

CROWN LANDS (AMENDMENT) ACT.

Act No. 7, 1964.

An Act to make further provisions with respect to the alienation, occupation and management of Crown lands; for this and other purposes to amend the Crown Lands Consolidation Act, 1913, the Forestry Act, 1916, the Closer Settlement Acts and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 23rd March, 1964.]

**Elizabeth II,
No. 7, 1964**

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

1. This Act may be cited as the "Crown Lands (Amendment) Act, 1964". Short title.

2.

Crown Lands (Amendment) Act.

No. 7, 1964 **2.** (1) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment
of Act No.
7, 1913.

Sec. 15.
(Matters
which chair-
man may
deal with.)

(a) by omitting from section fifteen the words “applications for annual leases—”;

Sec. 70.
(Occupation
license.)

(b) (i) by omitting from section seventy the words “Subject to the provisions hereinafter contained, the Minister may issue occupation licenses” and by inserting in lieu thereof the words “Occupation licenses shall be subject to the following provisions”;

(ii) by omitting from paragraph four of the same section the words “The right to occupation licenses for any vacant lands (not being in the Western Division) may be disposed of by auction or tender in the prescribed manner and on such conditions as the Minister may think fit: Provided always that subject” and by inserting in lieu thereof the word “Subject”;

Sec. 71.
(Annual
lease by
auction or
tender.)

(c) by omitting section seventy-one;

Sec. 73.
(Lease
under im-
provement
conditions
out of
annual
lease.)

(d) by omitting section seventy-three;

Sec. 77.
(Scrub
lease.)

(e) by omitting section seventy-seven;

Sec. 79.
(Inferior
lands lease.)

(f) by omitting section seventy-nine;

(g)

- (g) by omitting from subsection one of section eighty the words "It shall be lawful for the local land board, on the recommendation of the warden of any goldfield, to grant residential leases of Crown lands (not being in the Western Division) within a goldfield or mineral field to holders of miners' rights for the purpose of bona fide residence" and by inserting in lieu thereof the words "Residential leases shall be"; No. 7, 1964
Sec. 80.
(Residential lease on goldfield, or mineral field.)
- (h) by omitting section eighty-two; Sec. 82.
(Improvement lease.)
- (i) (i) by omitting from section 82A the words "The Minister may lease Crown lands within the boundaries of any town by public auction at such place as he may direct and notify in the Gazette, not less than one month before the day of sale, or by tender duly notified as aforesaid. The leases" and by inserting in lieu thereof the words "Leases by public auction or by tender of Crown lands within the boundaries of any town"; Sec. 82A.
(Leasing of Crown lands within towns.)
- (ii) by omitting paragraph (f) of the same section;
- (iii) by omitting paragraph (g) of the same section and by inserting in lieu thereof the following paragraph:—
- (g) The lease shall be in the prescribed form and shall contain the covenants and provisions attached by the Minister and notified in the Gazette before the lease was offered for sale or tenders were called for.
- (j) (i) by omitting from the short heading to section eighty-three the words "or licenses"; Sec. 83.
(Tender for lease or license offered and not sold.)
- (ii) by omitting from the same section the words "or license" where firstly and secondly occurring;
- (iii) by omitting from the same section the words "license fee or"; (k)

Crown Lands (Amendment) Act.

No. 7, 1964

Sec. 85.

(Power to
classify
Crown
lands.)

- (k) (i) by omitting from subsection five of section eighty-five the words “original homestead selections—”;
- (ii) by omitting from the same subsection the words “original settlement leases—and original conditional purchase leases—”;
- (iii) by omitting from the same subsection the words “additional homestead selections—”;
- (iv) by omitting from the same subsection the words “—additional settlement leases—and additional conditional purchase leases”;

Sec. 86.

(Correction,
&c., of
notifications
under
preceding
sections.)

- (l) by omitting from paragraph (b) of section eighty-six the words “granting or”;

Sec. 88.

(Original
homestead
selection
areas.)

- (m) by omitting section eighty-eight;

Sec. 89.

(Original
homestead
selection:
application,
how made
and dealt
with.)

- (n) (i) by omitting from subsection one of section eighty-nine the words “On or after the date notified for that purpose any person who is not subject to any disqualification in that behalf specified in Part VII of this Act may apply to the Crown land agent for any block notified as available as an original homestead selection. The application shall be made and lodged in the prescribed manner, and shall, except as provided in section 161A, be accompanied, by one half-year’s rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof.

The

Crown Lands (Amendment) Act.

101

The applicant shall, upon the day appointed, satisfy the local land board that he is qualified to apply, and that the application has been made in accordance with the provisions of this Act. The local land board shall confirm the application if so satisfied, unless it permits the applicant to withdraw the same; if not so satisfied it shall disallow the application.”

No. 7, 1964

- (ii) by omitting subsection two of the same section;
- (o) by omitting section ninety; Sec. 90.
(Value of improvements on homestead selection: how determined.)
- (p) by inserting in subsection one of section ninety-one after the words “The applicant” the words “for a homestead selection”; Sec. 91.
(Conditions precedent to homestead grant.)
- (q) by omitting section ninety-five; Sec. 95.
(Homestead selection without residence before grant.)
- (r) by omitting section ninety-six; Sec. 96.
(Community of homestead selectors.)
- (s) by omitting from subsection two of section ninety-seven the words “or applicant for”; Sec. 97.
(Additional homestead selection.)
- (t) by omitting section ninety-eight; Sec. 98.
(Original settlement lease areas.)
- (u) by omitting section ninety-nine; Sec. 99.
(Original settlement lease: application, how made and dealt with.)
- (v)

102 **Crown Lands (Amendment) Act.**

No. 7, 1964 (v) by omitting section one hundred;

Sec. 100.
(Value of
improve-
ments on
settlement
lease: how
determined.)

Sec. 101. (w) by omitting from subsection one of section one
(Original hundred and one the words "The holder of a
settlement settlement lease may apply for a homestead grant
lease.) of portion of such lease subject to the provisions
in that behalf contained in section one hundred
and ninety-three hereof.";

Sec. 103. (x) by omitting from subsection two of section one
(Additional hundred and three the words "or applicant for";
settlement lease.)

Sec. 104. (y) by omitting section one hundred and four;
(Original conditional
purchase lease areas.)

Sec. 105. (z) by omitting section one hundred and five;
(Original conditional
purchase lease: appli-
cation how made and
dealt with.)

Sec. 113. (aa) by omitting from subsection two of section one
(Addi- hundred and thirteen the words "or applicant for";
tionals in virtue of
conditional purchase
leases, &c.)

Sec. 114. (bb) by inserting next after subsection two of section
(Classified one hundred and fourteen the following new
areas: subsection :—
applications for
additional (2A) Any roads deemed to be necessary may
holdings, be reserved or excluded in the measurement of the
how dealt area confirmed, and any necessary adjustment as
with.) to the area, price, capital value or rent by reason of
such roads or otherwise shall thereafter be made.

Any

Any moneys due by way of rent or otherwise for any excess of area or other reason shall be paid within such period as the Minister may allow, and if not so paid the area confirmed shall be liable to be forfeited. No. 7, 1964

- (cc) by omitting section one hundred and fifteen; Sec. 115.
(Special conditional purchase leases.)
- (dd) by omitting subsection three of section one hundred and fifty-two; Sec. 152.
(When applications may be withdrawn.)
- (ee) by omitting from section 155A the words "an additional Crown-lease or special conditional purchase lease" and by inserting in lieu thereof the words "or an additional Crown-lease"; Sec. 155A.
(Joint applicants for additional holdings.)
- (ff) by omitting from subsection one of section one hundred and fifty-eight the words "original homestead selection original homestead farm original Crown-lease original settlement lease original conditional purchase lease or original special conditional purchase lease" and by inserting in lieu thereof the words "original homestead farm or original Crown-lease"; Sec. 158.
(Disqualification by ownership of land.)
- (gg) (i) by omitting paragraph (a) of subsection one of section one hundred and eighty-three; Sec. 183.
(Conversion of homestead selection or grant or homestead farm.)
- (ii) by omitting from subsection three of the same section the words "conditional purchase lease or" wherever occurring;
- (iii) by omitting from paragraph (di) of the same subsection the words "as follows:—"
- (a) in respect of the conditional purchase lease, by half-yearly instalments in advance;
- (b) in respect of the conditional lease;"
- (iv)

Crown Lands (Amendment) Act.**No. 7, 1964**

- (iv) by omitting from subsection four of the same section the words "into a conditional purchase lease or";
- (v) by omitting from subsection five of the same section the words "the capital value of the conditional purchase lease or";
- (vi) by omitting from subsection (5A) of the same section the words "into a conditional purchase lease or";
- (vii) by omitting from the same subsection the words "the capital value of the conditional purchase lease, or";

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

- (hh) (i) by omitting paragraphs (a) (c) and (d) of subsection one of section one hundred and ninety;
- (ii) by omitting from subsection seven of the same section the words "Such conditional purchase lease—or additional conditional purchase lease—or conditional purchase—or additional conditional purchase—or homestead selection—or additional homestead selection—or settlement lease—or additional settlement lease" and by inserting in lieu thereof the words "Such conditional purchase—or additional conditional purchase";
- (iii) by omitting from subsection eight of the same section the words "conditional purchase lease or the additional conditional purchase lease or the homestead selection or the additional homestead selection or the";
- (iv) by omitting from the same subsection the words "the settlement lease or the additional settlement lease or";

(ii)

- (ii) by omitting section one hundred and ninety-three and by inserting in lieu thereof the following section :—

No. 7, 1964
Subst.
sec. 193.

193. A homestead selection or grant being a conversion of a lease under the section which this section replaces shall be subject to the general provisions of this Act relating to homestead selections or grants except that—

Provisions applicable to homestead selections or grants out of certain leases.

- (a) the capital value shall be the capital value determined by the local land board;
 - (b) the rent shall be two and one-half per centum of the capital value or, if another rent has been fixed in pursuance of any provision in that behalf contained in this Act, the rent as so fixed : Provided that the rent shall not be less than two pounds per annum ;
 - (c) the term of residence shall be reduced by the period during which continuous residence has been performed on the land by the holder and his predecessors in title (if any) ; and
 - (d) where a homestead grant has been issued for portion of the land held under a settlement lease the conditions of residence attaching to the settlement lease and to the homestead grant may be performed for both holdings conjointly either on the land held under the homestead grant or on the land held under the settlement lease so long as both are held in the same interest after as well as prior to the conversion of such holdings into other tenures.
- (jj) (i) by omitting from subsection one of section two hundred and thirty the words “scrub lease”;
- (ii) by omitting from the same subsection the words “inferior lands lease or improvement lease”;
- (kk) (Assignment or subletting of certain leases: Minister’s consent required.)

Crown Lands (Amendment) Act.

No. 7, 1964

Sec. 233.
(Withdrawal from lease or license.)Sec. 314.
(Existing leases not within classified areas.)Sec. 315.
(Existing leases not within classified areas.)

(kk) by omitting subsection two of section two hundred and thirty-three;

(II) (i) by omitting from section three hundred and fourteen the following subparagraphs :—

Improvement lease under section twenty-six of the Crown Lands Act of 1895 (not being a conversion of a church and school lands lease)—section eighty-two.

Improvement lease or lease under improvement conditions under section twenty-three of the Crown Lands Act Amendment Act, 1903—section seventy-three.

Inferior lands lease—section seventy-nine.

(ii) by omitting from the same section the following subparagraph :—

Scrub lease—section seventy-seven.

(mm) by omitting section three hundred and fifteen.

(2) The amendments made by subsection one of this section—

(a) do not extend to or affect any application made before the commencement of this Act, or any action suit or proceeding pending or uncompleted at such commencement,

(b) do not operate to annul, prejudice or affect any holding subsisting at such commencement or any provision or condition which applied or attached to any such holding.

Any application made before such commencement, and any action, suit or proceeding pending or uncompleted at such commencement may be continued and completed as if such amendments had not been made.

Any holding subsisting at such commencement shall, subject to the provisions of the Crown Lands Acts, remain as valid as if such amendments had not been made. **3.**

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

No. 7, 1964
Further
amendment
of Act
No. 7, 1913.

(a) by inserting at the end of subsection one of section five the following new paragraph :—

Sec. 5.
(Interpre-
tation of
terms.)

Wherever in this Act the expression “subject to redetermination” occurs in reference to the annual rent of a holding the expression, unless the context necessarily requires a different meaning, means—

- (i) subject to determination for a period of ten or less than ten years, or
- (ii) subject to determination for the first ten years of the term of the holding and redetermination for any succeeding period of ten years, or
- (iii) subject to determination for the first ten years of the term of the holding and redetermination for any succeeding period of ten years and for any unexpired term of less than ten years at the expiration of any such period of ten years, or
- (iv) subject to a fixed percentage of the capital value of the holding for the first ten years of the term of the holding and redetermination for any succeeding period of ten years,

as the case may require, where such determination or redetermination is by the local land board under the provisions of this Act.

(b) by omitting from section fifty-two the words “A conditional lease shall be subject to a provisional rent of twopence per acre per annum pending determination of the rent by the local land board :

Sec. 52.
(Term and
rent of
conditional
lease.)

Provided that the rent (whether provisional or otherwise) shall not be less than two pounds per annum.

