

WESTERN LANDS (AMENDMENT)
ACT.

Act No. 19, 1937.

**George VI,
No. 19, 1937.** An Act to amend the Western Lands Act of 1901,
and the Wild Dog Destruction Act, 1921,
and certain other Acts in certain respects;
to validate certain matters; and for pur-
poses connected therewith. [Assented to,
8th December, 1937.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows:—

Short title. **1.** (1) This Act may be cited as the “Western Lands
(Amendment) Act, 1937.”

(2)

(2) The Western Lands Act of 1901, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

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2. The Principal Act is amended—

Amendment of Act No. 70, 1901.

- (a) by omitting from section twelve the words "him or them" and by inserting in lieu thereof the words "the Minister, the Commissioner or a chairman"; Sec. 12.
(Right to enter on Crown lands.)
- (b) (i) by omitting from section 17A the word "Governor" wherever occurring and by inserting in lieu thereof the word "Minister"; Sec. 17A.
(Withdrawal from lease for special purposes.)
- (ii) by omitting from the same section the word "eighty" and by inserting in lieu thereof the words "two hundred";
- (c) by omitting the proviso to section eighteen and by inserting in lieu thereof the following words:— Sec. 18.
(Duration of lease.)

Whenever in pursuance of the provisions of this Act any holding or any right, title or interest to or in any land, becomes liable to be forfeited, such forfeiture may be declared by the Minister by notification in the Gazette.

Whenever in any instrument of lease in force at the commencement of the Western Lands (Amendment) Act, 1937, or issued after such commencement, it is provided that any lease may be cancelled or cancelled and forfeited or declared to have lapsed, such cancellation or cancellation and forfeiture or lapsing may be declared by the Minister by notification in the Gazette.

No forfeiture, cancellation or lapsing shall operate to extinguish any debt to the Crown.

The Minister may, on the recommendation of the Commissioner, waive or reverse, whether provisionally or otherwise, and on such conditions as he may think fit, any such forfeiture, cancellation, or lapsing. Any reversal shall be notified in the Gazette.

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(d)

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Sec. 18c.
(Local land
board's deci-
sion as to
fencing.)

(d) by omitting from section 18c the words "and such determination shall in all cases be final and conclusive" and by inserting in lieu thereof the words "The provisions of subsection six of section nine of this Act shall extend to appeals and references to the Land and Valuation Court in respect of any such determination and to the return of any such determination to the local land board."

Sec. 18g.
(Transfers.)

(e) (i) by omitting from subsection two of section 18g the words "the Minister shall not give such consent unless the application for his consent is accompanied by" and by inserting in lieu thereof the words "no transfer (except a transfer by way of discharge of mortgage), conveyance, assignment or mortgage of, or other such dealing with, a lease applied for after the commencement of the Western Lands (Amendment) Act, 1934, or of any portion thereof, shall be effected unless or until";

(ii) by inserting in the same subsection after the words "such value" the words "is lodged with the Commissioner";

(iii) by omitting from the same subsection the words "application for such consent may be dealt with without recourse to this subsection" and by inserting in lieu thereof the words "transfer, conveyance, assignment, mortgage or other dealing may be effected without lodgment of such certificate";

(iv) by inserting in subsection five of the same section after the word "Act" where firstly occurring the words "or of any holding into which any such lease has been, or may be, converted";

(v) by inserting in the same subsection after the word "granted" the words "or confirmed as the case may be";

(f)

- (f) (i) by omitting from subsection two of section 28B the words "and to holdings converted";
- (ii) by inserting at the end of subsection four of the same section the following words:—

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Sec. 28B.

(Conversion of lease.)

The rent of a homestead farm into which any portion of a lease under the Western Lands Acts has been converted shall be two and one half per centum of the capital value as determined by the local land board.

The rent of any such conditional lease or homestead farm shall be payable annually in advance on the recurring date of the commencement of title thereto.

The provision contained in subsection two of section 19c allowing the holder of a lease in lieu of paying rent to expend a sum not less than the rent in effecting on the land improvements of a permanent, fixed and substantial character shall not be applicable to a homestead farm into which any portion of the lease has been converted in any case where the lease had been in existence for five years, and where the lease had been in existence for less than five years the provision hereinbefore referred to shall cease to be applicable to the homestead farm upon the expiration of five years after the commencement of the lease.

