

**CROWN LANDS (WEST BOGAN SETTLERS)
IMPROVEMENTS RELIEF ACT.**

Act No. 33, 1943.

George VI. An Act to make provision for granting to the
No. 33, 1943. holders of certain holdings in the Land
District of Nyngan relief in respect of
payments for certain Crown improvements;
for this purpose to amend the Crown
Lands Consolidation Act, 1913, the Crown
Lands (Amendment) Act, 1932, and certain
other Acts in certain respects; and for
purposes connected therewith. [Assented
to, 3rd November, 1943.]

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

1. (1) This Act may be cited as the "Crown Lands (West Bogan Settlers) Improvements Relief Act, 1943." Short title, construction and commencement.

(2) This Act shall be read and construed with the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, which Act, as so amended, is in this Act hereinafter referred to as the Principal Act.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) An application for relief under this Act may be made by the holder of any conditional purchase, conditional lease, homestead selection, settlement lease, conditional purchase lease, special conditional purchase lease, homestead farm or Crown-lease— Applications for relief.

(a) which is situated within that part of the Land District of Nyngan lying to the west of the Bogan River; and

(b) which, at the date of commencement of title to such holding or of any holding of which it is a conversion, contained improvements, consisting of or including timber treatment, which were the property of the Crown;

but no such application shall be entertained in a case where the liability under the Principal Act of the applicant or of his predecessors in title (if any) for payment of the capital value of the improvements arose before the commencement of the Crown Lands Amendment Act, 1916.

(2) Every such application shall, except in the cases referred to in section five of this Act, be made within two years after the commencement of this Act and shall be made in the manner and in or to the effect of the form prescribed by regulations made under the Principal Act.

(3)

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(3) An application for relief under this Act may be made notwithstanding that the capital value of the whole of the improvements has been paid; but no such application shall be entertained in a case where the whole of such capital value was paid before the date upon which the applicant acquired title to the holding.

(4) The Minister may at his discretion grant or refuse any such application.

(5) An application for relief under this Act shall not be granted by the Minister if he is of opinion that the lands held by the applicant and the spouse of the applicant substantially exceed a home maintenance area.

Relief with
respect to
conditional
purchases.

3. Where an application for relief under this Act is granted with respect to a conditional purchase the following provisions shall have effect:—

- (a) The capital value of the improvements on the holding which are or were the property of the Crown shall be apportioned by the Minister so as to show separately that part of such capital value which is attributable to timber treatment and that part of such capital value which is attributable to other improvements; and such apportionment shall be made as at the date upon which the liability to pay for such improvements arose under the Principal Act.
- (b) The rate of interest to be charged in respect of that part of such capital value which is attributable to timber treatment shall, as from the date upon which interest became chargeable, be two and one-half per centum per annum; and any adjustment of the accounts of the holder which may be necessary to give effect to this paragraph shall be made.
- (c) The provisions of section two hundred and sixteen of the Principal Act as amended from time to time and as varied by paragraph (b) of this section shall apply and shall be deemed always to have applied to and in respect of such improvements.

(d)

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- (d) Any excess amount to the credit of the applicant as a result of the adjustment of his accounts may be applied in such manner as the Minister, with the consent of the applicant, may direct in or towards satisfaction of any other debt of the applicant to the Crown, but except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other fund.
- (e) No refund shall be made of any excess amount to the credit of the applicant as a result of the granting of the application.

4. Where an application for relief under this Act is granted with respect to a holding of any of the tenures (other than a conditional purchase) referred to in section two of this Act the following provisions shall have effect:—

Relief with
respect to
other
tenures.

- (a) The capital value of the improvements on the holding which are or were the property of the Crown shall be apportioned by the Minister so as to show separately that part of such capital value which is attributable to timber treatment and that part of such capital value which is attributable to other improvements; and such apportionment shall be made as at the date upon which the liability to pay for such improvements arose under the Principal Act.
- (b) The liability under the Principal Act of the holder and of his predecessors in title (if any) for payment of the capital value of improvements shall not extend and shall be deemed never to have extended to payment of that part of such capital value which is so apportioned as being the part attributable to timber treatment, but in lieu thereof the holder and his predecessors in title (if any) shall be deemed to have been liable to pay in advance an annual rent in respect of timber treatment improvements equivalent to two and one-half per centum of that part of such capital value which is so apportioned as being the part attributable to timber treatment.

