

WESTERN LANDS (AMENDMENT) ACT.

Act No. 45, 1949.

An Act to make further provision for the withdrawal of lands held under lease, the determination of rentals of Western Lands leases, and the conversion of Western Lands leases into conditional purchases; to impose certain restrictions on dealings with and transactions affecting leases; to impose certain conditions on leases in the interests of soil preservation; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 18th November, 1949.]

George VI.
No. 45, 1949.

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 "Western Lands (Amendment) Act, 1949."

Short title,
construction
and com-
mencement.

(2) This Act shall be read and construed with the Western Lands Act of 1901, as amended by subsequent Acts, which Act, as so amended, is in this Act referred to as the Principal Act.

(3) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2.

Western Lands (Amendment) Act.

No. 45, 1949. **2.** The Principal Act is amended by inserting next after section 17cc the following new section:—

Amendment
of Act No.
70, 1901.

New sec.
17ccc.
Withdrawals
of areas
from leases.

17ccc. (1) The Minister may, subject to the provisions of this section and upon the recommendation of the Commissioner, by notification published in the Gazette, which notification shall be in or to the effect of the form of Schedule I to this Act, withdraw from—

- (a) any lease extended under section 17c of this Act, other than a lease extended to a lease in perpetuity, and
- (b) any lease granted under the provisions of section 28A of this Act, and any lease to which paragraph (a) of this subsection applies, where such leases are held in the same interest,

all land in excess of an area which constitutes two home maintenance areas.

(2) Where the Minister, upon the recommendation of the Commissioner, is satisfied that any lease or part thereof is mainly used for the purpose of breeding sheep or cattle for sale as stud sheep or stud cattle, respectively, and has been so used continuously for a period of at least seven years immediately prior to the commencement of the Western Lands (Amendment) Act, 1949—

- (a) no withdrawal shall be made which would have the effect of reducing the total area held under Western Lands lease by the lessee below—
 - (i) an area which constitutes three home maintenance areas, where in the opinion of the Minister, after report by the Commissioner, the area which is best adapted and necessary for the depasturing of the average number of stud sheep or stud cattle owned by the lessee or his predecessors in title and depastured annually on the lease during

during such period comprises an area equal to or less than one home maintenance area; or

- (ii) an area which constitutes four home maintenance areas, where in the opinion of the Minister, after report by the Commissioner, the area which is best adapted and necessary for the depasturing of the average number of stud sheep or stud cattle, owned by the lessee or his predecessors in title and depastured annually on the lease during such period comprises more than one home maintenance area; and

- (b) no withdrawal shall be made, except with the consent of the lessee, of any part of the lease, which in the opinion of the Minister, after report by the Commissioner, is best adapted and necessary for the depasturing of the average number of stud sheep or stud cattle owned by the lessee or his predecessors in title and depastured annually on the lease during such period, and which, in any case to which subparagraph (ii) of paragraph (a) of this subsection applies, does not exceed four home maintenance areas.

(3) Where two or more leases, whether adjoining or not, are held in the same interest, or were so held at any time between the eighth day of August, one thousand nine hundred and forty-nine, and the date of commencement of the Western Lands (Amendment) Act, 1949, the total area of such leases shall be regarded as the area from which withdrawal may be made under this section and such withdrawal may be made from any one or more of such leases:

Provided that where such leases are worked as separate holdings and the Minister, after a report has been furnished to him by the Commissioner, is satisfied that the withdrawal of any such leases under

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this section upon which there are any improvements being homestead buildings would involve the lessee in substantial loss by virtue of the value of such improvements the withdrawal under this section shall subject to the provisions of subsection two of this section be restricted to all land in excess of two home maintenance areas on one of such holdings and all land in excess of one home maintenance area on each other of such holdings on which there are improvements in respect of which the Minister is satisfied as aforesaid that the lessee would suffer substantial loss.

(4) The boundaries of the area proposed to be withdrawn from any lease and the carrying capacity of the residue of such lease shall be determined by the Minister, after report by the Commissioner, and notice of such determination in or to the effect of the prescribed form shall be sent to the lessee, by registered post.

It shall be sufficient for all purposes whatsoever if such boundaries are defined with reasonable certainty by means of any form of general description.

(5) (a) If the lessee is dissatisfied with the carrying capacity of the residue of the lease as so determined he may, within twenty-eight days after notice as prescribed has been sent to him, lodge with the Commissioner a notice of appeal in the prescribed form.

