in respect of the purchase shall be reduced by the amount so paid.

Where the Minister does not direct that the amount of such interest shall be added to the amount owing in respect of the purchase, the interest so postponed shall, unless paid, be and remain a separate non-interest bearing debt in respect of the purchase payable at the end of the term of the purchase.

(4) Any postponement granted in pursuance of subsection two of section twenty-nine of this Act before the commencement of the Crown Lands (Amendment) Act, 1932, or granted in pursuance of this section, may at any time be modified or revoked by the Minister at his discretion.

Modifica-
tion or
revocation
of postpone-
ment.

(c) by inserting next after section thirty-eight the following new section:—

New s. 38A.

38A. Where a person has prior to the commencement of the Crown Lands (Amendment) Act, 1932, become the purchaser at auction of any area of land under the Closer Settlement Acts and either before or after such commencement the purchase of such area is declared to have been forfeited, the Minister may, upon the prescribed application, direct that the whole or part of any moneys paid in respect of such purchase, whether the same have been declared forfeited or not, shall be credited or applied

Power
to apply
payments
made upon
lapsed
purchases
to other
purchases.

as

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as payment in respect of the purchase by such person, or by any member of the family of such person, of any other area at auction under the Closer Settlement Acts or of any area under section four of the Closer Settlement (Amendment) Act, 1914; and where such direction has been given the whole or part of such moneys shall be credited or applied accordingly.

In this section the expression " member of the family of such person " shall include such person's father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-brother, step-sister, step-son and step-daughter.

Amendment
of Act No.
7, 1914.
Sec. 4.

(4) The Closer Settlement (Amendment) Act, 1914, is amended by inserting at the end of section four the following new subsection:—

(After
auction
sale at
upset price.)

(2) Where a person has prior to the commencement of the Crown Lands (Amendment) Act, 1932, become the purchaser of any area of land under this section, and either before or after such commencement the contract for sale has been cancelled, the Minister may, upon the prescribed application, direct that the whole or part of any moneys paid in respect of such purchase, whether the same have been forfeited or not, shall be credited or applied as payment in respect of the purchase by such person, or by any member of the family of such person, of any other area under this section, or of any area at auction under the Closer Settlement Acts; and where such direction has been given the whole or part of such moneys shall be credited or applied accordingly.

In this subsection the expression " member of the family of such person " shall include such person's father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-brother, step-sister, step-son and step-daughter.

(5)

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(5) The Crown Lands (Amendment) Act, 1932, is amended as follows:—

Amendment
of Act No.
69, 1932.

- (a) (i) by omitting from subsection one of section four the words “ to the Minister ”;
- (ii) by omitting from subsection two of the same section the words “ shall refer every such application to the local land board, and if the board ” and by inserting in lieu thereof the words “ if the local land board ”;
- (iii) by omitting subsection four of the same section and by inserting in lieu thereof the following new subsection:—

Sec. 4.

(Waiver or
remission of
interest
and rent.)

(4) No postponement, waiver or remission shall be granted under this section in respect of any instalment, interest or rent which becomes due after the expiration of twelve months from the date of the recommendation of the local land board.

- (iv) by omitting from subsection six of the same section the words “ 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 ” and by inserting in lieu thereof the following words:—“ Where it appears to the local land board that any improvements which an applicant under this section is in course of purchasing from the Crown pursuant to the provisions of the Crown Lands Consolidation Act, 1913, have become depreciated in value owing to damage by flood, fire, storm or tempest, the local land board may redetermine the capital value of such improvements ”;

(b)

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Sec. 5.
(Funding of
arrears.)

- (b) (i) by inserting in section five after the words and figures " the Returned Soldiers Settlement Act, 1916," the words and figures " the Prickly-pear Destruction Act, 1901 ";
- (ii) by omitting from the same section the words " 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.

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 " and by inserting in lieu thereof the words " and that payment of the amount funded shall be distributed over a period of succeeding years not exceeding twenty in number, commencing from such date as he may appoint, and may also direct that the amount so remaining unpaid shall bear interest.

Where the Minister does not direct that the amounts so remaining unpaid shall bear interest, interest shall not be charged upon such amounts as from the respective dates upon which such amounts became payable, and the total of such amounts shall in such case be deemed to be the amount funded, and the amount funded shall not bear interest.

Where the Minister directs that the amounts so remaining unpaid shall bear interest, such amounts 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, and the sums accruing due as interest before the date appointed by the Minister as the date

upon

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upon which payment of the amount funded shall commence, shall be added to the amounts so remaining unpaid, and in such case the total of such sums and amounts shall, as from that date, be deemed to be the amount funded and the amount funded, or so much thereof as remains unpaid, shall bear interest at the rate aforesaid."

- (iii) by omitting from the same section the words "waive or remit the payment of such interest wholly or in part" and by inserting in lieu thereof the words "direct that the whole or part of such interest shall not be charged.

No refund shall be made as a consequence of any such direction."

- (iv) by omitting from the same section the words:—"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" and by inserting in lieu thereof the words "Any direction by the Minister in pursuance of this section that any amount remaining unpaid shall bear interest, may at any time be revoked, and any other direction by the Minister in pursuance of this section may at any time be modified or revoked at the discretion of the Minister."

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

(4) No postponement, waiver or remission shall be granted under this section in respect of any instalment, interest or rent which becomes due after the expiration of twelve months from the date of the recommendation of the special land board.

Sec. 19.
(Waiver or remission of interest and rent: irrigation holdings.)

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Commence-
ment.

4. (1) This section shall be deemed to have commenced on the second day of October, one thousand nine hundred and thirty-one.

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

(2) The Crown Lands Consolidation Act, 1913, is further amended:—

Sec. 167.
(Appraise-
ment of
capital
values.)

- (a) (i) by omitting from subsection one of section one hundred and sixty-seven the word “under” and by inserting in lieu thereof the words “by the local land board in accordance with”;
- (ii) by omitting from subsection three of the same section the words “two years” and by inserting in lieu thereof the words “four years”;
- (iii) by omitting from subsection four of the same section the words “application for”;
- (iv) by inserting in subsection twelve of the same section after the word “purchase” where secondly occurring the words “or a suburban holding purchase”;
- (v) by inserting at the end of the same subsection the following proviso:—

Provided that where the application for a conditional purchase or a suburban holding purchase has been confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1931, or within five years before such commencement, all amounts, inclusive of interest, payable in respect of the conditional purchase or suburban holding purchase shall be adjusted as from the date of commencement of the purchase in accordance with the determination of capital value under this section whether such determination was or is made before or after the commencement of the Crown Lands (Amendment) Act, 1931.