The

No. 7, 1964

The rent (whether provisional or otherwise) for the second and every succeeding year of the term shall be paid annually in advance on the recurring date of the application.” and by inserting in lieu thereof the following paragraphs :—

Where the title to the conditional lease commenced before the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the lease shall—

- (a) in the case of a lease which at such commencement is subject to a provisional rent of twopence per acre per annum be twopence per acre per annum pending determination of the rent by the local land board;
- (b) in the case of a lease which at such commencement is subject to an annual rent as notified by the Minister in the Gazette or as determined by the local land board be the annual rent as so notified or determined.

Where the title to a conditional lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the lease shall, for the first ten years of the lease, be the annual rent as notified by the Minister in the Gazette or as determined by the local land board, and for each succeeding period of ten years, be the annual rent as redetermined by the local land board as at the date of expiration of the last preceding period.

Such annual rent shall be payable in advance and shall not in any case be less than two pounds.

Sec. 87.
(Classified areas, conditional purchases and conditional leases.)

- (c) (i) by omitting from paragraph (b) of subsection seven of section eighty-seven the words “one year’s rent in advance” and by inserting in lieu thereof the words “where the annual rent has been notified by the Minister in the Gazette one year’s rent, or where the annual rent has not

not been so notified a deposit calculated at the rate of twopence per acre or two pounds, whichever is the greater, pending determination of the annual rent by the local land board";

No. 7, 1964

- (ii) (a) by inserting in subsection ten of the same section after the words "out of a conditional lease" the words "the annual rent of which is not subject to redetermination";
- (b) by omitting from the same subsection the words "and the rent of a conditional lease within a classified area";
- (c) by omitting from the same subsection the words "Provided that the rent shall not in any case be less than two pounds per annum";
- (d) by inserting at the end of the same subsection the following new paragraph:—

The price at which land included in a classified area may be purchased by way of additional conditional purchase out of a conditional lease the annual rent of which is subject to redetermination shall be the price of the land as determined by the local land board as at the date of application for conversion of the conditional lease.

- (d) by inserting next after subsection one of section ninety-seven the following new subsection:—

Sec. 97.
(Additional
homestead
selection.)

(1A) The annual rent for an additional homestead selection the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, and for the grant issued for the same, shall, for the first ten years of the holding, be two and one-half per centum of the capital value of the land, and for each succeeding period of ten years,

No. 7, 1964
—

years, be the annual rent as redetermined by the local land board as at the date of expiration of the last preceding period.

Such annual rent shall be paid half-yearly in advance and shall not be less than two pounds.

Sec. 101.
(Original
settlement
lease.)

- (e) (i) by omitting from subsection one of section one hundred and one the words "Provided that where the rent has been notified by the Minister the lessee may within five years after the confirmation of his application require the said rent to be determined by the local land board: Provided further" and by inserting in lieu thereof the word "Provided";
- (ii) by omitting from subsection five of the same section the words "the capital value of the land as last notified or determined, or if not notified or determined such capital value as shall be determined by the local land board as at the date of the application for the settlement lease, and irrespective of the value of any improvements owned by the applicant for conversion." and by inserting in lieu thereof the words—
- (a) where the title to the settlement lease commenced before the commencement of the Crown Lands (Amendment) Act, 1964, the capital value of the land as last notified or determined, or if not notified or determined such capital value as shall be determined by the local land board as at the date of the application for the settlement lease, and irrespective of the value of any improvements owned by the applicant for conversion;
- (b) where the title to the additional settlement lease commences after the commencement of the Crown Lands (Amendment)

(Amendment) Act, 1964, the capital value of the land as determined by the local land board as at the date of the application for conversion of the settlement lease or conditional lease, and irrespective of the value of any improvements owned by the applicant for conversion.”;

No. 7, 1964

- (f) by inserting next after subsection one of section one hundred and three the following new subsection :—

Sec. 103.
(Additional settlement lease.)

(1A) The annual rent for an additional settlement lease the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, shall, for the first ten years of the lease, be the annual rent as notified by the Minister in the Gazette or as determined by the local land board, and for each succeeding period of ten years, be the annual rent as redetermined by the local land board as at the date of expiration of the last preceding period: Provided that such annual rent shall not be less than two pounds.

- (g) (i) by inserting at the end of subsection five of section one hundred and nine the following proviso :—

Sec. 109.
(Conditional purchase leases.

Provided that an additional conditional purchase lease the annual rent of which is subject to redetermination shall not be included in an application under this section which includes any original conditional purchase lease or any additional conditional purchase lease the annual rent of which is not so subject.

Conversion into conditional purchases and conditional leases.)

- (ii) by inserting at the commencement of paragraph (b) of subsection seven of the same section the words “subject to paragraph (b1) of this subsection”;

(iii)

No. 7, 1964

(iii) by inserting next after the same paragraph the following new paragraph :—

(b1) where the annual rent of the additional conditional purchase lease was subject to redetermination the annual rent of the conditional lease shall—

(i) where the term of the conditional lease is ten or less than ten years be as determined by the local land board as at the date of application for conversion ;

(ii) where the term of the conditional lease is more than ten years, be for the first ten years of the lease as determined by the local land board as at the date of application for conversion, and for each succeeding period of ten years, and for any unexpired term of less than ten years at the expiration of any such period, be as redetermined by the local land board as at the date of the expiration of the last preceding period of ten years :

Provided that such annual rent shall not be less than two pounds.

Sec. 110.
(Payment
of purchase
money on
conversion.)

(h) (i) by inserting in section one hundred and ten after the words "conditional purchase lease" where firstly occurring the words "(original or additional) the title to which commenced before the commencement of the Crown Lands (Amendment) Act, 1964,";

(ii)

- (ii) by inserting in the same section after the word "conversion" where secondly occurring the following paragraph : — No. 7, 1964

Upon conversion of an additional conditional purchase lease the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, into a conditional purchase or into a conditional purchase and conditional lease the price of the conditional purchase shall be the capital value of the additional conditional purchase lease as determined by the local land board as at the date of the application for conversion, and the price at which land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value of the land as determined by the local land board as at the date of the application for conversion of the conditional lease into an additional conditional purchase.

- (i) (i) by inserting next after subsection two of section one hundred and thirteen the following new subsection : — Sec. 113.
(Additional
in virtue of
conditional
purchase
leases, &c.)

(2A) The annual rent for an additional conditional purchase lease the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, shall, for the first ten years of the lease, be at the rate of two and one-half per centum of the capital value of the block, and for each succeeding period of ten years, be the annual rent as redetermined by the local land board as at the date of expiration of the last preceding period.

Such annual rent shall be paid half-yearly in advance and shall not be less than two pounds.

(ii)

Crown Lands (Amendment) Act.**No. 7, 1964**

- (ii) by omitting from subsection six of the same section the word "The" and by inserting in lieu thereof the words "Subject to the foregoing qualifications, the";

Sec. 122.
(Homestead
farm: rent.)

- (j) (i) by omitting from section one hundred and twenty-two the words "The annual rent for a homestead farm—to be paid half-yearly in advance—shall be two and one-half per centum of the capital value of the farm : Provided that such annual rent shall not be less than two pounds." and by inserting in lieu thereof the following paragraphs :—

Where the title to the homestead farm commenced before the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent shall be two and one-half per centum of the capital value of the farm.

Where the title to a homestead farm commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent shall, for the first ten years, be two and one-half per centum of the capital value of the farm, and for each succeeding period of ten years, be the annual rent as redetermined by the local land board as at the date of expiration of the last preceding period.

Such annual rent shall be paid half-yearly in advance and shall not be less than two pounds.

- (ii) by inserting at the end of the same section the following proviso :—

Provided further that the provisions of the foregoing proviso to this section shall not apply to and in respect of any homestead farm the application for which is confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1964.

(k)

- (k) (i) by inserting at the end of subsection (1B) of section 123A the following proviso:—

No. 7, 1964
Sec. 123A.

Provided that an additional homestead farm the annual rent of which is subject to redetermination shall not be included in an application under this section which includes any original homestead farm or any additional homestead farm the annual rent of which is not so subject. (Right of conversion.)

- (ii) by omitting from subsection five of the same section the words "Provided that such rent shall not be less than two pounds per annum." and by inserting in lieu thereof the following provisos:—

Provided that where the annual rent of the homestead farm was subject to redetermination the annual rent of the Crown-lease shall—

- (a) where the term of the Crown-lease is ten or less than ten years be as determined by the local land board as at the date of application for conversion;
- (b) where the term of the Crown-lease is more than ten years, be for the first ten years of the lease as determined by the local land board as at the date of application for conversion, and for each succeeding period of ten years, and for any unexpired term of less than ten years at the expiration of any such period, be as redetermined by the local land board as at the date of the expiration of the last preceding period of ten years:

Provided further that such annual rent shall not be less than two pounds.

- (iii) by omitting subsection six of the same section;

(1)

No. 7, 1964

Sec. 127.
(Suburban
holding:
rent.)

- (1) by omitting from section one hundred and twenty-seven the words "The annual rent for a suburban holding—to be paid half-yearly in advance—shall be two and one-half per centum of the capital value of the suburban holding : Provided that the annual rent shall not be less than two pounds." and by inserting in lieu thereof the following paragraphs :—

Where the title to the suburban holding commenced before the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent shall be two and one-half per centum of the capital value of the suburban holding.

Where the title to a suburban holding commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent shall—

- (a) where the suburban holding is in respect of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon, be two and one-half per centum of the capital value of the suburban holding ;
- (b) where the suburban holding is in respect of a block other than one specified in paragraph (a) of this section, be, for the first ten years of the suburban holding, two and one-half per centum of the capital value of the suburban holding, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Such annual rent shall be paid half-yearly in advance and shall not be less than two pounds.

(m)

Crown Lands (Amendment) Act. 117

- (m) (i) by omitting from section one hundred and thirty-four the words "The annual rent—to be paid half-yearly in advance—shall be one and one-quarter per centum of the capital value of the Crown-lease:" and by inserting in lieu thereof the following paragraph:—

No. 7, 1964

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

The annual rent—to be paid half-yearly in advance—shall—

- (a) where the title to the Crown-lease commenced before the commencement of the Crown Lands (Amendment) Act, 1964, be one and one-quarter per centum of the capital value of the Crown-lease;
- (b) where the title to a Crown-lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, be, for the first ten years of the lease, as notified by the Minister or as determined by the local land board, and for each succeeding period of ten years, and for any period of five years following the last such period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period of ten years:
- (ii) by inserting at the end of the same section the following new paragraph:—

The foregoing provision of this section relating to remission of rent shall not apply to any Crown-lease the application for which is confirmed or approved after the commencement of the Crown Lands (Amendment) Act, 1964.

(n)

No. 7, 1964

Sec. 136c.
(Rent for
week-end
leases.)

- (n) by omitting from section 136c the words “The annual rent for a week-end lease—to be paid half-yearly in advance—shall be two and one-half per centum of the capital value of the farm : Provided that the annual rent shall not be less than two pounds.” and by inserting in lieu thereof the following paragraphs :—

Where the title to the week-end lease commenced before the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent shall be two and one-half per centum of the capital value of the lease.

Where the title to a week-end lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Such annual rent shall be paid half-yearly in advance and shall not be less than two pounds.

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

- (o) (i) by omitting from subsection nine of section one hundred and sixty-seven the words “other than a suburban holding” and by inserting in lieu thereof the parentheses and words “(other than a holding in respect of which the capital value or price of the land is required by this Act to be determined as at the date of application for purchase or conversion)”;

- (ii) by inserting in the same subsection after the words “may be” the words “purchased in accordance with the provisions of this Act, or”;

(p)

(p) by inserting in subsection five of section 167A after the word "periods" the words ", or in the case of a holding the annual rent of which is subject to redetermination";

No. 7, 1964
Sec. 167A.
(Appraisal of rents.)

(q) (i) by omitting from subsection four of section one hundred and eighty-three the words "or grant into a conditional purchase with or without a conditional lease, the capital value of the conditional purchase lease or" and by inserting in lieu thereof the words "the title to which commenced before the commencement of the Crown Lands (Amendment) Act, 1964, or the grant issued for the same, into a conditional purchase with or without a conditional lease";

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

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

Upon conversion of an additional homestead selection the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, or the grant issued for the same, into a conditional purchase with or without a conditional lease, the price of the conditional purchase shall be the capital value of the additional homestead selection or grant as determined by the local land board as at the date of the application for conversion, and the price at which the land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value of the land as determined by the local land board as at the date of the application for conversion of the conditional lease into an additional conditional purchase.

(iii) by inserting at the end of subsection (5A) of the same section the following new paragraph and subsection :—

This subsection shall not apply to a homestead farm to which subsection (5B) of this section applies. (5B)

No. 7, 1964

(5B) This subsection applies to a homestead farm the annual rent of which was subject to redetermination.

Upon conversion of a homestead farm to which this subsection applies into a conditional purchase with or without a conditional lease, the price of the conditional purchase shall be the capital value of the homestead farm as determined by the local land board as at the date of the application for conversion, and the price at which the land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value of the land as determined by the local land board as at the date of the application for conversion of the conditional lease into an additional conditional purchase.

- (iv) by inserting at the end of subsection six of the same section the following new paragraph and subsection : —

This subsection shall also not apply to a conditional lease to which subsection (6A) of this section applies.

(6A) This subsection applies to a conditional lease which is a conversion of an additional homestead selection or grant or homestead farm the annual rent of which was subject to redetermination. The annual rent of a conditional lease to which this subsection applies shall, for the first ten years of the lease, be determined by the local land board as at the date of the application for conversion, and for each succeeding period of ten years shall be redetermined by the local land board as at the date of expiration of the last preceding period : Provided that such annual rent shall not be less than two pounds per annum.