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

(7) Sections eighteen, forty-eight, fifty-three, fifty-four, fifty-five, fifty-six, one hundred and seventy-five, 175A, one hundred and seventy-six, 176A, one hundred and seventy-eight, one hundred and eighty-two, one hundred and ninety-one, one hundred and ninety-five, one hundred and ninety-eight, one hundred and ninety-nine, two hundred and one, two hundred and five, two hundred and

and eight, two hundred and nine, two hundred and thirty-one, two hundred and thirty-four, two hundred and thirty-five, 235A, two hundred and forty, two hundred and fifty-seven, two hundred and fifty-eight, two hundred and sixty-one, two hundred and seventy, two hundred and seventy-two and two hundred and seventy-eight, together with subsection two of section one hundred and eighty-three, paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three and subsection two of section two hundred and fifty-nine of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall *mutatis mutandis* apply to conditional purchases into which Western Lands leases have been converted under this section.

(8) Sections eighteen, forty-eight, fifty-four, fifty-seven, one hundred and seventy-five, 175A, one hundred and seventy-six, 176A, one hundred and seventy-eight, one hundred and eighty-two, one hundred and ninety-one, 194B, one hundred and ninety-eight, one hundred and ninety-nine, two hundred and one, two hundred and four, two hundred and five, two hundred and eight, two hundred and nine, two hundred and thirty-one, 235A, two hundred and forty, two hundred and fifty-seven, two hundred and fifty-eight, two hundred and seventy, two hundred and seventy-two and two hundred and seventy-eight, together with subsection two of section one hundred and eighty-three, paragraphs (a) and (c) of subsection three of section one hundred and eighty-three, and paragraph (a) of subsection one of section two hundred and twenty-six of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall *mutatis mutandis* apply to conditional leases into which Western Lands leases have been converted under this section.

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(9) Sections eighteen, forty-eight, one hundred and twenty-three, one hundred and seventy-five, 175A, one hundred and seventy-six, 176A, one hundred and seventy-eight, one hundred and eighty-two, 194B, one hundred and ninety-nine, two hundred and one, two hundred and four, two hundred and five, two hundred and eight, two hundred and nine, two hundred and thirty-one, 235A, two hundred and forty, two hundred and fifty-seven, two hundred and fifty-eight, two hundred and seventy, two hundred and seventy-two and two hundred and seventy-eight, together with subsections one and two of section one hundred and eighty-three, paragraphs (a) and (c) of subsection three of section one hundred and eighty-three and subsections one and two of section two hundred and sixty-nine of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall mutatis mutandis apply to homestead farms into which Western Lands leases have been converted under this section, whether such conversion was effected before or after the commencement of the Western Lands (Amendment) Act, 1937.

(10) A reference in any of the provisions of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, enumerated in subsection seven, subsection eight or subsection nine of this section to the Under Secretary for Lands, the Department of Lands or the Lands Department, shall be read and construed as a reference to the Commissioner appointed under this Act and the Western Lands Office respectively.

(g) by inserting next after section 35L the following new section:—

35M. (1) A surrender under any of the provisions of this Act may be effected by a trustee in respect of land which he holds as a trustee as if a power to that effect were contained in the will

New sec.
35M.Surrenders
by trustees,
executors,
and adminis-
trators.

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will or other instrument creating the trust, or by an executor or an administrator in respect of land held by him as executor or administrator as the case may be:

Provided that any land assured to any trustee, executor, or administrator upon conversion or subdivision or by way of exchange or lease under this Act shall be held by him, subject to the same trusts as the land surrendered by him.

(2) Every surrender made by a trustee, executor or administrator before the commencement of the Western Lands (Amendment) Act, 1937, shall be as valid as if subsection one of this section had been in operation when the surrender was made.

Sec. 36.
(Regulations by the Governor.)

(h) by inserting in section thirty-six after the words "ten pounds" the words "Without prejudice to the generality of the foregoing power the Governor may make regulations applying any of the provisions of this Act or the Crown Lands Acts to holdings into which leases may be converted under this Act. Wherever in any provision so applied, reference is made to the Under Secretary for Lands, the Department of Lands or the Lands Department, such reference shall, for the purpose of the application of such provision, be read and construed as a reference to the Commissioner appointed under this Act and the Western Lands Office respectively";

Sec. 37.
(Surrender of lease.)

(i) by omitting from section thirty-seven the words "apply as prescribed to surrender such lease to the Governor" and by inserting in lieu thereof the words "with the consent of the Minister, surrender such lease by an instrument in the prescribed form. The Minister may accept such surrender on behalf of His Majesty."

Amendment of Act No. 17, 1921.
Sec. 13.

3. (1) The Wild Dog Destruction Act, 1921, as amended by subsequent Acts, is hereby amended by inserting at the end of section thirteen the following words:—

(Entries in rate book.)

A rate-book may be constituted by a series of cards in a form approved by the Auditor-General.

(2)

(2) Subsection one of this section shall be deemed ^{No. 19, 1937.}
to have commenced on the first day of January, one thou-
sand nine hundred and twenty-two.