(b) A notice of appeal shall be accompanied by a fee of one hundred pounds as security for the costs of the appeal.

(c) Such appeal shall be heard by a tribunal consisting of three members appointed by the Minister.

Of the members so appointed—

(i) one shall be the Commissioner or an Assistant Commissioner, who shall be the chairman;

(ii) one shall be selected from three persons experienced in Western Division grazing matters

matters and nominated by The Returned ^{No. 45, 1949.}
Sailors, Soldiers and Airmen's Imperial
League of Australia (New South Wales
Branch);

(iii) one shall be selected from three persons experienced in Western Division grazing matters and nominated by The Graziers' Association of New South Wales.

(d) The members of the tribunal other than the chairman shall be paid such fees for each sitting as may be prescribed.

(e) The tribunal shall have power to determine the carrying capacity of the residue of the lease in average seasons and conditions and when reasonably improved.

(f) The tribunal shall sit in open court, and may and is hereby empowered to exercise all of the powers conferred upon local land boards constituted under the Crown Lands Acts in so far as such powers relate to the summoning, attendance and examination of witnesses, the amendment of notices, declarations and other documents, and the permitting of notices, declarations and other documents to be supplied and to the conduct of proceedings generally before such boards.

The tribunal may make such order as to costs of, or incidental to, the proceedings before it (not exceeding one hundred pounds in any case) as it may think fit.

(g) The chairman and one member shall constitute a quorum, and the chairman shall preside at all meetings of the tribunal.

Matters arising before the tribunal shall be decided by a majority of votes. If there be an equality of votes, the chairman shall have a second or casting vote.

The determination of the carrying capacity of the residue of any lease by the tribunal shall be final, and if necessary, the boundaries of the area proposed
to

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to be withdrawn from such lease shall be redetermined by the Minister after report by the Commissioner in accordance with the tribunal's determination of carrying capacity.

(6) Upon withdrawal of land from any lease under this section—

- (a) any instrument of lease relating to any lease extended under section 17c of this Act (other than a lease extended to a lease in perpetuity) and any lease granted under the provisions of section 28A of this Act held by the lessee shall be surrendered not later than two months after notice of publication of such withdrawal in the Gazette has been sent by the Commissioner to the lessee.

If any such instrument of lease is not surrendered as aforesaid the lease to which such instrument relates shall be liable to be forfeited;

- (b) the residue of the lease or leases shall be subdivided into portions each embracing a home maintenance area. A separate lease shall be issued for each home maintenance area to which a lessee is entitled. Where a lessee is entitled to two separate leases each such lease shall be a lease in perpetuity. Where a lessee is entitled to more than two separate leases two of such leases selected by the lessee shall be leases in perpetuity and the remaining lease or leases shall be for a term expiring on the date on which the surrendered or withdrawn lease having the longest unexpired term would but for the provisions of this section have expired;
- (c) any person having an interest in the lease or leases immediately before any withdrawal under this section shall be deemed to have an equivalent interest, whether by way of mortgage or otherwise, in the new leases;

(d)

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- (d) the rentals of such new leases shall be determined by the local land board. The provisions of subsections two and three of section 19B of this Act shall apply, mutatis mutandis, to and in respect of any such rentals; No. 45, 1949.
- (e) every such new lease shall be subject to the general provisions of this Act and to such conditions as the Minister after report by the Commissioner, may consider necessary;
- (f) the new leases shall commence on the day following the date of withdrawal under this section;
- (g) the lessee shall not be liable for the cost of any necessary survey of the new leases;
- (h) the lessee may when surrendering the instrument of lease in accordance with paragraph (a) of this subsection furnish a sketch of the land comprised within the residue of the lease, or leases, showing a form of subdivision into two, three or four home maintenance areas, as the case may require, which he considers desirable.

Where the land comprised in the leases issued in pursuance of paragraph (b) of this subsection has been mainly used for the purpose of breeding sheep or cattle for sale as stud sheep or stud cattle, respectively, for a continuous period of at least seven years immediately prior to the commencement of the Western Lands (Amendment) Act, 1949, and the lessee ceases to use such land for such purpose, the Minister may at any time, upon the recommendation of the Commissioner, withdraw the land comprised in such of those leases as have been so issued otherwise than in perpetuity.