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The first payment of such annual rent shall be deemed to have become due on the day on which the first instalment of capital value in respect of the Crown improvements, or of interest in lieu thereof, as the case may be, became payable in accordance with the provisions of subsection one of section two hundred and sixteen of the Principal Act.

Any adjustment of the accounts of the holder which may be necessary to give effect to this paragraph shall be made.

- (c) Any excess amount to the credit of the applicant as a result of the adjustment of his accounts shall be applied firstly in or towards payment of the annual rent referred to in paragraph (b) of this section which has become due, and thereafter in or towards satisfaction of payments which have become due under the provisions of subsection one of section two hundred and sixteen of the Principal Act in respect of other Crown improvements. Any balance then remaining shall be applied in such manner as the Minister, with the consent of the applicant may direct, in or towards satisfaction of any other debt of the applicant to the Crown, but except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other fund.
- (d) No refund shall be made of any excess amount to the credit of the applicant as a result of the granting of the application.
- (e) Any amount paid after the commencement of this Act in respect of Crown improvements shall be applied firstly in or towards payment of the annual rental referred to in paragraph (b) of this section which has become due, and the balance (if any) shall be applied in or towards satisfaction of payments which have become due under the provisions of subsection one of section two hundred and sixteen of the Principal Act in respect of other Crown improvements.

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5. Where an application for relief under this Act has been granted with respect to a conditional purchase, and such conditional purchase is subsequently converted into a homestead farm, the holder may at the time of making application for the conversion or within a period of six months after approval of the application for conversion apply for relief under this Act in respect of the homestead farm.

Adjustment
upon con-
version—
Conditional
purchases
into
homestead
farms.

6. Where an application for relief under this Act has been granted in respect of a holding of any of the tenures (other than a conditional purchase) referred to in section two of this Act and such holding is subsequently converted into a conditional purchase, the liability of the holder for payment of the annual rent referred to in paragraph (b) of section four of this Act shall cease, and in lieu thereof he shall become liable for payment of the capital value of so much of the improvements as has been apportioned as being the part attributable to timber treatment. Such payment shall be made in accordance with the provisions of subsection one of section two hundred and sixteen of the Principal Act, excepting that the first instalment under paragraph (a) or paragraph (b) of that subsection shall become due on the day upon which the next payment of such annual rent would have become due had the holding not been converted into a conditional purchase, and that interest on that part of such capital value which has been apportioned as being the part attributable to timber treatment shall, as from that day, be charged at the rate of two and one-half per centum per annum in lieu of four per centum per annum as provided in that subsection.

Adjustment
upon con-
version—
Leases into
conditional
purchases.

7. (1) Where by reason of the granting of an application for relief under this Act the rate of interest payable upon a debt incurred before the first day of January, one thousand nine hundred and thirty-three, in respect of any Crown improvements is reduced, then the provisions of section three of the Crown Lands (Amendment) Act, 1932, as amended by subsequent Acts, shall apply, and shall be deemed to have applied as from the date referred to in subsection two of that section, to the interest as so reduced.

Application
of Crown
Lands
(Amend-
ment) Act,
1932, s. 3.

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(2) Where by reason of the granting of an application for relief under this Act a liability incurred before the first day of January, one thousand nine hundred and thirty-three, to pay the capital value of any Crown improvements is converted into a liability to pay an annual rent in respect of such improvements then the provisions of section three of the Crown Lands (Amendment) Act, 1932, as amended by subsequent Acts, shall extend, and shall be deemed to have extended as from the date referred to in subsection three of that section, to such annual rent.

**Forfeiture
upon
default in
payment.**

8. Where an application for relief under this Act has been granted and the purchaser homestead selector or lessee fails to make any payment for or in respect of the improvements in accordance with the provisions of this Act or of the Principal Act as amended by this Act, the purchase homestead selection or lease, together with all moneys paid in connection therewith, shall be liable to be forfeited under and in accordance with the provisions of the Principal Act.