(v)

- (v) by inserting at the end of subsection seven of the same section the following new proviso :— No. 7, 1964

Provided that an additional homestead selection or grant or homestead farm the annual rent of which is subject to redetermination shall not be included in an application under this section which includes any homestead selection or grant or homestead farm the annual rent of which is not so subject.

- (r) by inserting at the end of subsection two of section one hundred and eighty-four the following new proviso :— Sec. 184.
(Conversion of settlement lease or Crown-lease.)

Provided that an additional settlement lease or Crown-lease the annual rent of which is subject to redetermination shall not be included in an application under this section which includes any settlement lease or Crown-lease the annual rent of which is not so subject.

- (s) by inserting at the end of paragraph two of section one hundred and eighty-five the following new paragraphs :— Sec. 185.
(Conversion of settlement lease or Crown-lease conditions upon conversion.)

This paragraph shall not apply to a conditional lease to which paragraph (2A) of this section applies.

- (2A) This paragraph applies to a conditional lease which is a conversion of an additional settlement lease, or any Crown-lease, the annual rent of which was subject to redetermination.

The annual rent of a conditional lease to which this paragraph applies shall—

- (a) where the term of the conditional lease is ten or less than ten years, be as determined by the local land board as at the date of the application for conversion;

(b)

No. 7, 1964

- (b) where the term of the conditional lease is more than ten years, be for the first ten years of the lease as determined by the local land board as at the date of the application for conversion, and for each succeeding period of ten years, and for any unexpired term of less than ten years at the expiration of any such period, be as redetermined by the local land board as at the date of the expiration of the last preceding period of ten years.

Such rent shall be paid annually in advance on the recurring date of the application for conversion and shall not be less than two pounds.

Sec. 186.
(Conversion
of settle-
ment lease:
price and
payment.)

- (t) (i) by inserting in subsection one of section one hundred and eighty-six after the words "settlement lease" where firstly occurring the words "the title to which commenced before the commencement of the Crown Lands (Amendment) Act, 1964,";
- (ii) by inserting at the end of the same subsection the following new paragraph:—

Upon conversion of an additional settlement lease the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, into a conditional purchase or into a conditional purchase and conditional lease the price of the conditional purchase shall be the capital value of the land as determined by the local land board as at the date of the application for conversion, and the price at which the land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value of the land as determined by the local land board as at the date of the application for conversion of the conditional lease into an additional conditional purchase. Any such

such determination shall be made irrespective of the value of any improvements owned by the applicant for conversion. No. 7, 1964

- (iii) by inserting at the end of subsection (1A) of the same section the following new paragraph and subsection :—

This subsection shall not apply to a Crown-lease to which subsection (1B) of this section applies.

(1B) This subsection applies to a Crown-lease the annual rent of which was subject to redetermination.

Upon conversion of a Crown-lease to which this subsection applies into a conditional purchase or into a conditional purchase and a conditional lease, the price of the conditional purchase shall be the capital value of the Crown-lease as determined by the local land board as at the date of the application for conversion, and the price at which the land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value of the land as determined by the local land board as at the date of the application for conversion of the conditional lease into an additional conditional purchase.

- (iv) by omitting from subsection two of the same section the words “after the issue of the final certificate”;

- (u) by inserting at the end of subsection two of section 188A the following new proviso :—

Provided that where the whole or part of a conditional lease embracing land formerly comprised in an additional settlement lease the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, is determined

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

No. 7, 1964
—

determined to be non-convertible under the provisions of section one hundred and eighty-four of this Act, the Minister may on the application of the holder declare that such conditional lease shall be convertible subject to the following provisions :—

(i) the price or capital value at which the conditional lease or part thereof may be declared to be convertible shall be the price or capital value of the land as determined by the local land board as at the date of the application for conversion of the conditional lease;

(ii) the provisions contained in paragraph (c) of this subsection.

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

(v) (i) by omitting from subsection seven of section one hundred and ninety the words “after the issue of the final certificate”;

(ii) by inserting in paragraph (d) of the same subsection after the words “additional Crown-lease” the words “the title to which commenced before the commencement of the Crown Lands (Amendment) Act, 1964,”;

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

(e) where the title to a conditional lease, or homestead farm or additional homestead farm, or Crown-lease or additional Crown-lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent shall be the rent determined or redetermined by the local land board pursuant to subsection ten of this section.

(iv)

- (iv) by inserting at the end of subsection eight of the same section the following new paragraph and subsections :—

No. 7, 1964

This subsection shall not apply to holdings to which subsection nine of this section applies.

(9) This subsection applies to any holding, the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, and which is a conversion of a special lease under this section.

The price of the land comprised in the conditional purchase or the additional conditional purchase, or the capital value of the homestead farm or the additional homestead farm or the Crown-lease or the additional Crown-lease, shall respectively be the price or capital value of the land as determined by the local land board as at the date of application for conversion, and the price at which the land comprised in the conditional lease shall be convertible into additional conditional purchase shall be the capital value of the land as determined by the local land board as at the date of the application for conversion of the conditional lease into additional conditional purchase.

(10) The annual rent of a conditional lease, or Crown-lease or additional Crown-lease referred to in paragraph (e) of subsection seven of this section shall, for the first ten years of the lease, be as determined by the local land board pursuant to subsection five of this section as at the date of application for conversion, and for each succeeding period of ten years, and for any unexpired term of less than ten years at the expiration of any such period, be as redetermined by the local land board as at the date of the expiration of the last preceding period of ten years.

The

No. 7, 1964

The annual rent of a homestead farm or additional homestead farm referred to in paragraph (e) of subsection seven of this section shall, for the first ten years, be two and one-half per centum of the capital value of the farm, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Such annual rent shall not be less than two pounds.

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

(w) (i) by inserting at the end of subsection seven of section 193A the following new paragraph and subsections : —

This subsection shall not apply to a holding being a conversion of a prickly-pear lease to which subsection (7A) of this section applies.

(7A) This subsection applies to any holding which is a conversion of a prickly-pear lease the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964. The capital value of a homestead farm or Crown-lease or the price of a conditional purchase shall be the capital value or price of the land as determined by the local land board as at the date of application for conversion, and the price at which the land converted into a conditional lease under this section shall be convertible into an additional conditional purchase shall be the capital value of the land as determined by the local land board as at the date of application for conversion of the conditional lease into an additional conditional purchase :

Provided that the local land board in determining the capital value of the land under this subsection shall determine the same irrespective of the value of any improvements owned by the applicant for conversion.

(7B)

(7B) The annual instalment on any conditional purchase under this section shall be paid each year on the recurring date of the application for conversion or within three months thereafter: Provided that the holder of the conditional purchase may pay off the whole or any number of such instalments at any time. This subsection shall be deemed to have commenced upon the date of commencement of the Crown Lands (Amendment) Act, 1930. No. 7, 1964

- (ii) by omitting from subsection eight of the same section the words "The rent" and by inserting in lieu thereof the words "Where the title to the prickly-pear lease commenced before the commencement of the Crown Lands (Amendment) Act, 1964, the rent";
- (iii) by inserting in the same subsection after the word "conversion" the following new paragraph:—

Where the title to the prickly-pear lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent for the first ten years, shall, in the case of a homestead farm, be two and one-half per centum of the capital value of the farm, and in the case of a Crown-lease or conditional lease, be as determined by the local land board as at the date of application for conversion, and for each succeeding period of ten years and for any unexpired term of less than ten years at the expiration of any such period, be as redetermined by the local land board as at the date of expiration of the last preceding period of ten years.

- (iv) by omitting subsection ten of the same section;

(x)

Crown Lands (Amendment) Act.

No. 7, 1964
 Sec. 194.
 (Conversion
 of certain
 holdings
 into
 homestead
 farms.)

(x) (i) by omitting from paragraph four of section one hundred and ninety-four the words "Provided that 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.";

(ii) by inserting next after paragraph six of the same section the following new paragraphs :—

(6A) This paragraph applies to any homestead farm which is a conversion under this section of—

(a) a conditional purchase—

(i) which is a conversion of a holding (other than a special lease) the annual rent of which was subject to redetermination, or is a conversion of a special lease the annual rent of which was or was not subject to redetermination, and

(ii) the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964;

(b) any other holding the annual rent of which was subject to redetermination.

The annual rent of a homestead farm to which this paragraph applies shall, for the first ten years of the farm, be two and one-half per centum of the capital value of the farm, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period :

Provided that such annual rent shall not be less than two pounds.

(6B)

(6B) This paragraph applies to any homestead farm which is a conversion under this section—

No. 7, 1964

- (i) to which paragraph (6A) does not apply, and
- (ii) the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964.

The annual rent of a homestead farm to which this paragraph applies shall be two and one-half per centum of the capital value of the farm.

- (iii) by inserting at the end of paragraph seven of the same section the words "The provision hereinbefore referred to shall also not be applicable to homestead farms being conversions under this section the applications for which are approved after the commencement of the Crown Lands (Amendment) Act, 1964."

(2) Notwithstanding anything in the Crown Lands Acts or any other Act—

Payments on conditional purchases.

- (a) any instalment which becomes payable after the commencement of the Crown Lands (Amendment) Act, 1964, in respect of purchase money together with interest on a conditional purchase, not within a special area, the title to which commences after such commencement, shall be at the rate of seven per centum of the price of the land, the rate of interest payable on the balance of purchase money and included in any such instalment being four per centum per annum;
- (b) the amount which becomes payable after such commencement in respect of interest where interest only is payable on the balance of purchase money on any such conditional purchase shall be four per centum per annum.

4.

Crown Lands (Amendment) Act.

No. 7, 1964 4. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 7, 1913.

Sec. 19.
(Appeals and references to Land and Valuation Court.)

(a) by inserting in section nineteen after the words “or made” the words “or within such further time as the Land and Valuation Court may either generally or in any particular case allow,”;

Sec. 136A.
(Crown lands set apart for week-end leases.)

(b) by inserting in paragraph three of section 136A after the word “thereon,” the words “and of the amount required to be paid to cover the proportionate cost of resumption or withdrawal, including compensation paid by the Crown other than for improvements, where the land has been withdrawn from lease or any former lease thereof has been resumed; and also of the proportionate amount to be paid towards repaying the Crown any sum expended in making or providing roads to or on such land (in apportioning the amounts required to be paid the total cost or expenditure shall be distributed over the whole area of the blocks at an even rate per pound of their capital value as specified in the notification),”;

New sec. 136DD.

(c) by inserting next after section 136D the following short heading and new section :—

Payment towards cost of resumption or withdrawal and road making.

Week-end leases.
Payment towards cost of resumption and road making.

136DD. Where in the notification setting apart land for week-end lease an amount is specified as payable to the Crown by the holder of a block therein mentioned, to cover the proportionate cost of resumption of the area so set apart, or of any former lease thereof, or of withdrawal of the area from lease, or of making or providing roads to or on such area, the amount so specified shall be paid by the holder of such block by not more than fifteen equal yearly instalments, together with interest at the rate of four per centum per annum, or within such lesser period, with interest as aforesaid, as the local

local land board, with the holder's concurrence, may determine when the application for the week-end lease is confirmed : Provided that upon application in the prescribed form being made by the applicant the payment of such yearly instalments during the first period of five years may be deferred ; but in such case the prescribed interest on the amount owing shall be paid each year of the said period ; and thereafter the payment shall be completed by not more than ten equal yearly instalments, together with interest at the rate aforesaid.

No. 7, 1964
—

- (d) by omitting subsection four of section one hundred and fifty-eight and by inserting in lieu thereof the following subsection :—

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

(4) Except with the consent of the Minister no person shall be competent to apply for a week-end lease who, or whose wife or husband (where husband and wife are not living apart under a decree for judicial separation made by any court of competent jurisdiction) owns or holds under any tenure—other than a lease having less than five years to run, unless such lease confers a right or power to purchase the freehold, which right or power may still be exercised—any land suitable for residential purposes situated within an area which may be specified in the notification setting the land apart for disposal by way of week-end lease.

- (e) (i) by inserting in subsection two of section one hundred and sixty-one after the word "holder" the words "or the spouse of the holder, or the widow or widower of the holder";
- (ii) by omitting from the same subsection the words "the land" and by inserting in lieu thereof the words "the whole or any part of the land";
- (iii) by inserting in the same subsection after the word "amount" the words "or part of the amount";

Sec. 161.
(Payment of survey fees.)

(f)

Crown Lands (Amendment) Act.

~~No. 7, 1964~~
 Sec. 164.
 (Addition
 to lease or
 license.)

- (f) by omitting from section one hundred and sixty-four the words "the rent" and by inserting in lieu thereof the words "the capital value of, and, notwithstanding any requirement that the rent shall be calculated on a percentage of the capital value, the fair annual rent";

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

- (g) by inserting in section one hundred and sixty-six after the words "prices, and conditions" where secondly occurring the following new paragraph :—

Where the rent, license fee, price or capital value of any holding or land is to be determined by the local land board and such holding or land is or is capable of being enclosed with other lands held by the holder or the applicant the local land board shall have regard to the additional value which has accrued or may reasonably be expected to accrue to such holding or land by reason of such holding or land being held in connection with such other lands.

Sec. 199.
 (Contribution to cost
 and maintenance of
 fencing.)

- (h) by omitting from section one hundred and ninety-nine the words "conditional purchase" and by inserting in lieu thereof the words "conditional or other purchase";

New sec.
 204A.

- (i) by inserting next after section two hundred and four the following short heading and new section :—

Liability of holding to forfeiture upon default in payment towards cost of resumption or withdrawal and road making.