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

(13) All amounts (or, in any case in which an adjustment of amounts has been made under the provisions of subsection twelve of this section, all such adjusted amounts) inclusive of any instalment or interest (whether or not the same has been postponed, funded or deferred) which became due and payable in respect of a conditional purchase or suburban holding purchase before the date of the application for determination shall be paid by the holder.

All amounts which would, but for any postponement, funding or deferment, or the operation of subsection two of section one hundred and seventy-nine of this Act, have become due and payable in respect of a conditional purchase or suburban holding purchase before the date of the application for determination shall also be paid by the holder.

Where the total amount which has been paid in respect of a conditional purchase or suburban holding purchase, exclusive of sums which have been appropriated to interest, exceeds the capital value determined under this section, whether such determination was made before or after the commencement of the Crown Lands (Amendment) Act, 1931, no refund shall be made.

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

(15) For the purpose of making application in pursuance of this section a mortgagee in possession shall be entitled to exercise the rights of a holder under this section.

In

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In any such case, any land of which the applicant is in possession as mortgagee, and any land of which the spouse of the applicant is the holder or is in possession as mortgagee, shall, for the purposes of subsection seven of this section, be deemed to be land held by the applicant.

Sec. 167A.
(Appraisal
ment of
rents.)

- (b) (i) by omitting from subsection two of section 167A the words " two years " and by inserting in lieu thereof the words " four years ";
- (ii) by omitting subsection three of the same section;
- (iii) by omitting from subsection six of the same section the words " application for ";
- (iv) by omitting from subsection eight of the same section the words " Subsection three of this section shall not apply to any such application of the said Commissioners ";
- (v) by inserting next after subsection eight of the same section the following new subsection:—

(9) For the purpose of making application in pursuance of this section a mortgagee in possession shall be entitled to exercise the rights of a holder under this section.

Sec. 78.
(Snow
lease.)

- (c) by omitting from section seventy-eight the words " two years " and by inserting in lieu thereof the words " four years ";

Amendment of
Act No. 14,
1927.

(3) The Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927, is amended—

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

- (a) by omitting from subsection four of section two the words "two years" where firstly occurring and by inserting in lieu thereof the words " four years ";
- (b) by omitting from subsection five of the same section the words " two years " and by inserting in lieu thereof the words " four years ";
- (c)

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- (c) (i) by inserting in paragraph (b) of subsection eight of the same section after the word "paid" the words "or to be paid";
- (ii) by inserting at the end of the same subsection the words—
- "and
- (c) in any case where at the date of the acquisition the land was held as a homestead selection and the capital value of such homestead selection was, after such date, increased as a result of a determination by the local land board, the amount of such increase."
- (d) (i) by inserting in subsection ten of the same section after the word "paid" where firstly occurring, the words "or to be paid";
- (ii) by omitting from the same subsection the words and figures "six and seven of the Closer Settlement (Amendment) Act, 1919," and by inserting in lieu thereof the words and figures "twelve and fourteen of the Closer Settlement (Amendment) Act, 1918";
- (e) by inserting next after subsection thirteen of the same section the following new subsection:—

(13A) For the purpose of making application in pursuance of this section a mortgagee in possession shall be entitled to exercise the rights of a holder under this section.

In any such case, any land of which the applicant is in possession as mortgagee, and any land of which the spouse of the applicant is the holder or is in possession as mortgagee, shall, for the purposes of subsection fourteen of this section, be deemed to be land held by the applicant.

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Amendment of
Act No. 21,
1916.(4) The Returned Soldiers Settlement Act, 1916,
is amended—Sec. 19.
(Appraisal
of
soldiers'
holdings.)(a) by omitting from subsection (1B) of section
nineteen the words " two years " and by insert-
ing in lieu thereof the words " four years ";(b) (i) by omitting from subsection four of the
same section the words " 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 " and by inserting in lieu
thereof the words " a determination of the
capital value, price or value of the land or
the amount of the charge of purchase
money on the land, has been made under
the provisions of this section ";(ii) by omitting from the same subsection the
words and figures " 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 (Amend-
ment) 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 " and by inserting in lieu
thereof the words and figures " a deter-
mination of the capital value of the land has
been made under the provisions of section
one hundred and sixty-seven of the Crown
Lands Consolidation Act, 1913, or a deter-
mination of the capital value, price or value
of the land or the amount of the charge of
purchase money on the land has been made
under the provisions of section two of the
Closer Settlement and Returned Soldiers
Settlement (Amendment) Act, 1927 ";

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

(5) For the purpose of making application in pursuance of this section a mortgagee in possession shall be entitled to exercise the rights of a holder under this section.

No such application shall be entertained where the land held by the applicant substantially exceeds a home maintenance area.

For the purposes of this subsection any land of which the applicant is in possession as mortgagee, and any land of which the spouse of the applicant is the holder or is in possession as mortgagee, shall be deemed to be land held by the applicant.

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

Further amendment of Act No. 7, 1913.

(a) by inserting at the end of section thirty the following new paragraph:—

Sec. 30.

(Revocation or modification of reserves.)

A reserve from sale for the purpose of a catchment area shall not be revoked or modified except with the concurrence of the board constituted under section 34A of this Act.

(b) by inserting next after section thirty-four the following short heading and new section:—

News. 34A.

Catchment areas board.

34A. (1) There shall be a catchment areas board which shall consist of—

Catchment areas board.

(a) the Minister for the time being charged with the administration of the Forestry Act, 1916, as amended by subsequent Acts, who shall be chairman of the board;

(b) the person for the time being holding the office of Under-Secretary for Lands or an officer of the Department of Lands nominated by such person, who shall in the absence of the said Minister act as chairman of the board;

(c)

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- (c) the person for the time being holding the office of Under-Secretary, Department of Agriculture, or an officer of that Department nominated by him;
- (d) the person for the time being constituting the Forestry Commission of New South Wales, or an officer of that commission nominated by such person;
- (e) a commissioner or an officer of the Water Conservation and Irrigation Commission nominated by that Commission.

(2) All meetings of the board shall be called by the chairman.

(3) At any meeting of the board the chairman, or member acting as chairman, and any two other members shall form a quorum, and the chairman, or member acting as chairman, shall preside at all meetings of the board.

(4) The chairman, or member acting as chairman, shall have an original vote on any question before the board, and in the case of equality of votes shall have a second or casting vote.

