

**CROWN LANDS AND OTHER ACTS (AMENDMENT)  
ACT.**

**New South Wales**



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 28, 1970.**

An Act to make further provisions with respect to the transfer of lands under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and the Returned Soldiers Settlement Act, 1916, and the conversion of tenures under the Crown Lands Consolidation Act, 1913; to provide for the increase of rents on certain leases under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts, upon transfer of those leases; to prescribe the minimum annual payment in respect of certain tenures under those Acts; for these and other purposes to amend the Crown Lands Acts, the Closer Settlement Acts, the Returned Soldiers Settlement

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Settlement Act, 1916, the Prickly-pear Act, 1924, No. 28, 1970  
 the Western Lands Act of 1901, the Finances  
 Adjustment Act, 1932, and the Lord Howe Island  
 Act, 1953; and for purposes connected therewith.  
 [Assented to, 8th April, 1970.]

**B**E 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. (1) This Act may be cited as the "Crown Lands and Short title  
and com-  
mencement.  
 Other Acts (Amendment) Act, 1970."

(2) The several provisions of this Act shall commence  
 upon such day or days as may be appointed by the Governor  
 in respect thereof and notified by proclamation published in  
 the Gazette.

2. (1) The Crown Lands Consolidation Act, 1913, is Amendment  
of Act No.  
7, 1913.  
 amended—

(a) by inserting in paragraph (b) of section one Sec. 1.  
(Short title.) next  
 after the matter relating to Division 2 of Part VIII  
 the following new matter :—

**Division 2A.—UNIMPROVED VALUE OF LAND—  
 sections 173A–173H.**

(b) by omitting from paragraph (k) of subsection one Sec. 129B.  
(Purchase  
of suburban  
holdings.)  
 of section 129B the words "(iii) any parcel of land  
 being part of that comprised in a grant of land  
 purchased under this section (other than a parcel

specified

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specified in subparagraph (ii) of this paragraph) where the Minister so certifies in the prescribed form.

In respect of any parcel of land to which subparagraph (iii) of this paragraph relates the Minister may so certify in the case of a subdivision made before the commencement of the Crown Lands (Amendment) Act, 1927, as well as in the case of a subdivision made after such commencement or after the commencement of the Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935" and by inserting in lieu thereof the words "(iii) any land within a grant of land purchased under this section or any parcel of land being part of that comprised in any such grant (other than land specified in subparagraph (ii) of this paragraph) where the Minister, upon application being made as prescribed and payment of an amount equivalent to five per centum or, where some other percentage is prescribed, that other percentage of the unimproved value of the land, so certifies in the prescribed form : Provided that such amount shall not in any case be less than ten dollars.

For the purposes of this paragraph the expression 'unimproved value of the land' means the unimproved value of the land as defined or determined in accordance with the provisions of Division 2A of Part VIII of this Act.

The Minister may, in respect of any land or parcel of land to which subparagraph (iii) of this paragraph relates, so certify in the case of a grant or subdivision made before the commencement of section two of the Crown Lands and Other Acts (Amendment) Act, 1970, as well as in the case of a grant or subdivision made after such commencement";

(c)

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- (c) by inserting in the heading to Part VIII after the matter relating to Division 2 the following new matter :—

No. 28, 1970  
Part VIII.  
Heading.

**Division 2A.—UNIMPROVED VALUE OF LAND—  
sections 173A–173H.**

- (d) by inserting next after section one hundred and seventy-three the following new Division :—

New  
Division 2A  
of Part  
VIII.

**Division 2A.**

**UNIMPROVED VALUE OF LAND—sections 173A–  
173H.**

173A. (1) For the purposes of an application made under the provisions of subparagraph (iii) of paragraph (k) of subsection one of section 129B or subsection six of section two hundred and seventy-two of this Act, subsection four of section thirty-one of the Closer Settlement Act, 1904, or subsection five of section ten of the Returned Soldiers Settlement Act, 1916, the unimproved value of the land, subject to subsection four of this section, means—

Unimproved  
value.