(7) No compensation shall be paid in respect of any withdrawal under this section.

(8) Upon withdrawal under this section the lessee shall have tenant right in the improvements upon the land withdrawn effected or paid for by him or his predecessors in title.

(9)

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(9) Any land withdrawn under this section shall, until otherwise disposed of, be held by the lessee under preferential occupation license at a fee equivalent to the rate at which rent was payable immediately before the date of withdrawal for the lease from which the land was withdrawn.

(10) Any lease granted under the provisions of subsection six of this section shall, until the termination of the preferential occupation license under which any land withdrawn under this section is held pursuant to subsection nine of this section, be liable to be forfeited and any such preferential occupation license may be terminated—

- (a) if at any time after the commencement of such preferential occupation license stock are depastured on the area embraced thereby in numbers which, in the opinion of the local land board, substantially exceed the fair carrying capacity of such area; or
- (b) if the improvements which exist on such area at the date of such commencement are not reasonably protected or are not kept in reasonable maintenance and repair: Provided that the lessee shall not be compelled to make good any damage caused by fire, flood, storm, or other inevitable accident which, in the opinion of the local land board, is not due to any act, default, or neglect of the lessee.

(11) Nothing contained in this Act, or any Act, or in any instrument of lease, and no transfer, conveyance, assignment, mortgage, devolution, subdivision, or any other dealing or disposition whatsoever made after the eighth day of August, one thousand nine hundred and forty-nine, shall defeat the right of the Minister to withdraw land under this section.

(12) The power conferred upon the Minister to withdraw land in accordance with the provisions of subsection one of this section shall cease and determine upon the thirty-first day of December, one thousand nine hundred and fifty-three.

(13)

(13) For the purpose of this section a home maintenance area shall be deemed to be an area which, when reasonably improved will, in the opinion of the Minister, after report by the Commissioner, carry in average seasons and conditions, not less than three thousand sheep and not more than five thousand sheep, according to the situation of the land.

For the purpose of this subsection one head of large stock shall be regarded as the equivalent of six sheep.

3. (1) The Principal Act is further amended—

- (a) (i) by omitting from subsection eleven of section 18E the words “For the period commencing on the date when rent is next payable as aforesaid, the rent shall be redetermined by the local land board” and by inserting in lieu thereof the words “For the period of ten years commencing on the date when rent is next payable as aforesaid, and for each separate period of ten years thereafter the rent payable in respect of a lease extended as aforesaid shall be the rent as redetermined by the local land board”;
- (ii) by inserting in the same subsection after the words “local land board” where secondly occurring the words “and the rent so determined shall be payable for a period of ten years commencing from the date of extension of the lease. For each separate period of ten years thereafter the rent payable in respect of a lease extended to a lease in perpetuity after the thirtieth day of June, one thousand nine hundred and forty-three, shall be the rent as redetermined by the local land board”;
- (iii) by inserting in the same subsection after the word “conditions” the words “Provided that the rate of rent of any lease of land held for grazing shall not in any case exceed the rate of one shilling and sixpence per

Further amendment of Act No. 70, 1901. Sec. 18E. (Leases in perpetuity.)

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per sheep, nor shall it be less than sixpence per sheep on the fair average carrying capacity of the land when reasonably improved as estimated on a sheep basis by the local land board”;

- (iv) by omitting from the same subsection the words “The provisions of section nineteen of this Act shall not apply to a redetermination of the rent under this section, nor shall such provisions apply to a lease extended to a lease in perpetuity after a redetermination has been made under this subsection.”

Sec. 19.
(Rents.)

- (b) by omitting section nineteen;

Sec. 19B.
(Rents.)

- (c) (i) by omitting paragraph (a) of subsection two of section 19B and by inserting in lieu thereof the following paragraphs:—

- (a) The rent of any lease in perpetuity applied for after the commencement of the Western Lands (Amendment) Act, 1934, prior to the thirtieth day of June, one thousand nine hundred and forty-three, in respect of land set apart for grazing shall for the period ending on the day immediately prior to the date when rent is next payable after the thirty-first day of December, one thousand nine hundred and fifty-three, be the rent as determined by the local land board.

For each separate period of ten years thereafter the rent payable in respect of a lease in perpetuity applied for as aforesaid shall be the rent as redetermined by the local land board.