(5) The board shall exercise such functions as are conferred upon it by this or any other Act or as may be prescribed.

New s. 83A.

- (c) by inserting next after section eighty-three the following short heading and new section:—

*Leases and licenses of land reserved from sale
for the purpose of a catchment area.*

Leases and
licenses of
lands
reserved
from sale
for
catchment
area.

83A. Notwithstanding anything to the contrary in any Act, land reserved from sale for the purpose of a catchment area shall not be let under any form of lease or license nor shall the term of any lease of such land be extended, except upon the recommendation of and subject to such special conditions as may be recommended by the board constituted under section 34A of this Act.

(d)

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- (d) (i) by inserting in subsection four of section eighty-five after the words "timber reserve" where firstly occurring the words "or any reserve from sale for the purpose of a catchment area"; Sec. 85.
(Power to classify Crown lands.)
- (ii) by inserting in the same subsection after the words "administering the Forestry Act" the words "or in the case of a reserve from sale for the purpose of a catchment area the revocation has been recommended by the board constituted under section 34A of this Act";
- (e) by inserting next after section 136i the following short heading and new section:— New s. 136J.

Leases of land reserved from sale for the purpose of a catchment area.

136J. Notwithstanding anything to the contrary in any Act land reserved from sale for the purpose of a catchment area shall not be let under any form of lease, nor shall the term of any lease of such land be extended, except upon the recommendation of and subject to such special conditions as may be recommended by the board constituted under section 34A of this Act. Leases of land reserved from sale for catchment area.

- (f) (i) by inserting in subsection four of section one hundred and thirty-nine after the words "timber reserve" where firstly occurring the words "or any reserve from sale for the purpose of a catchment area"; Sec. 139.
(Irrigation area, how dealt with.)
- (ii) by inserting in the same subsection after the word "Commission" the words "or in the case of a reserve from sale for the purpose of a catchment area the revocation has been recommended by the board constituted under section 34A of this Act";
- (g) by inserting at the end of subsection one of section 145B the following proviso:— Sec. 145B.
(Alteration, etc., of conditions of purchases or leases.)
- Provided that where the whole or any part of the land held under lease is reserved from sale
for

for the purpose of a catchment area, the alteration, modification or cancellation of any condition of the lease shall not be made except upon the recommendation of, and subject to any further conditions recommended by the board constituted under section 34A of this Act.

New
s. 147B.

- (h) by inserting next after section 147A the following short heading and new section:—

Leases of land reserved from sale for the purpose of a catchment area.

Leases of
land
reserved
from sale
for catch-
ment area.

147B. Notwithstanding anything to the contrary in any Act, land reserved from sale for the purpose of a catchment area shall not be let under any form of lease or added to any lease under the provisions of this Act, except upon the recommendation of, and subject to such special conditions as may be recommended by the board constituted under section 34A of this Act.

Sec. 164.
(Addition
to lease or
license.)

- (i) by inserting in section one hundred and sixty-four after the words " Crown Lands Acts " the following new paragraph:—

" Land reserved from sale for the purpose of a catchment area shall not be included under any lease or license in pursuance of this section, except with the concurrence of, and subject to such special conditions as may be determined by the board constituted under section 34A of this Act."

Sec. 182.
(Conditions
attaching to
certain
leases:
alteration
by consent.)

- (j) by inserting in section one hundred and eighty-two after the word " desirable " the following words:—

" Provided that where the whole or any part of the land held under lease is reserved from sale for the purpose of a catchment area, the variation, modification, revocation or addition of any condition shall not be made except upon the recommendation of, and subject to any further conditions recommended by the board constituted under section 34A of this Act ";

(k)

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- (k) by inserting next after section one hundred and ninety-eight the following short heading and new section:—

New
s. 198A.

*Exchanges affecting land reserved from sale for
the purpose of a catchment area.*

198A. Notwithstanding anything to the contrary in any Act, Crown lands reserved from sale for the purpose of a catchment area shall not be disposed of in exchange for land surrendered or acquired in pursuance of the provisions of this Division, and lands surrendered to the Crown under this Division which are reserved from sale for the purpose of a catchment area shall not be added to any lease or license or conditional purchase or homestead selection, except upon the recommendation of and subject to such special conditions as may be recommended by the board constituted under section 34A of this Act.

Exchanges
affecting
land
reserved
from sale
for catch-
ment area.

- (l) by inserting next after section 229A the following short heading and new section:—

New
s. 229B.

*Limitation of operation of sections 229 and
229A.*

229B. An extension of the term of any lease in pursuance of section two hundred and twenty-nine or section 229A shall not be granted in respect of land reserved from sale for the purpose of a catchment area, except upon the recommendation of, and subject to such special conditions as may be recommended by the board constituted under section 34A of this Act.

Extension
of term of
lease of land
reserved
from sale
for catch-
ment area.

- (2) The Closer Settlement Act, 1904, is further amended by inserting at the end of section thirty-nine the following proviso:

Further
amendment
of Act No.
37, 1904.

“ Provided that where the land is reserved from sale for the purpose of a catchment area, permits to occupy shall not be so granted, except upon the recommendation of, and subject to such special conditions

Sec. 39.
(Permits to
occupy.)

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conditions as may be recommended by the board constituted under section 34A of the Crown Lands Consolidation Act, 1913."

Amendment of
Act No. 21,
1909.

(3) The Closer Settlement (Amendment) Act, 1909, is amended—

Sec. 21.
(Setting
apart for
closer
settlement.)

(a) by inserting in subsection one of section twenty-one after the words "revoke such setting apart" the following proviso:—

Provided that where the land is reserved from sale for the purpose of a catchment area it shall not be so set apart except with the recommendation of the board constituted under section 34A of the Crown Lands Consolidation Act, 1913.

(b) by inserting in subsection six of the same section after the word "Minister" the following proviso:—

Provided that land reserved from sale for the purpose of a catchment area shall not be so leased or exchanged, except upon the recommendation of, and subject to such special conditions as may be recommended by the board constituted under section 34A of the Crown Lands Consolidation Act, 1913.

Further
amendment of
Act No. 7,
1914.

Sec. 4.
(After-auction
sale or lease at
upset price.)

(4) The Closer Settlement (Amendment) Act, 1914, is further amended by inserting in section four after the words "apply for the same" the following proviso:—

Provided that land reserved from sale for the purpose of a catchment area shall not be so leased, except upon the recommendation of, and subject to such special conditions as may be recommended by the board constituted under section 34A of the Crown Lands Consolidation Act, 1913.