- (a) where the land is included in the valuation list or supplementary list last furnished under the Valuation of Land Act, 1916, by the Valuer-General to a council of an area within the meaning of the Local Government Act, 1919, the unimproved value of such land as appearing in such valuation list or supplementary list immediately before lodgment of such application;
- (b) where the land is within an area within the meaning of the Local Government Act, 1919, not being land to which paragraph (a) of this subsection applies, the unimproved value of such land as appearing

in

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- in the valuation book of the council of such area immediately before lodgment of such application;
- (c) where the land is within the Western Division, not being land within an area within the meaning of the Local Government Act, 1919, the unimproved value of such land as appearing in—
- (i) the valuation roll kept by the Western Lands Commissioner in accordance with the provisions of Division 2 of Part VII of the Land Tax Management Act, 1956; or
  - (ii) where not so appearing as appearing in the valuation roll kept by the Western Lands Commissioner in accordance with the provisions of this Division of this Part of this Act,
- immediately before lodgment of such application;
- (d) where the land has no unimproved value under paragraph (a), (b) or (c) of this subsection by reason of the omission of the land from or its non inclusion, otherwise than with other land, in the valuation list, supplementary list, valuation book or valuation roll referred to in those paragraphs, the unimproved value of such land, as on the day immediately preceding the date of lodgment of such application, as determined by the appropriate valuing authority, namely, the Valuer-General, the valuer appointed by the council of an area, or the Western Lands Commissioner, upon a request in that behalf made to the Valuer-General, the council of the area or the Western Lands Commissioner, as the case may be : Provided that where a valuation  
of

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of land to which this paragraph applies has been made by the appropriate valuing authority as aforesaid before the lodgment of such application and the unimproved value of such land included in such valuation does not appear in the valuation list, supplementary list, valuation book or valuation roll to which paragraph (a), (b) or (c) of this subsection applies, the unimproved value of such land, in relation to such application, means the unimproved value as included in such valuation;

- (e) where the land has no unimproved value under paragraph (a), (b), (c) or (d) of this subsection by reason of the inclusion of the land in one valuation with other land, that proportion of the unimproved value of the land included in that valuation as the area of the land included in the application bears to the total area included in that valuation.

Where a valuation of land is made pursuant to paragraph (d) or (e) of this subsection such valuation shall—

- (i) be a valuation for the purposes of this Division of this Part of this Act only;
- (ii) be a valuation of the unimproved value only;
- (iii) not be entered on the valuation roll of the Valuer-General or the valuation book of a council;
- (iv) be the unimproved value of the land for the purposes of this Act until the land is included in a further valuation made in accordance with the provisions of the Valuation of Land Act, 1916, the Local Government Act, 1919, or section 173D of this Act.

(2)

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(2) A person to whom a request for a valuation has been made under paragraph (d) of subsection one of this section shall, as soon as practicable after receipt of the request, make or cause to be made the valuation requested.

(3) A valuation made pursuant to paragraph (d) of subsection one of this section shall—

- (a) where it is made by the Valuer-General, be made under and subject to the Valuation of Land Act, 1916;
- (b) where it is made by the valuer appointed by the council of an area, be made under and subject to the Local Government Act, 1919;
- (c) where it is made by the Western Lands Commissioner, be made under and subject to the relevant provisions of this Division of this Part of this Act,

and, without prejudice to the generality of the foregoing provisions of this subsection, shall be subject to objection accordingly.