Payment
 towards
 cost of
 resumption
 and road
 making:
 forfeiture
 upon
 default.

204A. Where in a notification (whether published before or after the commencement of the Crown Lands (Amendment) Act, 1964) setting apart land under and subject to the provisions of section eighty-five of this Act an amount has been specified as payable to the Crown by the holder of a block therein mentioned, to cover the proportionate cost of resumption of the area so set apart,

or

Crown Lands (Amendment) Act.

133

or of any former lease thereof, or of withdrawal of the area from lease, or of making or providing roads to or on such area, and the holder has—

No. 7, 1964

- (a) in any case where any amount is, at the commencement of the Crown Lands (Amendment) Act, 1964, due and unpaid pursuant to a notification published before such commencement, failed to pay the amount so due and unpaid within three months of such commencement, or
- (b) in any case where any payment for or in respect of any amount specified in any such notification published before or after such commencement is payable after such commencement within a certain period, failed to make such payment within three months after the expiration of such period,

his holding, together with all moneys paid in connection therewith shall be liable to be forfeited, but no forfeiture shall operate to extinguish any debt to the Crown in respect of the holding unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt.

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

Further amendment of Act No. 7, 1913.

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

New sec. 69A.

Sale or lease to Commonwealth.

69A. The Governor shall have power and be deemed always to have had power to sell or lease Crown lands to the Commonwealth of Australia at such price or rent and on such terms and subject to such conditions, reservations and provisions as may

Commonwealth, sale or lease of land to.

No 7, 1964

may be agreed upon and to execute in connection with such sale or lease such grants, other assurances and instruments as may be considered necessary.

Sec. 74.

(Special leases for wharfs and jetties.)

- (b) by omitting from section seventy-four the word "twenty-eight" wherever occurring and by inserting in lieu thereof the word "forty";

Sec. 75.

(Special leases, miscellaneous purposes.)

- (c) (i) by omitting from section seventy-five the words "on application by the lessee in the prescribed manner and on the recommendation of the local land board be varied modified or revoked by the Minister; and this power shall not be affected by anything contained" and by inserting in lieu thereof the words "be varied, modified, revoked or added to as provided";

- (ii) by omitting from the same section the word "twenty-eight" wherever occurring and by inserting in lieu thereof the word "forty";

Sec. 75A.

(Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

- (d) by omitting from subsection seven of section 75A the words "on application by the lessee in the prescribed manner and on the recommendation of the local land board be varied modified or revoked by the Minister" and by inserting in lieu thereof the words "be varied, modified, revoked or added to as provided in section one hundred and eighty-two hereof";

Sec. 75B.

(Special leases in perpetuity for miscellaneous purposes.)

- (e) by omitting from subsection seven of section 75B the words "on application by the lessee in the prescribed manner and on the recommendation of the local land board be varied modified or revoked by the Minister" and by inserting in lieu thereof the words "be varied, modified, revoked or added to as provided in section one hundred and eighty-two hereof";

Sec. 76.

(Special leases: tramway and irrigation purposes.)

- (f) by omitting from section seventy-six the word "twenty-eight" wherever occurring and by inserting in lieu thereof the word "forty";

(g)

- (g) by inserting next after subsection one of section one hundred and twenty-five the following new subsections :—

No. 7, 1964

Sec. 125.

(Suburban holding application, how made and dealt with.)

(1A) Two or more persons may apply jointly for any block notified by the Minister under section one hundred and twenty-four hereof as available for the purpose of erecting a dwelling thereon and shall for all purposes of disqualification from applying, satisfying the local land board and complying with the conditions that will attach to the suburban holding be deemed to be one person.

(1B) A person shall not make, either alone or jointly, more than one application for the same block unless any prior application made by him, either alone or jointly, has been withdrawn or disallowed.

- (h) by inserting next after subsection one of section 136B the following new subsections :—

Sec. 136B.

(Application for week-end leases.)

(1A) Two or more persons may apply jointly for any block notified as available as a week-end lease and shall for all purposes of disqualification from applying, satisfying the local land board and complying with the conditions that will attach to the week-end lease be deemed to be one person.

(1B) A person shall not make, either alone or jointly, more than one application for the same block unless any prior application made by him, either alone or jointly, has been withdrawn or disallowed.

- (i) (i) by omitting from the short heading to section one hundred and eighty-two the words "by consent" and by inserting in lieu thereof the words "or purpose";

Sec. 182.

(Conditions or purpose of certain leases: alteration.)

- (ii) by omitting from the same section the words "Any covenant condition or provision of a special lease scrub lease inferior lands lease snow lease residential lease improvement lease settlement lease or lease under section eighteen of the Crown Lands Act Amendment Act, 1903,

No. 7, 1964
—

1903, or lease under section twenty-three of the said Act or section seventy-three of this Act or Crown-lease or conditional purchase lease—such covenant condition or provision being with reference to the management or improvement of the land held under lease, or the expenditure of money thereon—may, on the recommendation of the local land board, and with the consent of the lessee” and by inserting in lieu thereof the words “On application by the lessee in the prescribed manner or with the consent of the lessee any covenant, condition, reservation or provision of a special lease, snow lease, residential lease, settlement lease, Crown-lease or conditional purchase lease or the purpose of a special lease may on the recommendation of the local land board”;

(iii) by inserting in the same section after the words “addition of any condition” the words “or purpose”;

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

(j) (i) by omitting from paragraph (a) of subsection two of section one hundred and ninety the word “or” where secondly occurring and by inserting in lieu thereof the following words “where the special lease is for the purpose of grazing or of land”;

(ii) by inserting in subsection five of the same section after the word “application” where firstly, secondly, thirdly and fourthly occurring the words “either as to the whole or any part of the land the subject of the application”;

(iii) by omitting from the same subsection the words “price of the land. In the case of a conditional lease the local land board shall also determine the price at which the land may be converted into an additional conditional purchase.” and by inserting in lieu thereof the words “price of the whole or part
of

of the land so recommended. Where the local land board recommends the application be granted for part of the land it shall also report what consequential alterations should be made to the purpose and conditions of the special lease in respect of any residue thereof and shall proceed to determine the annual rent for such residue for the remainder of the term of the special lease or, where the rental of the special lease is determined separately for stated periods, for the remainder of the period current as at the date of application for conversion: Provided that the annual rent shall not be less than two pounds.”;

No. 7, 1964

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

Any consequential alterations may be made by the Minister to the purpose and conditions of the special lease in respect of any residue thereof and the alterations so made and the annual rent determined by the local land board for such residue shall have effect as from the date of application for conversion.

- (v) by inserting at the end of paragraph (c) of the proviso to paragraph (a) of subsection seven of the same section the words “where the application for conversion was granted before the commencement of the Crown Lands (Amendment) Act, 1964”;

- (k) (i) by inserting next after paragraph (2A) of section one hundred and ninety-four the following new paragraph:—

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

(2B) Where the holding the subject of the application for conversion is a conditional lease, the application shall not be approved as to so much of the land comprised in the conditional lease as is within any reserve for mining or mining

No. 7, 1964

mining purposes within the meaning of section one hundred and six of the Mining Act, 1906, as amended by subsequent Acts, except with the approval of the Minister for Mines.

- (ii) by inserting at the end of paragraph (8A) of the same section the words "Provided that the homestead farm shall not be subject to a condition of residence if the holding converted into the homestead farm was not subject to such a condition."

Sec. 216.
(Periods
allowed
for pay-
ment.)

- (1) by inserting in subsection one of section two hundred and sixteen after the words "three years from that date." the following new paragraph:—

In the application of the foregoing provisions of this subsection to a holding referred to therein the title to which commences after the commencement of the Crown Lands (Amendment) Act, 1964, such provisions shall be read and construed as if the words—

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

The first of the instalments under paragraph (a) or paragraph (b) of this subsection shall be payable at the end of the third year after the date of commencement of title to the holding when such date is after the commencement of the Crown Lands (Amendment) Act, 1932, and interest in any such case shall be charged only as from the expiration of three years from that date." were omitted therefrom and the words "by such annual instalments, not exceeding twenty in number and not being

being less than twenty pounds each, as the local land board may direct, together with interest at the rate of four per centum per annum. The first of such instalments shall be payable at the end of the first year after the commencement of title to the holding and interest in any such case shall be charged as from such commencement." were inserted in lieu thereof. No. 7, 1964

- (m) by inserting next after section two hundred and twenty-seven the following short heading and new section :— New sec. 227A.

*Expiration of permissive occupancies or leases—
debt to Crown.*

227A. The termination of a permissive occupancy or a permission to occupy Crown lands or the expiration of the term of a lease shall not operate to extinguish any debt to the Crown in respect of such permissive occupancy or permission to occupy or lease unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the permissive occupancy or permission to occupy terminated, or the term of the lease expired, before or after the commencement of the Crown Lands (Amendment) Act, 1964. Expiration of permissive occupancy or lease, liability of lessee for debt.

- (n) by omitting section two hundred and twenty-nine and the short heading thereto and by inserting in lieu thereof the following section and short heading :— Subst. sec. 229.

Extension of term of special lease and residential lease.

229. (1) The Minister may extend the term of a special lease—if in the first instance fixed for less than forty years—as to the whole or part of the land comprised therein to any term not exceeding forty years from the commencement of the lease on such terms and conditions as he may determine. Extension of term of special lease and residential lease.

No. 7, 1964

(2) The local board may extend the term of a residential lease—if in the first instance fixed for less than twenty-eight years—as to the whole or part of the land comprised therein to any term not exceeding twenty-eight years from the commencement of the lease on such terms and conditions as the local land board may determine.

(3) Application for extension of the term of a special lease or residential lease shall be made as prescribed and the term may be extended once or more than once.

Sec. 229A.
(Extension
of certain
leases.)

(o) by omitting section 229A;

Sec. 229B.
(Extension
of term of
lease of land
reserved
from sale
for catch-
ment area.)

(p) (i) by omitting from the short heading to section 229B the words, figures and letter “*sections 229 and 229A*” and by inserting in lieu thereof the word and figures “*section 229*”;

(ii) by omitting from the same section the words, figures and letter “or section 229A”;

Sec. 240.
(Compet-
ency of
minor
to contract
otherwise
than with
Crown.)

(q) (i) by inserting in section two hundred and forty after the words “general purposes of such holding” the words “or who accepts a transfer of any holding under the Crown Lands Acts subject to an existing mortgage”;

(ii) by inserting in the same section after the words “or transfer by way of mortgage” the words “or acceptance of the transfer of a holding, subject to an existing mortgage,”;

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

For the purposes of this section a person between the ages of sixteen and twenty-one years who either personally or by an agent enters into any agreement or contract to purchase or acquire any holding under the Crown Lands Acts shall be deemed to have become the owner of such holding.

(r)

- (r) (i) by omitting from section two hundred and fifty-seven the words "or conditional purchase lease" where firstly occurring and by inserting in lieu thereof the words "conditional purchase lease, special lease, town-lands lease or week-end lease"; No. 7, 1964
Sec. 257.
(Subdivision of holdings.)
- (ii) by omitting from the same section the words "or conditional purchase lease the lease" and by inserting in lieu thereof the words "conditional purchase lease or town-lands lease the lease";
- (iii) by inserting in the same section after the words "is required under that section" the words, figures and letter "4", and to section 274A of this Act where the grant is of a week-end lease to the transfer of which the consent of the Minister is required under that section";
- (s) by omitting from section two hundred and fifty-eight the words "or conditional purchase lease" wherever occurring and by inserting in lieu thereof the words "conditional purchase lease, special lease, town-lands lease or week-end lease"; Sec. 258.
(Provisions governing subdivided portions.)
- (t) by inserting next after subsection (2A) of section two hundred and seventy-two the following new subsection :— Sec. 272.
(Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)
- (2B) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any holding mentioned in that subsection where—
- (a) the Minister is of opinion that the lands in such holding are of an inferior character for the purposes of agriculture or grazing and that the best practicable use of the lands is for exploitation of the timber thereon or re-afforestation for the production of commercial timber; and
- (b) the Minister consents to the transfer.
- (u)

142 **Crown Lands (Amendment) Act.**

No. 7, 1964
Sec. 274.
(Restrictions
as to
assigns of
homestead
farms and
Crown-
leases.)

(u) by inserting next after subsection (2A) of section two hundred and seventy-four the following new subsection :—

(2B) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any holding mentioned in that subsection where—

(a) the Minister is of opinion that the lands in such holding are of an inferior character for the purposes of agriculture or grazing and that the best practicable use of the lands is for exploitation of the timber thereon or re-forestation for the production of commercial timber; and

(b) the Minister consents to the transfer.

Amendment
of Act No.
7, 1914.

(2) The Closer Settlement (Amendment) Act, 1914, as amended by subsequent Acts, is amended—

Sec. 9.
(Rights and
liabilities
of minors.)

(a) by inserting in section nine after the words “general purposes of such settlement purchase” the words “, or who accepts a transfer of a settlement purchase subject to an existing mortgage,”;

(b) by inserting in the same section after the words “or transfer by way of mortgage” the words “or acceptance of the transfer of a settlement purchase, subject to an existing mortgage,”;

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

For the purposes of this section a person between the ages of sixteen and twenty-one years who either personally or by an agent enters into any agreement or contract to acquire any settlement purchase shall be deemed to have acquired such settlement purchase and to be the owner thereof.