Further
amendment of
Act No. 21,
1916.

(5) The Returned Soldiers Settlement Act, 1916, is further amended by inserting next after subsection one of section four the following new subsection:—

Sec. 4.
(Special pro-
vision for
settlement of
discharged
soldiers.)

(1A) Land reserved from sale for the purpose of a catchment area shall not be leased under the provisions

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provisions of this section except upon the recommendation of, and subject to such special conditions as may be recommended by the board constituted under section 34A of the Crown Lands Consolidation Act, 1913.

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

Further amendment of Act No. 7, 1913.

(a) by inserting in section thirteen after the word “ arise ” the words “ under this or any other Act ”;

Sec. 13.
(Board, when authorised, may deal with matters outside its district.)

(b) by inserting next after section thirteen the following short heading and new section:—

New s. 13A.

Authority of member appointed for one land district to act on board for another land district.

13A. It shall be lawful for the Minister from time to time to direct any member, other than the chairman, of any local land board, to sit or act as a member of any other local land board to deal with any matter, question or inquiry that has arisen, or shall arise under this or any other Act, without regard to the land district in which the land forming the subject of such matter, question or inquiry may be situated, and where such member so sits or acts such last mentioned local land board shall have as full power and jurisdiction to deal with such matter, question or inquiry as if such member had been appointed for the land district of the said local land board by the Governor.

Member of one land board may act on the board of another district.

(c) by inserting in paragraph two of section fourteen after the word “ board ” where secondly occurring the words “ and every Crown land agent ”;

Sec. 14.
(General powers and procedure of board.)

(d) by inserting in section seventeen after the word and figures “ Irrigation Act, 1912 ” the words and figures “ -1931, or the Public Parks Act, 1912, or the Public Trusts Act, 1897 ”;

Sec. 17.
(Minister may refer to boards for reports.)

(e)

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Sec. 101.
(Original
settlement
leases.)

(e) (i) by inserting in paragraph six of subsection one of section one hundred and one after the word "assign" the words and parentheses "(except by way of mortgage or discharge of mortgage)";

(ii) by omitting from subsection two of the same section the words "and within the time";

(iii) by inserting at the end of paragraph (a) of subsection four of the same section the words "and where any person has an interest as mortgagee or otherwise in the settlement lease so surrendered the document evidencing or agreement creating such interest shall except in the case of a transfer under this Act, be read and construed as if the reference in such document or agreement to the settlement lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer on such person an equivalent interest in the new leases, and in such case the transferee shall, by virtue of this Act, have authority to execute, as the attorney and at the expense of the transferor, any such transfer, if the transferor fails to execute the same within one month after being called upon to do so";

Sec. 107.
(Term and
rent of con-
ditional
purchase
lease.)

(f) by inserting at the end of paragraph (b) of section one hundred and seven the words "and where any person has an interest as mortgagee or otherwise in the conditional purchase lease the instrument of lease for which is so surrendered the document evidencing or agreement creating such interest shall except in the case of a transfer under this Act, be read and construed

as

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as if the reference in such document or agreement to the conditional purchase lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer on such person an equivalent interest in the new leases, and in such case the transferee shall, by virtue of this Act, have authority to execute, as the attorney and at the expense of the transferor, any such transfer, if the transferor fails to execute the same within one month after being called upon to do so ”;

- (g) (i) by omitting subsection six of section one hundred and nine and by inserting in lieu thereof the following new subsection:—

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

(6) Upon confirmation by the local land board, whether before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, the conversion shall be deemed to have taken effect as from the date of application for conversion.

- (ii) by inserting in subsection seven of the same section after the word “ purchase ” where secondly and thirdly occurring the words “ or conditional purchase ”;

- (iii) by inserting at the end of the same subsection the following new paragraph:—

(c) the term of residence attaching to any such conditional purchase or conditional purchase and conditional lease shall be reduced by the period during which continuous residence has been performed upon the conditional purchase lease;

(h)

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Sec. 114.
(Classified
areas:
applications
for addi-
tional
holdings,
how dealt
with.)

(h) (i) by omitting paragraph (c) of subsection two of section one hundred and fourteen and by inserting in lieu thereof the following paragraph:—

(c) In the case of simultaneous applications, preference shall be given to the applicant who, in the opinion of the local land board, having regard to all the circumstances, including particularly the area of lands already held by the applicants, the proximity of the lands of the applicants to the lands applied for, the respective periods of the ownership of the lands of the applicants and the manner in which such lands have been used is most deserving of preference.

(ii) by inserting in paragraph (f) of the same subsection after the words “ additional holding ” the words “ in virtue of such holding ”;

Sec. 119A.
(Certificates
of preferen-
tial right.)

(i) (i) by inserting next after subsection four of section 119A the following new subsections:—

(4A) The amount of survey fee payable in respect of any such homestead farm shall be reduced by the amount of survey fee paid in respect of the permissive occupancy.

(4B) The term of residence attaching to any such homestead farm shall be reduced by the period during which continuous residence has been performed or deemed to have been performed on the land whilst held under permissive occupancy:

Provided that in any case where the condition of residence was dispensed with in respect of the permissive occupancy, no condition of residence shall attach to the homestead farm.

(ii)

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- (ii) by omitting from subsection six of the same section the words "the thirty-first day of December, one thousand nine hundred and forty-two," and by inserting in lieu thereof the words "the thirtieth day of June, one thousand nine hundred and fifty";
- (j) (i) by omitting from subsection one of section 123A the words and figures "applied for before the passing of the Crown Lands (Amendment) Act, 1927" and by inserting in lieu thereof the words "(whether an original or an additional homestead farm)";
- (ii) by omitting from the same subsection the words "the homestead farm" and by inserting in lieu thereof the words "the same";
- (iii) by inserting next after subsection one of the same section the following new subsections:—

Sec. 123A.
(Right of
conversion.)

(1A) The application shall be accompanied by the prescribed fee.

If the homestead farm is subject to a mortgage, the unconditional concurrence of the mortgagee shall accompany the application.

If the perpetual lease grant has been issued in respect of the homestead farm, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application be not approved, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant returned to him.

(1B) An original homestead farm and any additional homestead farm held in virtue thereof may be included in one application under this section.

(iv)

- (iv) by inserting in subsection two of the same section after the word "applicant" the words "and the spouse of the applicant";
- (v) by inserting in subsection four of the same section immediately before the words "homestead farm" the word "original";
- (vi) by inserting at the end of subsection five of the same section the words "at the date of the application for conversion";
- (vii) by omitting from subsection six of the same section all words after the words "this section";
- (k) by omitting section one hundred and twenty-nine and the short heading thereto and by inserting in lieu thereof the following short heading and new section:—

Sec. 129.
(Suburban
holding: who
may hold.)