(4) Where—

- (a) before the commencement of section two of the Crown Lands and Other Acts (Amendment) Act, 1970, an objection has been lodged against any such valuation as is referred to in paragraph (a), (b) or (c) of subsection one of this section and such objection has not been determined before such commencement or an objection is lodged after such commencement against any such valuation made before such commencement and the valuation is altered upon the determination of such objection;  
or

(b)

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- (b) an objection, other than an objection to No. 28, 1970 which paragraph (a) of this subsection applies, has been lodged against any such valuation as is referred to in paragraph (a), (b), (c) or (d) of subsection one of this section and such valuation has been altered upon the determination of such objection; or
- (c) an alteration of any such valuation has been made in any valuation list, supplementary list, valuation book or valuation roll for the purposes of correcting any clerical error or misdescription,

the valuation as so altered shall be the unimproved value of such land for the purposes of this Division of this Part of this Act in substitution for the valuation so objected to or altered.

173B. The provisions of sections 173C, 173D, 173E, 173F, 173G and 173H of this Act shall apply to lands within the Western Division not being lands within an area within the meaning of the Local Government Act, 1919, or lands included in the valuation roll kept by the Western Lands Commissioner under Division 2 of Part VII of the Land Tax Management Act, 1956. Application of certain sections to Western Division.

173C. The unimproved value of land to which this section applies is the capital sum which the fee-simple of the land might be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require, assuming that the improvements, if any, thereon or appertaining thereto, and made or acquired by the owner or his predecessor in title had not been made. Unimproved value of land.

173D.



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No. 28, 1970  
Valuations.

173D. (1) The Western Lands Commissioner may for the purposes of this Act make valuations of the unimproved value of such lands to which this section applies as he may deem necessary.

Any such valuation shall be made—

- (a) once at least in every six years;
- (b) for a valuation period, that is to say, for a period not exceeding six years.

Where portion of a parcel of land which has been valued is sold, conveyed or resumed fresh valuations shall be made of the portion sold, conveyed or resumed and of the portion remaining.

(2) For the purpose of making any valuation the Western Lands Commissioner may require the owner or occupier of any land or interest in land to furnish such information as may be necessary to enable a correct valuation to be made, and may also make use of any information in his possession.

(3) The Western Lands Commissioner or any person authorised by him in that behalf may at all reasonable times enter on any land for the purposes of making a valuation under this Division of this Part of this Act.

(4) The Western Lands Commissioner shall enter on a valuation roll kept for the purpose a record of all valuations made by him under this Division of this Part of this Act.

A valuation shall, subject to paragraph (d) of subsection one of section 173A of this Act, be deemed to be made as at the date on which the Western Lands Commissioner enters on such roll the record of such valuation.

Each

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Each entry in such valuation roll shall be signed or initialled by the Western Lands Commissioner or an officer approved in that behalf by the Western Lands Commissioner. The valuation roll so signed or initialled shall be conclusive proof of the making of the valuation on the date shown therein. No. 28, 1970

Such valuation roll may be kept in card, folder, or book form, or as the Western Lands Commissioner may direct.

173E. (1) The Western Lands Commissioner shall give to each person whose estate or interest in land he has valued under this Division of this Part of this Act notice of such valuation stating a time within which such person may lodge with the Western Lands Commissioner a written objection to such valuation. Notice of valuations to be given.

(2) Any such person may in or to the effect of the form approved by the Minister object to any valuation under this Division of this Part of this Act within such time as is stated in such notice.

(3) No such valuation under this Division of this Part of this Act shall be invalid because of any failure to give notice of valuation.

173F. (1) On objection being made to any valuation, the Western Lands Commissioner may, if he sees fit, alter such valuation. Notice of the Western Lands Commissioner's decision shall be given to the objector. Alteration of valuation or reference of objection to Land and Valuation Court.

An objector who is dissatisfied with the decision of the Western Lands Commissioner not being a decision altering the valuation to the extent claimed in the objection, or to such extent as may be agreed upon, may within sixty days after service of such

notice.

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notice, request in writing the Western Lands Commissioner to treat his objection as an appeal and to forward it to the Land and Valuation Court constituted by the Land and Valuation Court Act, 1921.

(2) The Western Lands Commissioner shall forward such objections together with a list thereof to the registrar of the Land and Valuation Court for hearing and determination by that Court.

Powers of Court.