This paragraph shall be deemed to have commenced upon the
twenty-fourth

twenty-fourth day of August, one thousand nine hundred and thirty-four. No. 45, 1949.

- (a1) The rent of any lease in perpetuity applied for after the thirtieth day of June, one thousand nine hundred and forty-three, in respect of land set apart for grazing shall be as determined by the local land board and the rent so determined shall be payable for a period of ten years commencing from the date of granting of the lease.

For each separate period of ten years thereafter the rent payable in respect of a lease in perpetuity applied for after the thirtieth day of June, one thousand nine hundred and forty-three, shall be the rent as redetermined by the local land board.

This paragraph shall be deemed to have commenced upon the first day of July, one thousand nine hundred and forty-three.

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

(3) In determining or redetermining the rent of any lease of land held for grazing, the board shall have regard to the productive capacity of the land under fair average seasons, prices and conditions: Provided that the rate of rent shall not in any case exceed the rate of one shilling and sixpence per sheep, nor shall it be less than sixpence per sheep on the fair average carrying capacity of the land when reasonably improved as estimated on a sheep basis by the local land board.

(d)

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Sec. 19c.
 (Rent of
 leases of
 land set
 apart for
 agriculture,
 etc.).

(d) by inserting in subsection one of section 19c after the word "board" the words "for each separate period of ten years".

(2) (a) The amendment made by subparagraph (i) of paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of January, one thousand nine hundred and forty-nine.

(b) The amendment made by subparagraph (ii) of paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and forty-three.

Further
 amendment
 of Act No.
 70, 1901.

4. The Principal Act is further amended—

Sec. 18E.
 (Leases in
 perpetuity).

(a) by omitting subsection ten of section 18E;

Sec. 18G.
 (Transfers.)

(b) (i) by omitting from subsection one of section 18G the words "of any portion thereof" and by inserting in lieu thereof the words and symbols "any portion thereof, and no transfer, conveyance, assignment of or other dealing (not being a mortgage) with a lease extended to a lease in perpetuity (whether before or after the commencement of the Western Lands (Amendment) Act, 1949), or any portion thereof, or a lease issued under the provisions of section 17ccc of this Act, or any portion thereof";

(ii) by inserting in paragraph (a) of subsection (1A) of the same section after the words "section twenty-three" the words "or thirty-nine, or issued pursuant to section 17ccc of this Act, or a lease extended to a lease in perpetuity pursuant to section 18E of this Act";

(iii) by omitting from subsection three of the same section the words "the lease" where firstly occurring and by inserting in lieu thereof the words "a lease applied for after the commencement of the Western Lands (Amendment) Act, 1934";

(iv)

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

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(4A) Any lease applied for after the commencement of the Western Lands (Amendment) Act, 1934, or extended to a lease in perpetuity, whether before or after the commencement of the Western Lands (Amendment) Act, 1949, or issued in pursuance of section 17ccc of this Act shall be liable to forfeiture if the holder sublets the lease or any part thereof, or grants any grazing rights over the lease or any part thereof, or agists stock on the lease or any part thereof, or grazes stock on the lease or any part thereof under any stock partnership without having first obtained the written consent of the Minister, and if any stock not owned by the holder are found depasturing on the lease or any part thereof without the said consent, it shall be prima facie evidence of a breach of the provisions of this subsection.

5. The Principal Act is further amended—

Further amendment of Act No. 70, 1901.

- (a) by inserting at the end of subsection one of section 28B the words “No holder of a lease as aforesaid shall after the commencement of the Western Lands (Amendment) Act, 1949, be entitled to make application for the conversion of such lease in accordance with the provisions of this section.”

Sec. 28B. (Conversion of lease.)

- (b) by inserting next after section 28B the following new section:—

New sec. 28BB.

28BB. (1) The holder of a lease for the purpose of agriculture or mixed farming or residence or for a similar purpose or purposes which is not liable to forfeiture may apply to convert such lease (as to the whole or any part of the land comprised therein) into a conditional purchase.

(2)

Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.

No. 45, 1949.

(2) (a) A conversion shall not be allowed of land within any proclaimed goldfield or mineral field or within any reserve for mining or mining purposes within the meaning of section one hundred and six of the Mining Act, 1906-1946, except with the approval of the Secretary for Mines.