(3)

(3) (a) The Prickly-pear Act, 1924-1957, is amended—

- (i) by inserting in subsection five of section twenty after the words “general purpose of such lease” the words “, or who accepts a transfer of a lease under this Act subject to an existing mortgage”;
- (ii) by inserting in the same subsection after the words “or transfer by way of mortgage” the words “or acceptance of the transfer of a lease under this Act, subject to an existing mortgage,”;
- (iii) by inserting at the end of the same subsection the following new paragraph :—

No. 7, 1964
Amendment
of Act No.
31, 1924.
Sec. 20.
(Leases.)

For the purposes of this subsection a person between the ages of sixteen and twenty-one years who either personally or by an agent enters into any agreement or contract to purchase or acquire any lease under this Act shall be deemed to have become the holder of such lease.

(b) The Prickly-pear Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Prickly-pear Act, 1924-1964.

(4) The Western Lands Act of 1901, as amended by subsequent Acts, is amended—

- (a) by inserting in section 18K after the words “general purposes of such lease” the words “, or who accepts a transfer of a lease under this Act subject to an existing mortgage”;
- (b) by inserting in the same section after the words “or transfer by way of mortgage” the words “or acceptance of the transfer of a lease under this Act, subject to an existing mortgage,”;
- (c) by inserting at the end of the same section the following new paragraph :—

Amendment
of Act No.
70, 1901.
Sec. 18k.
(Com-
petency
of minor
to contract
otherwise
than with
Crown.)

For the purposes of this section a person between the ages of sixteen and twenty-one years who either personally or by an agent enters into any agreement or contract to purchase or acquire any lease under this Act shall be deemed to have become the holder of such lease.

Crown Lands (Amendment) Act.

No. 7, 1964 **6. (1) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—**

Further amendment of Act No. 7, 1913.

Sec. 156.
(Aliens: right to apply, how qualified.)

(a) by omitting section one hundred and fifty-six;

Sec. 209.
(Reversal of forfeiture.)

(b) (i) by inserting in section two hundred and nine after the words "extend to forfeitures" the words "incurred under the Crown Lands Acts before the commencement of the Crown Lands (Amendment) Act, 1964, because the holder failed to become naturalised within the prescribed period and to forfeitures";

(ii) by inserting at the end of the same section the words "Where the forfeiture of a holding within an irrigation area was incurred before the commencement of the Crown Lands (Amendment) Act, 1964, because the holder failed to become naturalised within the prescribed period the forfeiture may be reversed by the Commission."

Sec. 241.
(Rights of aliens.)

(c) by omitting section two hundred and forty-one.

Amendment of Act No. 37, 1904.
Sec. 36.
(Forfeiture.)

(2) The Closer Settlement Act, 1904, as amended by subsequent Acts, is amended by inserting at the end of section thirty-six the words "including one incurred before the commencement of the Crown Lands (Amendment) Act, 1964, because the holder failed to become naturalised within the period prescribed by the Closer Settlement Acts".

Amendment of Act No. 53, 1916.
Sec. 11.
(Naturalisation of alien applicants and holders.)

(3) The Closer Settlement (Amendment) Act, 1916, as amended by subsequent Acts, is amended by omitting section eleven.

(4)

Crown Lands (Amendment) Act.

145

(4) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended—

No. 7, 1964
Amendment
of Act No.
38, 1943.

- (a) by omitting subsection nine of section eleven; Sec. 11.
(Restrictions
on transfer.)
- (b) (i) by inserting in subsection four of section fourteen after the word "section" the words "or incurred before the commencement of the Crown Lands (Amendment) Act, 1964, because the holder failed to become naturalised within the period prescribed by the Closer Settlement Acts"; Sec. 14.
(Forfeiture.)
- (ii) by inserting in the same subsection after the word "notified" the words "or when the forfeiture was incurred";
- (iii) by inserting in the same subsection after the word "declared" where secondly occurring the words "or incurred".

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

Further
amendment
of Act No.
7, 1913.

- (a) by omitting from section twenty-four the words "An abstract of any intended dedication under this section shall be laid before both Houses of Parliament one month before such dedication is made." and by inserting in lieu thereof the following new subsections :— Sec. 24.
(Dedication
of Crown
lands for
public
purposes.)

(2) The Minister may by notification in the Gazette declare that Crown lands shall be added to any lands dedicated as aforesaid. cf. Act No.
43, 1961,
s. 7.

Upon such notification being published in the Gazette the lands to which such notification relates shall be so added, shall form part of the dedicated lands and may at any time thereafter be granted for

No. 7, 1964

for the same purposes in fee-simple, shall be subject to the like dedication and trusts as the dedicated lands, any rules and regulations or by-laws applicable to the dedicated lands shall be applicable to the added lands and any trustees of the dedicated lands shall be deemed to be appointed trustees of the added lands under the provisions of the Act whereby they were appointed trustees of the dedicated lands.

(3) Notwithstanding anything to the contrary in this Act, or the Mining Act, 1906, or the Forestry Act, 1916, or any Act amending or replacing the same, a notification under subsection one or subsection two of this section shall have the effect of revoking any classified areas or reserves or parts of classified areas or reserves within the boundaries of the lands to which the notification relates: Provided that the revocation of any reserve for mining or mining purposes or any timber reserve shall not be so effected unless in the case of a reserve for mining or mining purposes the consent thereto of the Minister for Mines or in the case of a timber reserve of the Minister administering the Forestry Act, 1916, as amended by subsequent Acts, has been obtained.

(4) An abstract of any intended dedication or addition under this section shall be laid before both Houses of Parliament one month before such dedication or addition is made.

Sec. 25.
(Revocation
of dedica-
tions.)

(b) by inserting in section twenty-five after the word "out—" where firstly occurring the words "or that such lands should be dedicated with other lands as one area—or that such lands should be reserved from sale for similar purposes—";

Sec. 26.
(Appoint-
ment of
trustees.)

(c) by inserting next after subsection (1E) of section twenty-six the following new subsection:—

(1F) Trustees appointed or deemed to have been appointed under this Act may, with the consent of the Minister, lease the whole or part of
the

the land for which they were appointed or deemed to have been appointed trustees for such purposes, on such terms and subject to such conditions as the Minister approves, and the powers of such trustees and the Minister under this subsection shall not be affected by anything contained in any grant issued for such land. No. 7, 1964
—

- (d) (i) by omitting from section twenty-eight the words “temporarily reserved” and by inserting in lieu thereof the words “reserved temporarily or otherwise”; Sec. 28.
(Reserves from sale for public purposes.)
- (ii) by inserting at the end of the same section the following new subsections : —

(2) The Minister may by notification in the Gazette declare that any Crown lands shall be added to any lands reserved temporarily or otherwise from sale for any public purpose or for commonage.

Upon such notification being published in the Gazette the lands to which such notification relates shall be so added, shall form part of the reserve, shall be subject to the like reservation and trusts as the reserve, any rules and regulations or by-laws applicable to the reserve shall be applicable to such lands and any trustees of the reserve shall be deemed to be appointed trustees of the lands so added under the provisions of the Act whereby they were appointed trustees of the reserve.

(3) Notwithstanding anything to the contrary in this Act, or the Mining Act, 1906, or the Forestry Act, 1916, or any Act amending or replacing the same, a notification under subsection one or subsection two of this section shall have the effect of revoking any classified areas or reserves or parts of classified areas or reserves within the boundaries of the land to which the notification relates unless the
contrary

No. 7, 1964

contrary is expressly declared by the terms of the notification : Provided that the revocation of any reserve for mining or mining purposes or any timber reserve shall not be so effected unless in the case of a reserve for mining or mining purposes the consent thereto of the Minister for Mines or in the case of a timber reserve of the Minister administering the Forestry Act, 1916, as amended by subsequent Acts, has been obtained.

Sec. 30.
(Revocation or modification of reserves.)

(e) by inserting next after paragraph (d) of section thirty the following new paragraph :—

(e) any reservation under section twenty-eight of this Act which is not a temporary reservation and within any of the preceding paragraphs of this section.

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

(f) by inserting next after subsection one of section sixty-three the following new subsection :—

(1A) Notwithstanding anything to the contrary in this Act, or the Mining Act, 1906, or the Forestry Act, 1916, or any Act amending or replacing the same, a notification under subsection one of this section shall have the effect of revoking any classified areas or reserves or parts of classified areas or reserves within the boundaries of the land to which the notification relates unless the contrary is expressly declared by the terms of the notification : Provided that the revocation of any reserve for mining or mining purposes or any timber reserve shall not be so effected unless in the case of a reserve for mining or mining purposes the consent thereto of the Minister for Mines or in the case of a timber reserve of the Minister administering the Forestry Act, 1916, as amended by subsequent Acts, has been obtained.

Sec. 155B.
(Surrenders by trustees, executors, and administrators.)

(g) (i) by omitting from subsection one of section 155B the words "or executor as if a power to that effect were contained in the instrument creating such trust or the will appointing such

such executor as the case may be, or by any administrator in respect of land which he holds as administrator” and by inserting in lieu thereof the words “in respect of land which he holds as a trustee as if a power to that effect were contained in the 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”;

No. 7, 1964

- (ii) by omitting from subsection two of the same section the words “Crown Lands (Amendment) Act, 1931” and by inserting in lieu thereof the words “Crown Lands (Amendment) Act, 1964”;

 - (h) (i) by omitting from section 194c the words “or executor in respect of land which he holds as trustee or executor, as if a power to that effect were contained in the instrument creating such trust, or the will appointing such executor, as the case may be, or by any administrator in respect of land which he holds as administrator” and by inserting in lieu thereof the words “in respect of land which he holds as a trustee as if a power to that effect were contained in the 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”;
- (Surrenders by trustees, executors and administrators.)
- (ii) by omitting from subsection two of the same section the words “Crown Lands (Amendment) Act, 1931” and by inserting in lieu thereof the words “Crown Lands (Amendment) Act, 1964”;

 - (i) (i) by omitting from subsection six of section one hundred and ninety-five the words “or executor in respect of land which he holds as trustee or executor, as if a power to that effect were contained
- (Exchanges and surrenders.)

No. 7, 1964

contained in the instrument creating such trust or the will appointing such executor, as the case may be, or by any administrator in respect of land which he holds as administrator” and by inserting in lieu thereof the words “in respect of land which he holds as a trustee as if a power to that effect were contained in the 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”;

- (ii) by inserting at the end of the same subsection the words “Every such surrender made before the commencement of the Crown Lands (Amendment) Act, 1964, shall be as valid as if that Act had been in operation when the surrender was made.”;

Sec. 197.

(Exchanges, resumptions and purchases for public purposes.)

- (j) by inserting at the end of section one hundred and ninety-seven the following new subsection : —

(8) A surrender for the purposes of this section 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 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 by way of exchange under this section shall be held by him subject to the same trusts as the land surrendered by him.

(2) Any revocation of any reservation or dedication purporting to have been made under section twenty-five of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, before the commencement of this Act which would have been valid had the amendment made by paragraph (b) of subsection one of this section been in force at the time such revocation was made shall be deemed to have been validly made.

Crown Lands (Amendment) Act.

151

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

No. 7, 1964
Further
amendment
of Act No.
7, 1913.

(a) (i) by inserting at the end of subsection two of section eighty-one the words "Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.";

Sec. 81.
(Purchase of
residential
lease.)

(ii) by inserting next after the same subsection the following new subsection :—

(2A) Where the Minister limits the granting of the application to the surface only of the land or to the surface and to such depth below the surface as he may specify the residential lease as to any part of the land excluded by such limitation shall be deemed to have been surrendered to the Crown.

(b) (i) by inserting in paragraph (j) of section 82A after the word "discretion" the words "either as to the whole or any part of the land applied to be purchased";

Sec. 82A.
(Leasing of
Crown
lands within
towns.)

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

(k) Where the Minister limits the granting of the application under paragraph (j) of this section to the surface only of the land or to the surface and to such depth below the surface as he may specify the lease held under this section as to any part of the land excluded by such limitation shall be deemed to have been surrendered to the Crown.

(c) by inserting next after subsection five of section one hundred and nine the following new subsection :—

Sec. 109.
(Conditional
purchase
leases.

(5A) Any areas required for roadways may be excluded by the local land board from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

Conversion
into condi-
tional
purchases
and condi-
tional
leases.)

(d)

Crown Lands (Amendment) Act.

No. 7, 1964
 Sec. 129B.
 (Purchase
 of suburban
 holdings.)

(d) (i) by inserting at the end of paragraph (d) of subsection one of section 129B the words "Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.";

(ii) by inserting next after the same paragraph the following new paragraph :—

(d1) Where the Minister limits the granting of the application to the surface only of the land or to the surface and to such depth below the surface as he may specify the suburban holding as to any part of the land excluded by such limitation shall be deemed to have been surrendered to the Crown.

Sec. 136H.
 (Purchase
 of week-end
 leases.)

(e) (i) by inserting in section 136H after the word "discretion" the words "either as to the whole or any part of the land applied to be purchased";

(ii) by inserting at the end of the same section the following new paragraphs :—

Any areas required for roadways may be excluded by the Minister. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

Where the Minister limits the granting of the application to the surface only of the land or to the surface and to such depth below the surface as he may specify the week-end lease as to any part of the land excluded by such limitation shall be deemed to have been surrendered to the Crown.

(f)

- (f) by inserting next after subsection one of section one hundred and eighty-three the following new subsection :—

No. 7, 1964
Sec. 183.
(Conversion of homestead selection or grant or homestead farm.)

(1A) Any areas required for roadways may be excluded by the local land board from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

- (g) by inserting next after paragraph (b) of subsection one of section one hundred and eighty-four the following new paragraph :—

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

(c) Any areas required for roadways may be excluded by the local land board from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

- (h) (i) by inserting in subsection five of section one hundred and ninety after the word "discretion" where secondly occurring the words "Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown."