173G. The Land and Valuation Court shall hear and determine all such objections brought before it, and, if it decides that any valuation is erroneous, shall order the valuation to be altered accordingly.

Consequential alterations.

173H. If on the hearing of any objection the Land and Valuation Court orders any valuation to be altered, the Western Lands Commissioner shall make all such consequential alterations as are necessary to give effect to the decision of the Court.

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

(e) (i) by omitting subsection six of section two hundred and seventy-two and by inserting in lieu thereof the following subsections:—

(6) The provisions of this section are extended so as to apply to any such original or additional homestead selection as is hereinbefore mentioned whether a grant in respect of the same has or has not issued; and (in cases where the grant has issued) so as to apply not only to the whole, but also to each and every part of the land comprised in such grant.

(6A) The provisions of this section are extended so as to apply to any such original or additional conditional purchase as is hereinbefore mentioned whether a grant in respect of the same has or has not issued; and (in cases where the grant has issued) so as to apply not only to the whole, but also as to

each

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each and every part of the land comprised in such grant : Provided that the provisions of this section shall not apply to the transfer of any land within such grant or of any parcel of land being part of that comprised in any such grant (other than land specified in subsection eight of this section) where the Minister, upon application being made as prescribed and payment of an amount equivalent to five per centum, or where some other percentage is prescribed, that other percentage of the unimproved value of the land, so certifies in the prescribed form : Provided that such amount shall not in any case be less than ten dollars.

For the purposes of this subsection the expression "unimproved value of the land" means the unimproved value of the land as defined or determined in accordance with the provisions of Division 2A of Part VIII of this Act.

The Minister may so certify in the case of a grant or subdivision made before the commencement of section two of the Crown Lands and Other Acts (Amendment) Act, 1970, as well as in the case of a grant or subdivision made after such commencement.

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

(ii) by omitting subsections nine and ten of the same section.

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

(a) by inserting in section thirty after the word "section" where firstly occurring the words "and subsection four of section thirty-one of this Act";

Amendment  
of Act No.  
37, 1904.

Sec. 30.  
(Restriction  
on pur-  
chase.)

(b)

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No. 28, 1970  
 Sec. 31.  
 (Transfer  
 and  
 mortgage.)

- (b) (i) by omitting from subsection one of section thirty-one the words "No holder" and by inserting in lieu thereof the words "Subject to this section no holder";
- (ii) by omitting from the same subsection the words ", nor to the transfer of land comprised in a subdivision of a settlement purchase after issue of the grant if the Minister has consented to the subdivision.

Where the consent of the Minister to the subdivision has been registered the restrictions as to transfer to which the grant before subdivision was subject shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

The consent of the Minister to a subdivision shall be in the form prescribed by regulations under this Act, and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919.

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

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

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

(iii)

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(iii) by inserting at the end of the same section the No. 28, 1970 following new subsection :—

(4) The restriction on acquisition by transfer or otherwise of a settlement purchase imposed by section thirty of this Act and the requirement under this section to obtain the written consent of the Minister to transfer, convey, or assign a settlement purchase shall not apply to the acquisition by transfer or otherwise or the transfer, conveyance or assignment of any land within the grant of a settlement purchase or any parcel of land being part of that comprised in any such grant where the Minister, upon application being made as prescribed and payment of an amount equivalent to five per centum or, where some other percentage is prescribed, that other percentage of the unimproved value of the land, so certifies in the prescribed form : Provided that such amount shall not in any case be less than ten dollars.

For the purposes of this subsection the expression "unimproved value of the land" means the unimproved value of the land as defined or determined in accordance with the provisions of Division 2A of Part VIII of the Crown Lands Consolidation Act, 1913.

The Minister may so certify in the case of a grant or subdivision made before the commencement of section two of the Crown Lands and Other Acts (Amendment) Act, 1970, as well as in the case of a grant or subdivision made after such commencement.