(b) Where in the opinion of the local land board the land comprised in such lease, together with all other lands held by the applicant for conversion (other than lands held under annual lease, preferential occupation license, occupation license, permissive occupancy or Western Lands lease then having not more than five years to run) would—when reasonably improved and used for the purpose for which they are reasonably fitted—substantially exceed a home maintenance area, conversion may be approved as to so much of the land comprised in the lease as would, in the opinion of the local land board, together with all such other lands held as aforesaid, not substantially exceed, when improved and used as aforesaid, a home maintenance area. Lands held by the spouse of an applicant under this section shall for the purposes of this section be deemed to be lands held by such applicant.

(c) A conversion shall not be allowed of land reserved from sale unless and until such reservation has been revoked.

(3) The application shall be made as prescribed and shall be accompanied by a provisional deposit as prescribed to be applied towards the cost of dealing therewith and shall be referred to the local land board for inquiry and report.

(4) (a) The local land board shall report to the Minister as to whether there is any objection in the public interest or otherwise to the granting of the application and generally as to the merits thereof. If the local land board deems it expedient to recommend the granting
of

of the application as to the whole or part of the land applied for it shall also report as to what special conditions (if any) should be attached to the holding after conversion and shall proceed to determine the capital value of the land comprised in such holding. The capital value as so determined shall be the capital value of the land at the date of the application for conversion. No. 45, 1949.

(b) After receipt of such report the Minister may grant the application as to the whole or part of the land if the local land board so recommends, or he may at his discretion refuse it. Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the Minister's discretion. Where the Minister has granted the application, the conversion shall be deemed to have taken effect as from the date of application for conversion.

(5) (a) On the granting of an application for conversion as to the whole of the land comprised in the lease, such lease shall be deemed to be surrendered to the Crown.

(b) On the granting of an application for conversion as to part only of the land comprised in the lease, such part, together with such other part as may be required for roadways or other public purposes, shall be deemed to be surrendered to the Crown. Where part of the land within the lease is so surrendered the rent for the remainder of the lease shall, as from the date of the application for conversion be that amount which bears the same proportion to the rent for the whole lease as the relative value of the remainder of the lease bears to the relative value of the whole lease as at such date.

(c) The cost of any necessary survey or subdivision and any balance of the prescribed deposit shall be paid by the applicant within one month after he has been called upon to

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to do so; and upon default the application may be declared to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

(6) The conditional purchase shall be subject to—

- (a) any special conditions which the Minister on the recommendation of the local land board may impose;
- (b) a condition of residence for a term of five years, which shall commence within three months after the date of the Minister's approval of the conversion and shall be reduced by the period during which continuous residence has been performed by the applicant or his predecessors in title, upon the lease:

Provided always that—

- (i) where the conditional purchase has been transferred bona fide by way of mortgage, the condition of residence may be performed by the owner subject to such mortgage;
- (ii) where the beneficial owner of a conditional purchase dies or becomes of unsound mind, the performance of the condition of residence shall be waived until the conditional purchase has been transferred or conveyed and no longer; and
- (iii) where the owner also holds other land under any tenure to which a condition of residence attaches, he may with the consent of the Commissioner and subject to such conditions as the Commissioner may impose, perform

perform the condition of No. 45, 1940.
residence on one of such
holdings.

(7) The purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, one of such instalments being paid in each and every year on the recurring date of the application for conversion or within three months thereafter until the balance of purchase money, together with interest thereon at the rate of two and one-half per centum per annum shall have been paid: Provided that the holder of the conditional purchase may pay off the whole or any number of such instalments at any time after the issue of the certificate of conformity.

(8) Sections eighteen, forty-eight, fifty-three, fifty-four, fifty-five, fifty-six, one hundred and seventy-five, 175A, 176A, one hundred and seventy-eight, one hundred and eighty-two, 194B, 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 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 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 leases have been converted under this section.

(9) A reference in any of the provisions of the Crown Lands Consolidation Act, 1913, as so amended, enumerated in subsection eight of this section to the Under Secretary for Lands, the

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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.

Further
amendment
of
Act No. 70,
1901.

Sec. 18D.
(Provisions
governing
leases.)