*Restrictions on assignment of suburban
holdings.*

Transfer of
suburban
holdings.

129. (1) A suburban holding shall not be transferred except by way of mortgage or discharge of mortgage unless the consent of the Minister has been previously obtained.

(2) If any suburban holding devolves under a will or intestacy upon any person, such person may hold the suburban holding for a period of three years after the death of the testator or intestate, or for such further period as the Minister may permit.

Within any such period such person may, upon application obtain a certificate from the Minister that he is entitled to hold the suburban holding; or such person may, subject to this section, sell and transfer the suburban holding.

If by the provisions of the will or by law, such person has power to sell the suburban holding, 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 suburban holding or by order of
the

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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 Minister as aforesaid, nor transfer the suburban holding as aforesaid, the same shall be liable to forfeiture, and on notification by the Minister in the Gazette may be forfeited and thereupon shall revert to the Crown.

(3) This section shall apply to suburban holdings confirmed or granted before as well as to suburban holdings confirmed or granted after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.

- (1) (i) by inserting in subsection two of section 129A after the word "holding" where firstly occurring the words "or suburban holding purchase (whether a grant has or has not issued)"; Sec. 129A. (Additional suburban holdings.)
- (ii) by omitting from subsection three of the same section the words "shall report to the Minister whether such application shall be granted or refused" and by inserting in lieu thereof the words "may, at its discretion, confirm or disallow such application, either as to the whole or any part of the land applied for.
- The local land board may permit the applicant to withdraw the application."
- (iii) by omitting subsection four of the same section;
- (iv) by inserting in subsection five of the same section after the word "holding" where secondly occurring the words "or suburban holding purchase";

(v)

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- (v) by omitting from the same subsection the words "additional suburban holding" where secondly occurring and by inserting in lieu thereof the words "additional holding";
- (vi) by omitting subsection six of the same section;
- (vii) by inserting in subsection eight of the same section after the word "application" where firstly occurring the words "made before the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935";

Sec. 129B.
(Purchase of
suburban
holdings.)

- (m) (i) by omitting from paragraph (h) of section 129B the words "and any restrictions imposed by section one hundred and twenty-nine in respect of suburban holdings";
- (ii) by omitting paragraph (k) of the same section and by inserting in lieu thereof the following paragraph:—

(k) Except by way of mortgage or discharge of mortgage a transfer of land purchased under this section shall not be valid unless the consent of the Minister has been obtained.

The Minister shall have discretion to grant or refuse his consent.

The provisions of this paragraph shall apply whether a grant has or has not issued, but shall not apply to the transfer of any parcel of land being part of that comprised in a grant of land purchased under this section where the Minister so certifies in the prescribed form.

The Minister may so certify in the case of a subdivision made before the commencement of the Crown Lands
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(Amendment) Act, 1927, as well as in the case of a subdivision made after such commencement or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.

Upon the issue of any certificate under this paragraph the parcel of land may be transferred or otherwise dealt with without recourse to this paragraph.

This paragraph shall apply to and in respect of any certificate issued under the paragraph which this paragraph replaces in the same manner in all respects as if this paragraph had been in force at the time when such certificate was issued.

- (n) by omitting from paragraph four of section one hundred and thirty the words "and if any Crown-lease be not convertible (as hereinafter provided) into a homestead farm, the Minister shall so state in the notification"; Sec. 130.
(Crown-lease areas.)
- (o) by inserting at the end of paragraph (b) of section one hundred and thirty-four the words "and where any person has an interest as mortgagee or otherwise in the Crown-lease the instrument of lease for which is so surrendered the document evidencing or agreement creating such interest shall except in the case of a transfer under this Act, be read and construed as if the reference in such document or agreement to the Crown-lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer on such"; Sec. 134.
(Crown-leases: term and rent.)
- such

such person an equivalent interest in the new leases, and in such case the transferee shall, by virtue of this Act, have authority to execute, as the attorney and at the expense of the transferor, any such transfer, if the transferor fails to execute the same within one month after being called upon to do so ”;

Sec. 158.
(Disqualification by
ownership
of land.)

- (p) (i) by inserting in subsection one of section one hundred and fifty-eight after the words “ original homestead selection ” the words “ original homestead farm, original Crown-lease ”;
- (ii) by omitting from the same subsection the words “ an area of land, which area, when added to the area of the holding proposed to be applied for, would exceed the maximum area prescribed by this Act for the kind of holding applied for.

For the purposes of the foregoing provision, the maximum area prescribed for a conditional purchase lease shall be deemed to be the same as that prescribed for an ordinary conditional purchase, or to be the area of the block applied for if it exceeds such maximum area ” and by inserting in lieu thereof the words “ an area of land which, when added to the area of the holding proposed to be applied for, would in the opinion of the local land board substantially exceed a home maintenance area ”;

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

(3) Except with the consent of the Minister no person shall be competent to apply for an original suburban holding who, or whose wife or husband (where husband

and

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and wife are not living apart under a decree for judicial separation made by any court of competent jurisdiction)—

- (a) holds one or more original or additional suburban holdings or suburban holding purchases (whether a grant has or has not issued); or
- (b) either before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, has applied for and obtained a title to an original suburban holding or has acquired by transfer or otherwise an original or additional suburban holding or suburban holding purchase (whether a grant has or has not issued) and who no longer holds the same.
- (q) by inserting at the end of section one hundred and sixty-one the following new subsection:—
- (2) Where a holding is forfeited or surrendered and the holder obtains, under the same or a different class of tenure, the land formerly comprised within such holding, the Minister may direct that the survey fee payable in respect of the new holding shall be reduced by the amount of survey fee paid less any sums payable as interest on the survey fee up to the date of forfeiture or surrender in respect of the holding so forfeited or surrendered.
- (r) (i) by omitting from subsection one of section one hundred and eighty-three the words “Provided also that a person who has converted (whether before or after the passing of this Act) one homestead selection or grant or homestead farm into a conditional purchase lease or a conditional purchase

Sec. 161.
**(Payment of
survey
fees.)**

Sec. 183.
**(Conversion
of homestead
selection or
grant or
homestead
farm.)**

purchase or a conditional purchase and conditional lease shall not, except with the permission of the Minister, effect other such conversions ”;

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

(2) Upon confirmation by the local land board, whether before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, the conversion shall be deemed to have taken effect as from the date of application for conversion.