Upon the issue of any certificate under this subsection the land to which such certificate relates may be transferred, conveyed, assigned or otherwise dealt with notwithstanding the provisions of section twenty-six or thirty of  
this

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this Act or this section and the restriction imposed upon any other land referred to in subsection two or three of this section, if such land has not previously been transferred with the consent of the Minister separately from the land to which such certificate relates, shall be revoked.

Amendment  
of Act No.  
21, 1909.  
Sec. 22.

(Sale of  
certain land  
for special  
purposes.)

(3) The Closer Settlement (Amendment) Act, 1909, is amended by omitting subsection one of section twenty-two and by inserting in lieu thereof the following subsection :—

(1) The holder or the owner (subject to mortgage) of any settlement purchase before grant, soldiers' group purchase before grant, settlement purchase lease, group purchase lease or closer settlement lease, irrespective of whether the grant for any such lease has or has not issued, may with the consent of the Minister, sell the whole or any part of the land included in such purchase or lease for any special purpose approved by the Minister.

Amendment  
of Act No.  
21, 1916.

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

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

- (a) by omitting subsections two, three and four of section ten;
- (b) by inserting at the end of the same section the following new subsection :—

(5) Except where the land is within an irrigation area, the provisions of this section shall not apply to the transfer of any land within a grant of land sold under this Act or of any parcel of land being part of that comprised in any such grant where the Minister, upon application being made as prescribed and payment of an amount equivalent to five per centum or, where some other percentage is prescribed, that other percentage of the unimproved

value

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value of the land, so certifies in the prescribed form : Provided that such amount shall not in any case be less than ten dollars. No. 28, 1970

For the purposes of this subsection the expression "unimproved value of the land" means the unimproved value of the land as defined or determined in accordance with the provisions of Division 2A of Part VIII of the Crown Lands Consolidation Act, 1913.

The Minister may so certify in the case of a grant or subdivision made before the commencement of section two of the Crown Lands and Other Acts (Amendment) Act, 1970, as well as in the case of a grant or subdivision made after such commencement.

Upon the issue of any certificate under this subsection the land to which such certificate relates may be transferred or otherwise dealt with notwithstanding the provisions of subsection one of this section.

(5) The amendments made by paragraphs (b) and (e) of subsection one of this section, subparagraph (ii) of paragraph (b) of subsection two of this section, subsection three of this section or paragraph (a) of subsection four of this section do not extend to or affect any application made before the commencement of those amendments, an applicant under any such application or any action, suit or proceeding pending at such commencement.

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.



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**No. 28, 1970**     **3.** The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

Sec. 109.  
(Conditional purchase leases.

Conversion into conditional purchases and conditional leases.)

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

Provided that no application made after the commencement of section three of the Crown Lands and Other Acts (Amendment) Act, 1970, for conversion of a conditional purchase lease into a conditional purchase and conditional lease under this section shall be entertained or confirmed.

Sec. 123A.  
(Right of conversion.)

- (b) by inserting at the end of subsection one of section 123A the following proviso :—

Provided that no application made after the commencement of section three of the Crown Lands and Other Acts (Amendment) Act, 1970, for conversion of a homestead farm into a Crown lease under this section shall be entertained or approved.

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

- (c) by inserting in subsection one of section one hundred and eighty-three immediately before the words "With any such application for conversion" the following proviso :—

Provided that no application made after the commencement of section three of the Crown Lands and Other Acts (Amendment) Act, 1970, for conversion of any homestead selection or grant or of any homestead farm into a conditional purchase and conditional lease under this section shall be entertained or confirmed.

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

- (d) by inserting in subsection one of section one hundred and eighty-four after the words "conditional purchase and conditional lease." where firstly occurring the following proviso :—

Provided that no application made after the commencement of section three of the Crown Lands and Other

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Other Acts (Amendment) Act, 1970, for conversion of a settlement lease or Crown-lease into a conditional purchase and conditional lease under this section shall be entertained or confirmed. No. 28, 1970

- (e) by inserting at the end of subsection one of section 193A the following proviso :— Sec. 193A.  
(Conversion of prickly-pear leases.)