6. The Principal Act is further amended by inserting at the end of section 18D the following new paragraphs:—

- (iv) A lessee shall, if the Minister so directs, prevent the use by stock of any part of the land for such periods as the Minister considers necessary to permit of natural reseedling and regeneration of vegetation; and, for this purpose, the lessee shall erect within the time appointed by the Minister such fencing as the Minister may consider necessary.
- (v) A lessee shall not overstock or permit or allow to be overstocked the said land, and the decision of the Commissioner as to what constitutes overstocking shall be final, and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (vi) A lessee shall use iron or steel posts (with wooden strainers) for the erection or repair of all fencing on the land, except that, in special cases, the Commissioner may permit the use of other posts.

Further
amendment
of Act No.
70, 1901.

Sec. 3.
(Interpreta-
tion.)

7. The Principal Act is further amended—

- (a) by inserting in section three next after the definition of "Crown Lands" the following new definition:—

"Home maintenance area" means an area which when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family.

(b)

- (b) (i) by omitting from paragraph (b) of subsection three of section nine the words "except as provided in paragraph (c) of this subsection"; No. 45, 1949.
Sec. 9.
(Local Land Boards.)
- (ii) by omitting paragraph (c) of the same subsection;
- (c) by omitting subsections seven, eight and nine of section 18E; Sec. 18E.
(Subsisting leases extension.)
- (d) (i) by omitting from paragraphs (a), (c), (d) and (e) of subsection (1A) of section 18G the words "fair market value of the land" wherever occurring and by inserting in lieu thereof the words "fair market value of the lease"; Sec. 18G.
(Transfers.)
- (ii) by omitting paragraph (f) of the same subsection;
- (e) by inserting at the end of subsection two of section 18H the words— Sec. 18H.
(Mortgages and devolutions.)
 "The provisions of this subsection shall extend to any lease as aforesaid transferred by way of discharge of mortgage to the legal personal representative of a deceased person";
- (f) by inserting in section 18J after the word "condition" the word "purpose"; Sec. 18J.
(Conditions attaching to leases: alteration by consent.)
- (g) by inserting next after section 18J the following new section:— New section 18JJ.
- 18JJ. (1) Any person who being a male is of the age of sixteen years or upwards or being a female is of the age of eighteen years or upwards shall, if otherwise not disqualified under this Act, be competent to apply for or otherwise acquire from the Crown or to acquire from a private person or to hold any lease or conditional purchase under this Act, and any person who being a male is under the age of sixteen years or being a female is under the age

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age of eighteen years shall not be competent to apply for or otherwise acquire from the Crown or to acquire from a private person or to hold any such lease or conditional purchase: Provided always that nothing in this section shall be taken to prevent the devolution or holding of a lease devolving under the will or intestacy of a deceased holder.

(2) Any person above the age of sixteen years being the holder of any holding under this Act may be sued for any moneys due to the Crown as if he were of the full age of twenty-one years.

Section 23.
(Minister's
power to
grant
leases.)

(h) by inserting in paragraph (b) of subsection four of section twenty-three after the word "notification" the words "or after the date of commencement of the lease, whichever is the later";

Section 28A.
(Special
Leases.)

(i) by omitting from section 28A the words "but no lands held under occupation license or annual lease shall be leased under this section for grazing purposes only unless with the consent of the occupation licensee or annual lessee";

Section 33A.
(Surrender.)

(j) by omitting from subsection two of section 33A the words "shall where such land is within the external boundaries of, or adjoins any lease, be deemed to be included in the lease as from a date to be appointed by the Minister; and the rent for the unexpired portion of the period of the lease then current shall be increased in proportion to the area so included in the lease" and by inserting in lieu thereof the words "may, at the discretion of the Minister be—

(a) included in the lease as from a date to be appointed by the Minister; and the rent for the unexpired portion of the period of the lease then current shall be increased in proportion to the area so included in the lease;

(b)

- (b) reserved from sale or from sale and lease for any public purpose; or
- (c) otherwise disposed of.”
- (k) by omitting from section 35B the words “approval of.”
- (l) by inserting next after Schedule H the following new Schedule:—

No. 45, 1949,

Section 35B,
(Termination of annual lease or license.)

New Sch. I.

SCHEDULE I.

WITHDRAWAL OF LAND FROM LEASE.

Sec. 17CCQ

By virtue of the provisions of section 17CCQ of the Western Lands Act of 1901, as amended by subsequent Acts, I,

Minister for Lands, do hereby withdraw the land described hereunder.

Minister for Lands.

(Date)

..... **HOLDING**

County of

Administrative District of

Lessee



GAS