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

(ii) by inserting next after the same subsection the following new subsection :—

(5A) Where the Minister limits the granting of the application to the surface only of the land or to the surface and to such depth below the surface as he may specify the special lease as to any part of the land excluded by such limitation shall be deemed to have been surrendered to the Crown.

- (i) by inserting next after subsection four of section 193A the following new subsection :—

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

(4A) Any areas required for roadways may be excluded by the local land board from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

(j)

Crown Lands (Amendment) Act.

No. 7, 1964
 Sec. 235.
 (Reservations in
 Crown
 grants.)

(j) by inserting at the end of section two hundred and thirty-five the following new subsection :—

(4) Where the sale or lease or homestead selection of any land under this Act is limited to the surface only of the land or to the surface and to a specified depth below the surface the Governor may attach a covenant to any Crown grant in respect of any such sale or lease or homestead selection protecting the Crown and any mining lessee against any claim whatsoever in the event of subsidence taking place as a result of mining operations.

The provisions of this subsection shall—

- (a) extend to any Crown grant whether issued before or after the commencement of the Crown Lands (Amendment) Act, 1964;
- (b) not relieve the Crown or any mining lessee from any liability to which the Crown or mining lessee may be subject by virtue of the provisions of the Mine Subsidence Compensation Act, 1961.

New sec.
 235c.

(k) by inserting next after section 235B the following short heading and new section :—

Protection of the Crown and mining lessees against claims in the event of subsidence resulting from mining operations.

Subsidence:
 protection
 from
 claims.

235c. Where any sale or lease or permissive occupancy or homestead selection of land under this Act is limited to the surface only of the land or to the surface and to a specified depth below the surface, a covenant may be attached to any such sale or lease or permissive occupancy or homestead selection, protecting the Crown or any mining lessee against any claim whatsoever in the event of subsidence resulting from mining operations. Such covenant shall attach to the land and shall continue to run notwithstanding any change in the tenure under which the land is held.

The

The provisions of this section shall—

No. 7, 1964

(a) extend to any sale or lease or permissive occupancy or homestead selection made or granted whether before or after the commencement of the Crown Lands (Amendment) Act, 1964;

(b) not relieve the Crown or any mining lessee from any liability to which the Crown or mining lessee may be subject by virtue of the provisions of the Mine Subsidence Compensation Act, 1961.

(1) (i) by omitting from section two hundred and fifty-seven the words "The holder of the conditional purchase, homestead selection, homestead farm, Crown-lease, conditional lease, settlement lease, suburban holding, suburban holding purchase, or conditional purchase lease, shall surrender such land as may be necessary for providing roads of access to the subdivided portions, which land shall thereupon become Crown land free from any claim thereto of such holder." and by inserting in lieu thereof the words "Any areas required for providing roads of access to the subdivided portions may be excluded by the Minister from the subdivision. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.";

Sec. 257.
(Subdivision
of hold-
ings.)

(ii) by inserting in the same section after the words "such portions." the words "The Registrar-General may also make such entries on the grant or any certificate of title as may be necessary with respect to areas which the consent shows as having been excluded from the subdivision for roads of access and which are deemed to be surrendered to the Crown.".

(2)

Crown Lands (Amendment) Act.

No. 7, 1964 (2) The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is amended—
 Amendment of Act No. 21, 1916.

Sec. 4A.
 (Purchase of special holdings.)

- (a) (i) by inserting at the end of paragraph (d) of section 4A the words "Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.";
- (ii) by inserting next after the same paragraph the following new paragraph :—

(d1) Where the Minister limits the granting of the application to the surface only of the land or to the surface and to such depth below the surface as he may specify the holding as to any part of the land excluded by such limitation shall be deemed to have been surrendered to the Crown.

Sec. 22.
 (Crown grants—reservations.)

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

(3) Where the sale or lease of land under this Act is limited to the surface only of the land or to the surface and to a specified depth below the surface the Governor may attach a covenant to any Crown grant in respect of such sale or lease protecting the Crown and any mining lessee against any claim whatsoever in the event of subsidence taking place as a result of mining operations.

The provisions of this subsection shall—

- (a) extend to any Crown grant whether issued before or after the commencement of the Crown Lands (Amendment) Act, 1964;
- (b) not relieve the Crown or any mining lessee from any liability to which the Crown or mining lessee may be subject by virtue of the provisions of the Mine Subsidence Compensation Act, 1961.

(c)

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

No. 7, 1964

New sec. 23.

Protection of the Crown and mining lessees against claims in the event of subsidence resulting from mining operations.

23. Where any sale or lease of land under this Act is limited to the surface only of the land or to the surface and to a specified depth below the surface a covenant may be attached to any such sale or lease, protecting the Crown or any mining lessee against any claim whatsoever in the event of subsidence resulting from mining operations. Such covenant shall attach to the land and shall continue to run notwithstanding any change in the tenure under which the land is held.

Subsidence:
protection
from
claims.

The provisions of this section shall—

- (a) extend to any sale or lease whether made or granted before or after the commencement of the Crown Lands (Amendment) Act, 1964;
- (b) not relieve the Crown or any mining lessee from any liability to which the Crown or mining lessee may be subject by virtue of the provisions of the Mine Subsidence Compensation Act, 1961.

9. (1) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by inserting next after section two hundred and thirty-four the following short heading and new section :—

Further
amendment
of Act No.
7, 1913.

New
sec. 234A.

Crown grants—quit-rents.

234A. Where any quit-rent issues to the Crown out of any land, or the residue of any quit-rent issues to the Crown out of any residue of any land in respect of which quit-rent has been apportioned or redeemed, such land or residue shall be deemed to have been released therefrom.

Release of
quit-rents.

(2)

No. 7, 1964

Amendment
of Act No. 6,
1919.

Sec. 143.

(Apportion-
ment of
quit-rents
in respect
of land.)

(2) (a) The Conveyancing Act, 1919-1962, is amended by omitting section one hundred and forty-three.

(b) The Conveyancing Act, 1919, as amended by subsequent Acts and by this Act, may be cited as the Conveyancing Act, 1919-1964.

Further
amendment
of Act No.
7, 1913.

Sec. 129B.

(Purchase of
suburban
holdings.)cf. Act No.
38, 1943,
s. 2(6).**10.** (1) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by inserting next after subsection one of section 129B the following new subsection :—

(1A) Where the purchase is of a suburban holding which is subject to a mortgage charge or other security—

- (a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the purchase as he had or would have had in respect of the suburban holding if the purchase had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the purchase; and
- (b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered or recorded in the books of the Department of Lands, such transfer shall be deemed to extend to the purchase in the same manner as it applied to the suburban holding.

This subsection shall be deemed to have commenced on the date of commencement of the Crown Lands (Amendment) Act, 1917. (2)

(2) The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is further amended by inserting at the end of section 4A the following new subsection :—

No. 7, 1964

—
Further amendment of Act No. 21, 1916.

Sec. 4A.

(Purchase of special holdings.)

(2) Where the purchase is of a holding which is subject to a mortgage charge or other security—

cf. Act No. 38, 1943, s. 2 (6).

- (a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the purchase as he had or would have had in respect of the holding if the purchase had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the purchase; and
- (b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered or recorded in the books of the Department of Lands, such transfer shall be deemed to extend to the purchase in the same manner as it applied to the holding.

This subsection shall be deemed to have commenced on the date of commencement of the Returned Soldiers Settlement (Amendment) Act, 1917.

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

Further amendment of Act No. 7, 1913.

- (a) by inserting in subsection one of section two hundred and two after the word "water : " the words "Such permission and direction may be varied by the

Sec. 202. (Enclosure of roads and water-courses.)

No. 7, 1964

the local land board where the holder desires to enclose or has enclosed, as aforesaid, any additional road or watercourse and upon such variation the local land board shall determine the rent payable in respect of the additional road or watercourse from the date of variation to the date when the annual rent in respect of the road or watercourse originally enclosed is next payable. The rent so determined shall be payable upon the date of such determination and thereafter the annual rent payable in respect of the road or watercourse originally enclosed and any such additional enclosure shall be the amount of rent payable in respect of the original enclosure and the amount determined by the local land board to be payable in respect of such additional enclosure."

- (b) by omitting from subsection five of the same section the words "determined by the local land board as aforesaid" and by inserting in lieu thereof the words "payable in respect of any such permission";
- (c) by inserting in subsection six of the same section after the word "Commission." the words "Where any road or watercourse has been enclosed without the authority of the local land board with a holding under the Crown Lands Acts or a freehold and such road or watercourse is additional to any road or watercourse which has been enclosed with such holding or freehold the local land board upon report by the district surveyor or said Commission as the case may require shall determine the rent payable in respect of such additional road or watercourse from the date of such determination to the date when the annual rent in respect of the road or watercourse originally enclosed is next payable. The rent so determined shall be payable upon the date of such determination and thereafter the amount of rent payable in respect of the road or watercourse originally enclosed and any such additional enclosure shall be the amount of rent payable in respect of the original enclosure and

and the amount determined by the local land board to be payable in respect of such additional enclosure.”; No. 7, 1964
—

- (d) (i) by inserting in subsection seven of the same section after the words “has been enclosed” the words “, or that part of the land, which such enclosure traverses or bounds,”;
- (ii) by inserting in the same subsection after the words “such land” the words “or part”;
- (iii) by inserting at the end of the same subsection the following new paragraph :—

Where permission has been granted to enclose a road or watercourse in accordance with this section, and the land with which such road or watercourse is enclosed is subdivided and transferred in such a way that portions of such road or watercourse traverse or bound parts of the land held by different holders, such permission shall, subject to this section, remain in full force and effect, and the holder of any part of the land which any portion of such road or watercourse traverses or bounds shall—

- (a) erect such gates or suitable substitutes as the local land board may consider necessary in accordance with subsection one of this section, and
- (b) pay such rent for such portion of such road or watercourse as the district surveyor may determine as being proportionate to the rent payable for the road or watercourse in respect of which such permission was granted: Provided that the annual rent for any portion of such road or watercourse after such subdivision and transfer shall not be less than two pounds.

(e)

No. 7, 1964

- (e) by inserting in subsection nine of the same section after the words "anniversary of such date" the words "Provided that the district surveyor shall be deemed to have had power and shall have power to fix a new date from time to time for payment of the rent to coincide with any date on which another payment was or is required to be made by the holder to the Crown and the proportionate part of the rent to the new date shall be deemed to have been and shall be payable upon the date of such fixation and thereafter the rent shall be deemed to have been and shall be payable in advance upon the new date and upon each anniversary of such date.";
- (f) by inserting at the end of the same section the following new subsections :—

(10) Any permission to enclose wholly or in part any road or watercourse with a holding under the Crown Lands Acts or a freehold, whether granted before or after the commencement of the Crown Lands (Amendment) Act, 1964, shall be cancelled or varied by the Minister or the district surveyor, as may be necessary, upon forfeiture or conversion or expiration by effluxion of time of the holding or acquisition by the Crown or any public authority of the holding or freehold or part of the holding or freehold or upon the road or part of the road being closed or dedicated as a public road or the road or watercourse ceasing to be enclosed : Provided that where the term of the holding has expired and the holder obtains from the date of expiration under the same or a different class of tenure the land or part of the land formerly comprised within such holding and with which any such road or watercourse or part thereof is enclosed, the permission shall remain in full force and effect and shall attach to the new holding.

Any

Any such cancellation or variation shall take effect from such date as may be determined by the Minister or the district surveyor. Any such date may be a date before the decision is made to make such cancellation or variation.

No. 7, 1964
—

Where the permission is varied the rental for the area as varied shall be at the same rate per acre as was applicable to the area subject to such permission before variation but the annual rent payable shall not be less than two pounds.

If the forfeiture of a holding is reversed whether provisionally or otherwise the cancellation or variation of any permission to enclose wholly or in part any road or watercourse with the holding may likewise be reversed provisionally or otherwise by the Minister or the district surveyor.

Any such provisional reversal of any such cancellation or variation shall suspend the operation of such cancellation or variation, as from the date when such cancellation or variation was made, and if such provisional reversal shall afterwards be revoked such revocation shall have the same effect as if the provisional reversal so revoked had never been made. Any absolute reversal of any such cancellation or variation shall relate back to the date when such cancellation or variation was made, and shall have the same effect as if the cancellation or variation so reversed had never been made.

Any cancellation or variation of any such permission or reversal of any such cancellation or variation made, or permission attached to a new holding before the commencement of the Crown Lands (Amendment) Act, 1964, which would have been valid had the provisions of this subsection been in operation when such cancellation or variation or reversal was made or the permission so attached, is hereby validated.

No. 7, 1964

(11) Any cancellation or variation of any permission to enclose wholly or in part a road or watercourse shall not operate to extinguish any debt to the Crown in respect of such permission unless the Minister otherwise approves. The Minister may so approve in respect of the whole or part of such debt irrespective of whether the permission was cancelled or varied before or after the commencement of the Crown Lands (Amendment) Act, 1964.

(12) On application or consent by the holder of two or more permissions to enclose wholly or in part any roads or watercourses the Minister or the district surveyor may, subject to such conditions as he may think necessary, authorise the amalgamation of the permissions which shall for all purposes thereafter be deemed to be one permission. The annual rent in respect of the amalgamated permissions shall be the sum of the separate rents or, where one or more of the permissions is held at a minimum rent, such amount not in excess of the sum of the separate rents as the local land board may determine: Provided that the annual rent in respect of the amalgamated permissions shall not be less than two pounds.