Provided that no application made after the commencement of section three of the Crown Lands and Other Acts (Amendment) Act, 1970, for conversion of a prickly-pear lease or part thereof into a homestead farm, a Crown-lease or a conditional purchase and conditional lease under this section shall be entertained or confirmed.

- (f) (i) by inserting in section one hundred and ninety-four after the words "upon application in the prescribed form" the words "and subject to subsection two of this section"; Sec. 194.  
(Conversion of certain holdings into homestead farms.)
- (ii) by inserting at the end of the same section the following new subsection :—

(2) No application made after the commencement of section three of the Crown Lands and Other Acts (Amendment) Act, 1970, for conversion of a conditional purchase or conditional lease or conditional purchase and conditional lease or homestead selection or homestead grant or conditional purchase lease into a homestead farm under this section shall be entertained or approved.

4. (1) The Crown Lands Consolidation Act, 1913, is further amended— Further amendment of Act No. 7, 1913.

- (a) (i) by omitting paragraphs (a) and (b) of subsection one of section one hundred and eighty-four; Sec. 184.  
(Conversion of settlement lease or Crown-lease.)

(ii)

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- (ii) by omitting from paragraph (d) of the same subsection the words "in respect of an application for conversion of a settlement lease the applicant is dissatisfied with the determination of the local land board as to the area which may be converted into a conditional purchase or additional conditional purchase, or if";

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

- (b) (i) by omitting from subsection two of section 188A the words "or may hereafter be";
- (ii) by omitting from the same subsection the words "is determined" and by inserting in lieu thereof the words "has been determined";

Sec. 190.  
(Conversion of special lease.)

- (c) (i) by omitting paragraph (b) of subsection two of section one hundred and ninety;
- (ii) by omitting from paragraph (a) of subsection seven of the same section the words "and from the provisions of paragraph (b) of subsection two of this section";

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

- (d) by omitting from subsection one of section 193A the words "but the area which may be allowed in satisfaction of any such application shall be confined to an area which in the opinion of the local land board would not, when improved by necessary ring-barking, suckering, scrubbing, clearing, pear destruction, and provision for water supply, and when used for the purposes for which it is reasonably fitted, substantially exceed a home maintenance area".

(2) The amendments made by paragraphs (a), (c) and (d) of subsection one of this section extend to applications made before and pending at the commencement of this section.

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5. (1) The Crown Lands Consolidation Act, 1913, is No. 28, 1970 further amended—

Further amendment of Act No. 7, 1913.

(a) by omitting from the matter relating to Division 9 of Part VIII in paragraph (b) of section one the figures "233" and by inserting in lieu thereof the figures and letter "233B";

Sec. 1. (Short title.)

(b) by inserting next after subsection (1A) of section thirty-seven the following new subsection :—

Sec. 37. (Power to make regulations.)

(1B) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent or license fee pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings, or may prescribe the bases on which such minimum rent or license fee shall be calculated.

Any increase in rents or license fees pursuant to any such prescription shall take effect from the prescribed date.

(c) (i) by inserting in section fifty-two after the words "or determined" the following new paragraph :—

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

(c) notwithstanding the foregoing where section 233A of this Act is applicable be as therein provided;

(ii) by omitting from the same section the words "and for each" and by inserting in lieu thereof the words "and, subject to section 233A of this Act, for each";

(iii) by omitting from the same section the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

(d)

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Sec. 70.  
(Occupation license.)
- (d) by omitting from paragraph (2A) of section seventy the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";
- Sec. 72.  
(Annual leases generally: terms and conditions.)
- (e) by omitting from paragraph five of section seventy-two the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- Sec. 74.  
(Special leases for wharfs and jetties.)
- (f) (i) by inserting in subsection one of section seventy-four after the words "local land board" the words "and where section 233A of this Act is applicable be as therein provided";
- (ii) by omitting from the same subsection the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- Sec. 75.  
(Special leases, miscellaneous purposes.)
- (g) (i) by omitting from subsection one of section seventy-five the words "four dollars per annum" wherever occurring and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (ii) by inserting in the same subsection after the words "local land board" the words "and where section 233A of this Act is applicable be as therein provided";
- Sec. 75A.  
(Extension of special leases to special leases in perpetuity for miscellaneous purposes.)
- (h) (i) by inserting at the end of subsection five of section 75A the following proviso :—
- Provided that in respect of a special lease to which section 233A of this Act applies the annual rent shall not be less than six per centum of the capital value determined in pursuance of that section.