Sec. 184.
(Conversion of settlement lease or Crown-lease.)

- (s) by omitting paragraph (f) of subsection one of section one hundred and eighty-four and by inserting in lieu thereof the following new paragraph:—

(f) Upon confirmation by the local land board, whether before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, the conversion shall be deemed to have taken effect as from the date of application for conversion. On such confirmation the settlement lease or Crown-lease shall be deemed to have been surrendered to the Crown as from the date of application for conversion unless such application is withdrawn pursuant to paragraph (d) of this subsection.

Sec. 185.
(Conversion of settlement lease or Crown-lease: conditions upon conversion.)

- (t) (i) by omitting from paragraph four of section one hundred and eighty-five the words “ A person who has applied for and acquired (whether before or after the passing of this Act) a conditional purchase or a conditional purchase

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purchase and conditional lease by conversion of a settlement lease or Crown-lease shall be disqualified from effecting another such conversion unless he has first obtained the Minister's approval in writing:

Provided, however, that "

(ii) by omitting paragraph five of the same section;

(u) (i) by inserting at the end of subsection five of section one hundred and ninety the following words:—

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

"Where the Minister has granted the application, whether before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, the conversion shall be deemed to have taken effect as from the date of application for conversion."

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

(8) The price of the land comprised in the conditional purchase or the additional conditional purchase, or the price at which the land comprised in the conditional lease shall be convertible into additional conditional purchase, or the capital value of the conditional purchase lease or the additional conditional purchase lease or the homestead selection or the additional homestead selection or the homestead farm or the additional homestead farm, or the rent of the settlement lease or the additional settlement lease or the conditional lease, shall respectively be the price, capital value or rent determined by the local land board pursuant to subsection five of this section.

(v)

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

(v) (i) by inserting at the end of paragraph (b) of subsection one of section one hundred and ninety-three the words " If the lease is subject to a mortgage, the unconditional concurrence of the mortgagee shall accompany the application."

(ii) by omitting from paragraph (e) of the same subsection the words " Upon confirmation the land shall be withdrawn from the lease " and by inserting in lieu thereof the following words: " Upon confirmation by the local land board of an application made in pursuance of this section, the title to the homestead selection shall be deemed to have commenced as from the date of such application, and the land comprised within the homestead selection shall be deemed to have been withdrawn from the lease as from such date ";

(iii) by omitting from the same paragraph the words " from the date of confirmation," and by inserting in lieu thereof the words " from such date ";

(iv) by omitting from paragraph (f) of the same subsection the words " the date of the confirmation of the homestead selection " and by inserting in lieu thereof the words " such date ";

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

(w) (i) by omitting subsection five of section 193A and by inserting in lieu thereof the following new subsections:—

(5) Upon confirmation by the local land board, whether before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, the conversion shall be deemed to have taken effect as from the date of application for conversion.

(5A)

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(5A) The application shall not be confirmed in respect of such part of the land comprised in the prickly-pear lease as is—

cf. s. 101
(2) (b)
ante.

- (a) reserved from sale, conditional sale, conditional purchase or other alienation under the Crown Lands Acts—unless the Minister so approves;
- (b) within a State forest or timber or forest reserve—unless the Forestry Commission so approves;
- (c) 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 ”;

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

(6) The part of the land comprised in the prickly-pear lease for which the application has been confirmed shall from the date of application be deemed to be withdrawn from the prickly-pear lease, but otherwise the lease shall remain in full force and effect.

(x) (i) by inserting next after paragraph one of section one hundred and ninety-four the following new paragraph:—

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

(1A) Upon approval by the Minister the conversion shall be deemed to have taken effect as from the date of application for conversion ”;

(ii) by omitting from paragraph four of the same section the words “approval of the”;

(iii) by inserting at the end of the same paragraph the following words “ If the moneys appropriated to purchase money in respect of the conditional purchase are insufficient to meet all the interest required by this paragraph to be paid, and default is made in

the

the payment within the time allowed by the Minister, of the balance of such interest, the approval of the application for conversion may be cancelled ”;

- (iv) by omitting from paragraph five of the same section the words “approval of the” where firstly occurring;
- (v) by omitting from paragraph six of the same section the words “The conversion shall take effect as from the date of approval of the application for conversion and ”;
- (vi) by omitting from subparagraph (a) of the same paragraph the words “for the said period ”;

Sec. 196.
(Exchanges and surrenders within pastoral holdings in the Western Division.)
Sec. 202.
(Enclosure of roads and water-courses.)

- (y) by omitting section one hundred and ninety-six;
- (z) (i) by omitting from subsection six of section two hundred and two the words “If the amount of the rent so determined be not paid by the person liable within two months after the date of such determination, the Minister may sue him therefor in any court of competent jurisdiction ”;
- (ii) by inserting next after subsection eight of the same section the following new subsection:—

(9) Where before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, any permission to enclose a road or watercourse in accordance with this section has been or is granted, the annual rent determined by the local land board shall be deemed to have been and shall be payable in advance.

No refund shall be made in the case of any cancellation of such permission.

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The proportionate part of the rent from the date of the granting of the permission to a date fixed by the local land board or the district surveyor shall be deemed to have been and shall be payable upon the date of the granting of the permission and thereafter the rent shall be deemed to have been and shall be payable yearly in advance upon the date so fixed and upon each anniversary of such date.

In this subsection the expression "permission to enclose a road or watercourse in accordance with this section" includes a determination made under subsection six of this section which constitutes a permit under this section, and also includes any permission to enclose a road or watercourse granted under section fourteen of the Crown Lands Act Further Amendment Act, 1888.

- (aa) by omitting from paragraph (a) of subsection one of section two hundred and twenty-six all words after the word "material" and by inserting in lieu thereof the words "as may be required by them for building or other purposes upon the land under lease or license or upon any contiguous land held in the same interest in virtue of such lease or as a member of the series of which such lease forms part"; Sec. 226.
(General provisions governing leases and licenses.)
- (bb) (i) by inserting in section two hundred and twenty-eight after the word "lease" where firstly occurring the words "other than an annual lease"; Sec. 228.
(Expiration of certain leases: land to be reserved.)
- (ii) by inserting in the same section after the words "sale or lease" the words "other than annual lease";
- (cc) by inserting at the end of section two hundred and twenty-nine the following words:— Sec. 229.
(Extension of terms of certain leases.)
- "The term of any scrub lease or inferior lands lease or special lease or residential lease

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may be extended under this section as to the whole of the land comprised therein or as to so much thereof as the Minister may determine."