Any amalgamation of any such permissions made before the commencement of the Crown Lands (Amendment) Act, 1964, shall be and shall be deemed always to have been valid.

Further amendment of Act No. 37, 1904.

(2) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended—

Sec. 46.
(Enclosure of roads.)

- (a) by omitting from section forty-six the words “and upon complaint being made in the prescribed form with the prescribed deposit the local land board may for any sufficient reason cancel any permission granted as aforesaid, and may order any fence, gate, or other structure on any road to be removed by such holder, and within such period as the board

board may determine.” and by inserting in lieu thereof the words “Such permission and direction may be varied by the local land board where the holder desires to enclose or has enclosed, as aforesaid, any additional road and upon such variation the local land board shall determine the rent payable in respect of the additional road from the date of variation to the date when the annual rent in respect of the road originally enclosed is next payable. The rent so determined shall be payable upon the date of such determination and thereafter the annual rent payable in respect of the road originally enclosed and any such additional enclosure shall be the amount of rent payable in respect of the original enclosure and the amount determined by the local land board to be payable in respect of such additional enclosure.”; No. 7, 1964

- (b) by inserting in the same section after the words “by the district surveyor.” the words “Where any road has been enclosed without the permission of the local land board or chairman with a purchase or lease under this Act and such road is additional to any road which has been enclosed with such purchase or lease the local land board upon report by the district surveyor shall determine the rent payable in respect of such additional road from the date of such determination to the date when the annual rent in respect of the road originally enclosed is next payable. The rent so determined shall be payable upon the date of such determination and thereafter the annual rent payable in respect of the road originally enclosed and any such additional enclosure shall be the amount of rent payable in respect of the original enclosure and the amount determined by the local land board to be payable in respect of such additional enclosure.”;
- (c) by omitting from the same section the words “If the amount of the rent so determined be not paid by the person liable within two months after the date

No. 7, 1964

date of such determination the Minister may sue him therefor in any court of competent jurisdiction.

Any determination of rent under this section shall not be less than two pounds per annum." and by inserting in lieu thereof the words "The annual rent payable under this section shall not be less than two pounds.";

- (d) by inserting at the end of the same section the following new subsections :—

(2) On complaint made, the local land board may, for any sufficient reason, cancel any permission to enclose wholly or in part a road granted under this section whether before or after the commencement of the Crown Lands (Amendment) Act, 1964, and may order any fence, gate or other structure on any road to be removed by such person, and within such period, as such board may determine. Such complaint shall be accompanied by the prescribed deposit: Provided that if such complaint be made by the Minister or by the council of a municipality or shire a deposit will not require to be made in respect of costs, nor shall costs be awarded against the Minister or such council on the hearing of such complaint.

Provided that—

- (a) without making such complaint the Minister may by notification in the Gazette cancel any permission granted under this section if the rent payable in respect of any such permission remains unpaid at the expiration of three months after the date when the same fell due; and
- (b) the Minister shall have power to reverse the cancellation by him of any such permission on such terms and conditions as to him may seem fit.

(3)

(3) Where before or after the commencement of the Crown Lands (Amendment) Act, 1964, any permission to enclose a road in accordance with this section has been or is granted the annual rent shall be deemed to have been and shall be payable in advance. No. 7, 1964
—

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: Provided that the district surveyor shall be deemed to have had power and shall have power to fix a new date from time to time for payment of the rent to coincide with any date on which another payment was or is required to be made by the holder to the Crown and the proportionate part of the rent to the new date shall be deemed to have been and shall be payable upon the date of such fixation and thereafter the rent shall be deemed to have been and shall be payable in advance upon the new date and upon each anniversary of such date.

(4) Where permission has been granted to enclose a road in accordance with this section, and the land with which the road has been enclosed, or that part of the land which such enclosure traverses or bounds, is subsequently transferred, the permission so granted shall, subject to this section, remain in full force and effect and the holder for the time being of such land or part shall be liable for payment of rent in respect of such enclosure and all arrears thereof.

Where permission has been granted to enclose a road in accordance with this section, and the land with which such road is enclosed is subdivided and transferred in such a way that portions of such road

No. 7, 1964

road traverse or bound parts of the land held by different holders, such permission shall, subject to this section, remain in full force and effect, and the holder of any part of the land which any portion of such road traverses or bounds shall—

- (a) erect such gates or suitable substitutes as the local land board may consider necessary in accordance with subsection one of this section, and
- (b) pay such rent for such portion of such road as the district surveyor may determine as being proportionate to the rent payable for the road in respect of which such permission was granted : Provided that the annual rent for any portion of such road after such subdivision and transfer shall not be less than two pounds.

(5) Any permission to enclose wholly or in part any road with any purchase or lease under this Act, whether granted before or after the commencement of the Crown Lands (Amendment) Act, 1964, shall be cancelled or varied by the Minister or the district surveyor, as may be necessary, upon forfeiture of the purchase or lease or acquisition by the Crown or any public authority of the purchase or lease or part of the purchase or lease or upon the road or part of the road being closed or dedicated as a public road or ceasing to be enclosed.

Any such cancellation or variation shall take effect from such date as may be determined by the Minister or the district surveyor. Any such date may be a date before the decision is made to make such cancellation or variation.

Where the permission is varied the rental for the area as varied shall be at the same rate per acre as was applicable to the area subject to such permission before variation but the annual rent payable shall not be less than two pounds.

If

If the forfeiture of a purchase or lease is reversed the cancellation or variation of any permission to enclose wholly or in part any road with the purchase or lease may likewise be reversed by the Minister or the district surveyor and such reversal shall relate back to the date when such cancellation or variation was made, and shall have the same effect as if the cancellation or variation so reversed had never been made. No. 7, 1964

Any cancellation or variation or reversal of any such cancellation or variation made before the commencement of the Crown Lands (Amendment) Act, 1964, which would have been valid had the provisions of this subsection been in operation when such cancellation or variation or reversal was made is hereby validated.

(6) Any cancellation or variation of any permission to enclose wholly or in part any road shall not operate to extinguish any debt to the Crown in respect of such permission unless the Minister otherwise approves. The Minister may so approve in respect of the whole or part of such debt irrespective of whether the permission was cancelled or varied before or after the commencement of the Crown Lands (Amendment) Act, 1964.

(7) On application or consent by the holder of two or more permissions granted under this section the Minister or the district surveyor may, subject to such conditions as he may think necessary, authorise the amalgamation of the permissions which shall for all purposes thereafter be deemed to be one permission. The annual rent in respect of the amalgamated permissions shall be the sum of the separate rents or, where one or more of the permissions is held at a minimum rent, such amount not in excess of the separate rents as the local land board may determine: Provided that the annual rent in respect of the amalgamated permissions shall not be less than two pounds.

Any

170 **Crown Lands (Amendment) Act.**

No. 7, 1964

Any amalgamation of any such permissions made before the commencement of the Crown Lands (Amendment) Act, 1964, shall be and shall be deemed always to have been valid.

Further amendment of Act No. 7, 1913.

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

Sec. 56.
(Issue of Crown grant for conditional purchase.)

(a) by omitting from section fifty-six the words “as prescribed”;

Sec. 93.
(Homestead grant.)

(b) (i) by omitting from subsection two of section ninety-three the words “the provisions to be” and by inserting in lieu thereof the words “provisions may be”;

(ii) by omitting from the same subsection the words “shall be in such form as may be prescribed”;

Sec. 123.
(Homestead farm: inquiry by board and issue of grant.)

(c) by omitting from subsection two of section one hundred and twenty-three the words “in the prescribed form” where firstly occurring;

Sec. 128.
(Suburban holding: inquiry by board and issue of grant.)

(d) by omitting from subsection two of section one hundred and twenty-eight the words “in the prescribed form”;

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

(e) by omitting from paragraph (i) of subsection one of section 129B the words “shall be issued in the prescribed form” and by inserting in lieu thereof the words “in fee-simple of the land shall be issued”;

Sec. 136F.
(Title to and issue of grant for week-end leases.)

(f) by omitting from subsection two of section 136F the words “in the prescribed form”;

(g)

- (g) by omitting from subsection eight of section one hundred and forty-two the words "in the prescribed form"; No. 7, 1964
Sec. 142.
(Conditions, &c., of irrigation farm purchases.)
- (h) by omitting from subsection seven of section 142B the words "in the prescribed form"; Sec. 142B.
(Conditions, &c., of town land purchases.)
- (i) by omitting from subsection one of section one hundred and forty-four the words "in the prescribed form". Sec. 144.
(Perpetual lease grants.)

(2) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by omitting from section ten the words "in the form prescribed by regulations made under the Closer Settlement Acts". Further amendment of Act No. 38, 1943.
Sec. 10.
(Issue of perpetual lease grant.)

(3) The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is further amended by omitting from section 4A the words "in the prescribed form". Further amendment of Act No. 21, 1916.
Sec. 4A.
(Purchase of special holdings.)

13. (1) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended— Further amendment of Act No. 7, 1913.

- (a) by omitting from section thirty-six the word "permits" wherever occurring and by inserting in lieu thereof the words "licenses or permits"; Sec. 36.
(Permits to remove gravel, &c.)
- (b) by omitting from the same section the word "permit" wherever occurring and by inserting in lieu thereof the words "license or permit".

(2) The amendments made by subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and thirteen.

Crown Lands (Amendment) Act.**No. 7, 1964**Further
amendment
of Act No.
7, 1913.

Sec. 68.

(Reclama-
tion and
purchase of
land.)**14.** The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

- (a) (i) by inserting in subsection one of section sixty-eight after the figures "1900" the words ", or part of the lands of the Port of Newcastle or the Port of Botany Bay vested in the Maritime Services Board of New South Wales";
- (ii) by inserting in subsection three of the same section after the word "issued." the words "Provided that if part of the reclamation is, within the period allowed for the completion of the reclamation, carried out to the satisfaction of the Minister within the Metropolitan land district and elsewhere of the local land board, the Minister may approve of the issue of a Crown grant of the part of the land so reclaimed and subject to payment of any further sum required for deed fee or costs such Crown grant shall be issued."
- (iii) by inserting in subsection four of the same section after the words "in or to the same:" the words "Provided that where the Minister approves of the issue of a Crown grant of part of the land pursuant to the proviso to subsection three of this section the right to purchase that part of the land within the authority to reclaim and not the subject of such Crown grant (hereinafter referred to as the residue) may be declared to have lapsed if the reclamation of the residue be not completed to the satisfaction of the Minister within the Metropolitan land district or elsewhere of the local land board, or be not so completed within the period allowed for the completion of the reclamation. Any moneys paid in respect of part of the residue shall thereupon become forfeited; and upon such declaration the said authority to reclaim shall, to the extent to which it relates to the residue, become void and of no effect and any land

land within the residue which may have previously been reclaimed under such authority shall revert to the Crown freed and discharged from any right or claim of the applicant or any other person in or to the same :”

No. 7, 1964

- (b) (i) by inserting next after subsection two of section three hundred and thirteen the following new subsection :—

Sec. 313.
(Reclamations:
authority
already
granted.)

(2A) Where the Governor has authorized the reclamation of any land as referred to in subsection one or two of this section and at the commencement of the Crown Lands (Amendment) Act, 1964,—

- (a) no Crown grant for the same has been issued or is to be issued in respect of a reclamation completed before such commencement, and
- (b) the authority for the reclamation has not become void and of no effect,

the authority for the reclamation shall be deemed to have been granted under section sixty-eight of this Act and to be subject to such provisions of this Act as relate to proceedings consequent upon authorities granted under the said section.

- (ii) by inserting at the end of the same section the following new subsection :—

(4) Where at the commencement of the Crown Lands (Amendment) Act, 1964, any reclamation may be completed under an authorization as referred to in subsection one, two or three of this section and no period within which such reclamation shall be completed is applicable to or in respect of such authorization the period allowed in respect of the completion of such reclamation shall for the purposes of the said section sixty-eight be two years from such commencement or such further period as the Minister may allow.

No. 7, 1964

Further
amendment
of Act No.
7, 1913.

Sec. 37.

(Power to
make regu-
lations.)

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

(a) by inserting next after subsection one of section thirty-seven the following new subsection :—

(1A) The Governor may make and shall be deemed always to have had power to make regulations—

(a) where no express provision is made by this Act—providing for the lodgment of deposits and the charging of costs or the payment of charges or fees on applications made or for any matter done or service rendered under this Act; and

(b) where the amounts are not prescribed or fixed by reference to costs or other factors in accordance with the provisions of this Act—for or with respect to fixing or prescribing the amounts of deposits, costs, charges and fees the lodgment, charging or payment of which is provided for under this Act or the regulations.

Sec. 51.

(Balance
of purchase
money, how
paid.)

(b) by omitting from section fifty-one the words “after the issue of the certificate as hereinafter provided”;

Sec. 54.

(Forfeiture
for non-
performance
of residence,
fencing,
improve-
ment, &c.)

(c) by inserting at the end of section fifty-four the words “and such liability shall not be affected by the fact that the balance of purchase money on the conditional purchase has been or shall be paid. Where the moneys paid in respect of the conditional purchase up to the date on which forfeiture thereof takes effect exceed all amounts due and payable thereon up to that date such excess after deducting the balance of any survey fee payable shall be refunded or applied with the consent of the holder in or towards satisfaction of any debt of the holder to the Crown.”;

(d)

- (d) (i) by omitting from subsection two of section fifty-seven the words "Provided that 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.";
- (ii) by inserting at the end of subsection five of the same section the words "except that the additional conditional purchase shall not be subject to a condition of residence where the conditional lease was not subject to such a condition";

No. 7, 1964
 Sec. 57.
 (Conversion of conditional lease into additional conditional purchase.)

- (e) by omitting from section seventy-eight the words—
- "The holder of a snow lease subsisting at the commencement of the Crown Lands (Amendment) Act, 1932, may if he considers the rent to be excessive apply in the prescribed manner to have the annual rent determined by the local land board.

Sec. 78.
 (Snow lease.)

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

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

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

- (f) by omitting from subsection two of section eighty the words "—not exceeding nineteen acres in area —may apply for and acquire additional residential leases" and by inserting in lieu thereof the words "may apply for and acquire in the manner prescribed additional residential leases of Crown lands (not being in the Western Division) within a goldfield or mineral field and";

Sec. 80.
 (Residential lease on goldfield, or mineral field.)

(g)

No. 7, 1964**Sec. 109.**

(Conditional purchase leases.

Conversion into conditional purchases and conditional leases.)

(g) (i) by omitting from subsection three of section one hundred and nine the words "pending the conversion into an additional conditional purchase of land comprised in any conditional lease granted in pursuance of a conversion under this section or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited." and by inserting in lieu thereof the words "and in any such case the cost of survey shall be paid by the holder, or, if the conditional purchase and conditional lease or any additional conditional purchase into which the conditional lease has been converted are held in different interests, by the holders, within one month after he has or they have been called upon to do so, and upon default the holdings shall be liable to be forfeited. Where the holdings are held in different interests, the cost of survey may be recovered from any of the holders, but nothing in this subsection shall entitle the Minister to recover more than the full cost of the survey. Where the cost of survey is recovered from any of the holders the holder or holders from whom such cost is so recovered may recover contribution from the other holders. The deferred survey may be dispensed with if a consolidated Crown grant will be issued for the conditional purchase and the additional conditional purchase.";

(ii) by omitting from paragraph (a) of subsection seven of the same section the words "ending at the expiration of forty years from the date

of

Crown Lands (Amendment) Act. 177

of commencement of the original conditional purchase lease;” and by inserting in lieu thereof of the words “ending as follows—

No. 7, 1964
—

- (a) where the title to the conditional lease commenced before the commencement of the Crown Lands (Amendment) Act, 1964—at the expiration of forty years from the date of commencement of the original conditional purchase lease; and
 - (b) where the title to the conditional lease commences after the commencement of the Crown Lands (Amendment) Act, 1964—at the expiration of fifty years from the date of commencement of the original conditional purchase lease;”;
- (h) (i) by omitting from subsection (2B) of section 123A the words “Provided that 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.”; Sec. 123A.
(Right of conversion.)
- (ii) by inserting at the end of subsection three of the same section the following words “Provided that the Crown-lease shall not be subject to a condition of residence where the homestead farm was not subject to such a condition.”;
- (i) by omitting section one hundred and thirty-six; Sec. 136.
(Crown-lease: sub-division.)
- (j) by omitting section one hundred and seventy-five; Sec. 175.
(Residence by members of one family.)
- (k)

Crown Lands (Amendment) Act.**No. 7, 1964**

Sec. 176.

(Residence on two holdings concurrently.)

(k) by omitting section one hundred and seventy-six;

Sec. 177.

(Residence: homestead selections or settlement leases under Church and School Lands Act, 1897.)

(l) by omitting section one hundred and seventy-seven;

Sec. 178.

(Suspension or remission of conditions other than payment.)

(m) (i) by omitting from subsection one of section one hundred and seventy-eight the words "Where a condition of residence attaches to any holding under the Crown Lands Acts and the holder or the owner (subject to mortgage) thereof has been or shall be prevented by sickness of himself or family or other adverse circumstances from performing such condition, or shall desire to live in a village or town within a reasonable distance of his holding for the purpose of educating his children, the local land board may, upon application as prescribed, and on sufficient reason being shown, suspend or remit such condition of residence, or may permit such condition to be performed in such village or town.

Where the holding is difficult of access or where it is otherwise undesirable that the holder or his family should be compelled to reside thereon the local land board may permit the condition of residence to be carried out anywhere within a reasonable working distance of such holding.

In cases of sickness or other adverse circumstances as aforesaid, the local land board may in like manner suspend a condition of fencing or improvement attaching to any holding under
the

the Crown Lands Acts.” and by inserting in lieu thereof the words “Upon application and upon sufficient reason being shown the local land board may—” No. 7, 1964

- (a) suspend or remit wholly or partly the condition of residence attaching to a holding or permit the condition to be carried out anywhere within a reasonable working distance of the holding or permit the condition to be carried out upon any one of two or more holdings held by one person or members of one family; or
 - (b) suspend wholly or partly a condition of fencing or improvement attaching to a holding; or
 - (c) grant an exemption from compliance with a condition requiring the boundaries of a holding to be fenced.”
- (ii) by omitting subsection three of the same section;
 - (iii) by omitting from paragraph (a) of subsection four of the same section the words “the condition of residence, fencing or improvement” and by inserting in lieu thereof the words “any condition”;
 - (iv) by omitting subsection five of the same section;
- (n) (i) by omitting from subsection one of section one hundred and eighty-three the words “or subdivision” where firstly occurring; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)
 - (ii) by omitting from the same subsection the words “pending the conversion into an additional conditional purchase of land comprised in any conditional lease granted in pursuance of a conversion under this section or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case

No. 7, 1964

case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited.” and by inserting in lieu thereof the words “and in any such case the cost of survey shall be paid by the holder, or, if the conditional purchase and conditional lease or any additional conditional purchase into which the conditional lease has been converted are held in different interests, by the holders, within one month after he has or they have been called upon to do so, and upon default the holdings shall be liable to be forfeited. Where the holdings are held in different interests, the cost of survey may be recovered from any of the holders, but nothing in this subsection shall entitle the Minister to recover more than the full cost of the survey. Where the cost of survey is recovered from any of the holders the holder or holders from whom such cost is so recovered may recover contribution from the other holders. The deferred survey may be dispensed with if a consolidated Crown grant will be issued for the conditional purchase and the additional conditional purchase.”;

- (iii) by omitting from subsection (2A) of the same section the words “Provided that 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.”;
- (iv) by inserting in paragraph (c) of subsection three of the same section after the word “residence” where thirdly occurring the words “and a conditional purchase or conditional purchase and conditional lease into which a homestead selection or grant or homestead farm

farm has been converted shall not be subject to a condition of residence where the homestead selection or grant or homestead farm was not subject to such a condition";

(v) by omitting from paragraph (d) of the same subsection the words "after the other conditions attaching to the conditional purchase have been performed, and upon payment of the whole of the purchase money and interest a Crown grant shall be issued as prescribed";

(o) (i) by omitting from paragraph (h) of subsection one of section one hundred and eighty-four the words "or subdivision" where firstly occurring;

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

(ii) by omitting from the same paragraph the words "pending the conversion into an additional conditional purchase of land comprised in any conditional lease granted in pursuance of a conversion under this section or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited." and by inserting in lieu thereof the words "and in any such case the cost of survey shall be paid by the holder, or, if the conditional purchase and conditional lease or any additional conditional purchase into which the conditional lease has been converted are held in different interests, by the holders, within one month after he has or they have been called upon to do so, and upon default the holdings shall be liable to be forfeited. Where the holdings are held in different interests, the cost of survey may be recovered

from

No. 7, 1964

from any of the holders, but nothing in this subsection shall entitle the Minister to recover more than the full cost of the survey. Where the cost of survey is recovered from any of the holders the holder or holders from whom such cost is so recovered may recover contribution from the other holders. The deferred survey may be dispensed with if a consolidated Crown grant will be issued for the conditional purchase and additional conditional purchase.”;

- (iii) by omitting from subsection (1A) of the same section the words “Provided that 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.”;

Sec. 185.

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

- (p) by omitting from subparagraph (b) of paragraph one of section one hundred and eighty-five the words “ending at the expiration of forty years from the date of commencement of the original settlement lease or the original Crown-lease, as the case may be.” and by inserting in lieu thereof the words “ending as follows—

- (i) where the title to the conditional lease commenced before the commencement of the Crown Lands (Amendment) Act, 1964 —at the expiration of forty years from the date of commencement of the original settlement lease or the original Crown-lease, as the case may be; and
- (ii) where the title to the conditional lease commences after the commencement of the Crown Lands (Amendment) Act, 1964— at the expiration of forty years from the date of commencement of the original settlement lease or at the expiration of forty-five years from the date of commencement of the original Crown-lease, as the case may be.”; (q)

- (q) by inserting at the end of section one hundred and eighty-seven the words "Provided that a conditional purchase or conditional purchase and conditional lease into which a settlement lease or Crown-lease has been converted shall not be subject to a condition of residence where the settlement lease or Crown-lease was not subject to such a condition."; No. 7, 1964
Sec. 187.
(Conversion of settlement lease or Crown-lease: residence.)
- (r) by omitting from subsection two of section one hundred and eighty-nine the words "after the issue of the final certificate"; Sec. 189.
(Conversion of non-residential conditional purchase.)
- (s) by omitting from paragraph (c) of subsection one of section two hundred and twenty-six the words "Provided that nothing in this subsection shall apply to a conditional lease as regards the taking or removal of timber or other material for building purposes."; Sec. 226.
(General provisions governing leases and licenses.)
- (t) by inserting in section two hundred and seventy-eight after the word "direction" the words "or remission"; Sec. 278.
(Interest on arrears.)
- (u) by omitting from subsection two of section three hundred and seven the words "Provided that 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." Sec. 307.
(Conversion of existing conditional leases into additional conditional purchases.)

(2) The amendments made by paragraphs (j) (k) (l) and (m) of subsection one of this section shall not prejudice or affect a condition of residence being performed in accordance with the provisions of sections one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven and one hundred and seventy-eight of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts (this Act excepted) or any suspension or remission of or exemption from a condition of residence, fencing or improvement granted under the said section one hundred and seventy-eight.

No. 7, 1964 **16.** The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 7, 1913. (Statute law revision.)

Sec. 1 (b). (Division into Parts.)

(a) by omitting from the matter relating to Division 10 of Part VIII in paragraph (b) of section one the figures “255” and by inserting in lieu thereof the figures and letter “255A”;

Sec. 97. (Additional homestead selection.)

(b) by omitting from subsection three of section ninety-seven the word “at” where secondly occurring;

Sec. 130A. (Provision for additional Crown-leases.)

(c) by omitting from subsection four of section 130A the word “became” and by inserting in lieu thereof the word “become”;

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

(d) by omitting from section one hundred and thirty-four the words “timber or” where firstly occurring and by inserting in lieu thereof the word “timber”;

Part VIII. Heading. (Consequential.)

(e) by omitting from the matter relating to Division 10 in the heading to Part VIII the figures “255” and by inserting in lieu thereof the figures and letter “255A”;

Sec. 197. (Exchanges, resumptptions and purchases for public purposes.)

(f) by omitting from subparagraph (ii) of paragraph (f) of subsection six of section one hundred and ninety-seven the words “the Commission” and by inserting in lieu thereof the word “Commission”;

Part VIII. Division 10. Heading. (Consequential.)

(g) by omitting from the heading to Division 10 of Part VIII the figures “255” and by inserting in lieu thereof the figures and letter “255A”;

Sec. 270. (Transfers under legal process, &c.)

(h) by omitting from paragraph (a) of the proviso to subsection two of section two hundred and seventy the word “mortgage” where firstly occurring and by inserting in lieu thereof the word “mortgagee”.

17. (1) The Forestry Act, 1916-1957, is amended— **No. 7, 1964**

Amendment
of Act No.
55, 1916.

- (a) by omitting from section twenty-two the words “become Crown lands within the meaning of and”; Sec. 22.
(Reservation
of timber
reserves.)
- (b) by omitting from section twenty-four the words “to occupy land within a timber reserve shall not be granted by the Crown unless with the approval of the commission” and by inserting in lieu thereof the words “or permissive occupancy of land within a timber reserve may be granted under the Crown Lands Consolidation Act, 1913, or the Western Lands Act of 1901, as the case may be, or any Act amending the same, with the approval of the commission for such purpose and for such term”. Sec. 24.
(Lease or
license to
occupy
land within
a timber
reserve.)

(2) The Forestry Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Forestry Act, 1916-1964.

18. The Western Lands Act of 1901, as amended by subsequent Acts, is further amended— Further
amendment
of Act No.
70, 1901.

- (a) (i) by omitting from subsection seven of section 28B the words “one hundred and seventy-five.”; Sec. 28B.
(Conversion
of lease.)
- (ii) by omitting from the same subsection the words “one hundred and seventy-six.”;
- (iii) by inserting in the same subsection after the figures and letter “235A,” the figures and letter “235C.”;
- (iv) by omitting from subsection eight of the same section the words “one hundred and seventy-five.”;
- (v) by omitting from the same subsection the words “one hundred and seventy-six.”;
- (vi)

Dried Fruits (Amendment) Act.

No. 7, 1964
—

(vi) by inserting in the same subsection after the figures and letter "235A," the figures and letter "235C,";

Sec. 28BB.
(Applica-
tion for
conversion
of leases
after com-
mencement
of Western
Lands
(Amend-
ment)
Act, 1949.)

(b) (i) by omitting from subsection eight of section 28BB the words "one hundred and seventy-five,";

(ii) by inserting in the same subsection after the figures and letter "235A," the figures and letter "235C,".