Sec. 257.
(Subdivision of holdings.)

(dd) (i) by inserting in section two hundred and fifty-seven after the words "settlement lease" where firstly and secondly occurring, the words "suburban holding, suburban holding purchase";

(ii) by inserting in the same section after the words "and to section two hundred and seventy-four of this Act" the words "where the grant is of a homestead farm, and to section one hundred and twenty-nine of this Act where the grant is of a suburban holding";

Sec. 258.
(Provisions governing subdivided portions.)

(cc) (i) by inserting in section two hundred and fifty-eight after the word "purchase" where firstly occurring the words "or suburban holding purchase";

(ii) by inserting in the same section after the words "conditional purchase" where secondly occurring, the words "or suburban holding purchase as the case may be";

(iii) by inserting in the same section after the words "settlement lease" wherever occurring the words "suburban holding";

(iv) by inserting in the same section after the word "conversion" the words "or purchase";

(v) by omitting from the same section the words "or current period";

Sec. 265.
(Restrictions as to assignment and assigns of conditional purchase lease.)

(ff) (i) by omitting from subsection one of section two hundred and sixty-five the word "assign" and by inserting in lieu thereof the words "or assign the same";

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

(2) It shall be competent for two or more persons who are not subject jointly or severally

severally to any disqualification in that behalf specified in this Act to acquire by transfer a conditional purchase lease or conditional purchase or conditional lease which is a conversion of any conditional purchase lease, in any case where the certificate of fulfilment of conditions has been issued in respect of the holding.

(3) If any holding to which the restriction mentioned in subsection one of this section applies devolves under a will or intestacy upon any person, such person may hold the same for a period of three years after the death of the testator or intestate or for such further period as the Minister may permit.

Within any such period such person may, upon application, obtain a certificate from the Minister that he is entitled 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 holding 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 holding 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 Minister as aforesaid nor transfer the holding as aforesaid the same shall be liable to forfeiture, and on notification by the Minister in the Gazette may be forfeited, and thereupon shall revert to the Crown.

(4) This section shall apply to any conditional purchase leases applied for
before

before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, or any conditional purchase leases comprising land allotted in exchange under the provisions of section one hundred and ninety-seven before or after such commencement, or any conditional purchase or conditional lease which is a conversion of a conditional purchase lease whether the conversion was approved or confirmed before or after such commencement.

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

(gg) by omitting the proviso to subsection six of section two hundred and seventy-two and by inserting in lieu thereof the following proviso:—

Provided that the provisions of this subsection shall not apply to the transfer of any parcel of land being part of that comprised in any such grant where the Minister so certifies in the prescribed form.

The Minister may so certify in the case of a subdivision made before the commencement of the Crown Lands (Amendment) Act, 1919, as well as in the case of a subdivision made after such commencement or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.

Upon the issue of any certificate under this subsection the parcel of land may be transferred or otherwise dealt with without recourse to this section.

This proviso shall apply to and in respect of any certificate issued under the proviso to this subsection before the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, in the same manner in all respects as if this proviso were in force at the time when such certificate was issued.

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- (hh) by inserting at the end of section three hundred and twenty-two the words " and the lessee may assign the lease by way of mortgage or discharge of mortgage without the consent of the Minister ";
- (ii) (i) by omitting from subsection two of section three hundred and twenty-three the words " and within the time ";
- (ii) by inserting at the end of paragraph (a) of subsection four of the same section the words " and where any person has an interest as mortgagee or otherwise in the settlement lease so surrendered the document evidencing or agreement creating such interest shall, except in the case of a transfer under this Act, be read and construed as if the reference in such document or agreement to the settlement lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer on such person an equivalent interest in the new leases, and in such case the transferee shall, by virtue of this Act, have authority to execute, as the attorney and at the expense of the transferor, any such transfer, if the transferor fails to execute the same within one month after being called upon to do so " ;
- (iii) by inserting at the end of the same section the following new subsection:—
- (7) Any settlement lease to which ~~the~~ provisions of this section apply, may be assigned by the lessee by way of mortgage or discharge of mortgage without the consent of the Minister.

Sec. 322.
(Settlement leases applied for before 1st January, 1904: term already extended.)

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

cf. s. 18E,
Act No. 70,
1901.

(jj)

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Sixth
Schedule.

- (jj) by inserting next after Part III of the Sixth Schedule thereto the following new Part:—

PART IV.

Land District.	County.	Parish.	Portions.
Narrandera ...	Cooper ...	Binya ...	5, 6, 50, 53, 54, 55, 56.

Sec. 1.
(Division
into Parts.)

- (kk) (i) by omitting from the matter relating to Part IV in paragraph (b) of section one the figures " 83 " and by inserting in lieu thereof the figures and letter " 83A ";
- (ii) by omitting from the matter relating to Part V in the same paragraph the figures and letter " 136i " and by inserting in lieu thereof the figures and letter " 136j ";
- (iii) by omitting from the matter relating to Part VI in the same paragraph the figures " 147 " and by inserting in lieu thereof the figures and letter " 147B ";
- (iv) by omitting from the matter relating to Division 5 of Part VIII in the same paragraph the figures " 195-8 " and by inserting in lieu thereof the figures and letter " 195-198A ";
- (ll) (i) by omitting from the matter relating to Division 4 in the heading to Part VIII the figures and letter " 194B " and by inserting in lieu thereof the figures and letter " 194c ";
- (ii) by omitting from the matter relating to Division 5 in the heading to the same Part the figures " 195-8 " and by inserting in lieu thereof the figures and letter " 195-198A ";
- (iii) by omitting from the heading to Division 4 of Part VIII the figures and letter " 194B " and by inserting in lieu thereof the figures and letter " 194c ";

(Short
headings
to Part VIII
and Divi-
sions there-
of.)

(iv)

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- (iv) by omitting from the heading to Division 5 of Part VIII the figures "195-8" and by inserting in lieu thereof the figures and letter "195-198A";

(2) The Closer Settlement Act, 1904, is further amended:—

Further amend-
ment of Act
No. 37, 1904.

- (a) (i) by inserting in section thirty-one after the words "qualified to" the words "apply for or";
- (ii) by inserting at the end of the same section the words:—

Sec. 31.
(Transfer
and mort-
gage.)

"The consent of the Minister to the transfer of any parcel of land being part of that comprised in a settlement purchase after issue of the grant, shall not be required where the Minister so certifies in the prescribed form.

The Minister may so certify in the case of a subdivision made before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.

Upon the issue of any such certificate the restrictions as to transfer to which the grant would otherwise have been subject, shall cease to apply to such parcel."

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

New s. 31A.

31A. A transfer before grant of any settle-
ment purchase or of any land (not being land
within any area designed for village or township
settlement) acquired from the Crown by pur-
chase by tender shall be effected in the pre-
scribed form and manner.

Transfers.

- (c) (i) by omitting from section 35A the words "within any land district under his jurisdiction";

Sec. 35A.
(Powers of
chairman.)

(ii)

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- (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."

Further amendment of Act No. 21, 1916.

(3) The Returned Soldiers Settlement Act, 1916, is further amended—

Sec. 6.
(Regulations.)

- (a) by inserting in paragraph (e) of subsection one of section six after the word "four" the word, figure and letter "section 4A";

Sec. 7.
(Minister may assist settlers with respect to erection of buildings, purchase of stock, &c.)

- (b) by inserting in subsection four of section seven before the words "All such moneys" the words "Subject to the provisions of section twenty-one of this Act";

Sec. 10.
(Restriction on right of transfer.)

- (c) (i) by inserting in subsection one of section ten after the words "dealt with" the words and symbols "(except by way of mortgage or discharge of mortgage)";
- (ii) by omitting from the same subsection the words and symbols "—except by way of mortgage—" and by inserting in lieu thereof the words and symbols "(except by way of mortgage or discharge of mortgage)";
- (iii) by inserting next after subsection three of the same section the following new subsection:—

(4) Except where the land is within an irrigation area the provisions of this section shall not apply to the transfer of any parcel of land being part of that comprised in a grant where the Minister so certifies in the prescribed form.

The Minister may so certify in the case of a subdivision made before or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.

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Upon the issue of any such certificate the parcel of land may be transferred or otherwise dealt with without recourse to this section.

- (d) by inserting next after section ten the following new section:—

10A. The provisions of the Crown Lands Consolidation Act, 1913, relating to the transfer of conditional purchases, and the regulations thereunder shall extend mutatis mutandis, and shall be deemed to have so extended to a transfer of a holding in course of purchase under section 4A of this Act.

Transfers
and valida-
tion.

- (e) (i) by inserting in paragraph (b) of subsection one of section twenty-one after the word "payment" the words "by any discharged soldier";

Sec. 21.
(Power of
Minister to
waive or
remit certain
indebtedness.)

- (ii) by omitting from the same paragraph the words "the rent" and by inserting in lieu thereof the words "any rent";

- (iii) by omitting from the same paragraph the words "on any land held from the Crown by a discharged soldier" and by inserting in lieu thereof the words "to the Crown";

- (iv) by inserting at the end of the same subsection the words—

"Provided that the Minister may dispense with the making of any such application where the discharged soldier has ceased to be the holder of the land.

The Minister may under paragraph (a) or paragraph (b) of this subsection waive or remit any payment whether or not the discharged soldier has ceased to be the holder of the land."

- (v) by inserting at the end of subsection three of the same section the words—

"This subsection shall not apply where the discharged soldier has ceased to be the holder of the land."

(vi)

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(vi) by omitting from subsection five of the same section the words " shall apply to lands held by discharged soldiers whether acquired under the Crown Lands Acts, the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916, and irrespective of whether such lands were acquired by the applicants for relief before or after their enlistment for active service but ".

Sec. 2.

SCHEDULE.

No. of Act.	Title or Short Title.	Extent of Repeal.
1916, No. 29	Crown Lands Amendment Act, 1916.	So much of section 24 as amended section 129 of the Crown Lands Consolidation Act, 1913.
1916, No. 29	Crown Lands Amendment Act, 1916.	So much of section 24 as amended section 158 of the Crown Lands Consolidation Act, 1913.
1916, No. 29	Crown Lands Amendment Act, 1916.	So much of section 24 as inserted the proviso in paragraph (f) of subsection (1) of section 184 of the Crown Lands Consolidation Act, 1913.
1916, No. 29	Crown Lands Amendment Act, 1916.	So much of section 24 as amended subsection eight of section 190 of the Crown Lands Consolidation Act, 1913.
1917, No. 27	Crown Lands (Amendment) Act, 1917.	So much of section 4 as amended section 129 of the Crown Lands Consolidation Act, 1913.
1917, No. 27	Crown Lands (Amendment) Act, 1917.	So much of section 4 as amended paragraph (f) of subsection (1) of section 184 of the Crown Lands Consolidation Act, 1913.
1919, No. 44	Crown Lands (Amendment) Act, 1919.	So much of section 2 as inserted the proviso in subsection (3) of section 265 of the Crown Lands Consolidation Act, 1913.

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SCHEDULE—*continued.*

No. of Act.	Title or Short Title.	Extent of Repeal.
1919, No. 44	Crown Lands (Amendment) Act, 1919.	So much of section 2 as inserted the proviso at the end of subsection (6) of section 272 of the Crown Lands Consolidation Act, 1913.
1927, No. 16	Crown Lands (Amendment) Act, 1927.	Paragraph (v) of section 9.
1927, No. 16	Crown Lands (Amendment) Act, 1927.	Subparagraph (ii) of paragraph (ee) of section 9.
1927, No. 16	Crown Lands (Amendment) Act, 1927.	Paragraph (c) of section 8.
1931, No. 41	Crown Lands (Amendment) Act, 1931.	Paragraph (b) of section 6.
1931, No. 41	Crown Lands (Amendment) Act, 1931.	Subparagraphs (iii) and (iv) of paragraph (x) of subsection (1) of section 9.
1931, No. 41	Crown Lands (Amendment) Act, 1931.	Paragraph (y) of subsection (1) of section 9.
1932, No. 69	Crown Lands (Amendment) Act, 1932.	Subparagraph (iii) of paragraph (a) of section 8.
1932, No. 69	Crown Lands (Amendment) Act, 1932.	Paragraph (g) of section 7.
1932, No. 69	Crown Lands (Amendment) Act, 1932.	Paragraph (i) of section 10.
1932, No. 69	Crown Lands (Amendment) Act, 1932.	Paragraph (d) of subsection (1) of section 11.
1924, No. 52	Crown Lands and Closer Settlement (Amending) Act, 1924.	Paragraph (e) of section 7.
1918, No. 48	Closer Settlement Amendment Act, 1918.	So much of section 22 as inserted a substituted subsection (2) of section 29, Closer Settlement Act, 1904.

BUSINESS