(ii)

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- (ii) by omitting the proviso to subsection nine No. 28, 1970 of the same section and by inserting in lieu thereof the following proviso :—

Provided that the rent shall—

- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (iii) by omitting the proviso to subsection ten of the same section and by inserting in lieu thereof the following proviso :—

Provided that upon any subsequent determination the rent shall—

- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (i) by omitting the proviso to subsection nine of section 75B and by inserting in lieu thereof the following proviso :—

Provided that upon any such determination the rent shall—

- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b)

Sec. 75B.  
(Special leases in perpetuity for miscellaneous purposes.)

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(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 76.  
(Special leases: tramway and irrigation purposes.)

(j) (i) by inserting in subsection one of section seventy-six after the words "local land board" where secondly occurring the words "and where section 233A of this Act is applicable be as therein provided";

(ii) by omitting from the same subsection the words "four dollars per annum" and by inserting in lieu thereof the words "six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 78.  
(Snow lease.)

(k) by omitting from section seventy-eight the words "four dollars" and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount";

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

(l) by omitting the proviso to paragraph (c) of subsection one of section eighty and by inserting in lieu thereof the following proviso :—

Provided that the rent shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

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

(m) by omitting the proviso to paragraph (d) of section 82A and by inserting in lieu thereof the following proviso :—

Provided that the rent shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b)

*Crown Lands and Other Acts (Amendment).*

- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. No. 28, 1970
- (n) by omitting the proviso to paragraph (e) of subsection one of section ninety-one and by inserting in lieu thereof the following proviso :— Sec. 91. (Conditions precedent to homestead grant.)
- Provided that the rent shall—
- (a) in the case of a homestead selection to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (o) (i) by omitting the proviso to subsection one of section ninety-seven and by inserting in lieu thereof the following proviso :— Sec. 97. (Additional homestead selection.)
- Provided that the rent shall—
- (a) in the case of a homestead selection to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (ii) by omitting from subsection (1A) of the same section the words “and shall not be less than four dollars” and by inserting in lieu thereof the words “and—
- (a) in the case of a homestead selection to which section 233A of this Act applies shall be that applicable by virtue of the operation of that section; or
- (b)



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(b) in any other case shall be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.”;

Sec. 101.  
(Original  
settlement  
lease.)

(p) by omitting from subsection one of section one hundred and one the words “Provided that the annual rent shall not be less than four dollars.” and by inserting in lieu thereof the following words :—

Provided that the rent shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 103.  
(Additional  
settlement  
lease.)

(q) (i) by omitting the proviso to subsection one of section one hundred and three and by inserting in lieu thereof the following proviso :—

Provided that the rent shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

(ii) by omitting the proviso to subsection (1A) of the same section and by inserting in lieu thereof the following proviso :—

Provided that the rent shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b)

*Crown Lands and Other Acts (Amendment).*

- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. No. 28, 1970
- (r) by omitting from section one hundred and seven the words "Provided that the rent shall not be less than four dollars per annum." and by inserting in lieu thereof the words— Sec. 107.  
(Term and rent of conditional purchase lease.)
- Provided that the rent shall—
- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (s) (i) by omitting the proviso to paragraph (b) of subsection seven of section one hundred and nine and by inserting in lieu thereof the following proviso :— Sec. 109.  
(Conditional purchase leases.  
Conversion into conditional purchases and conditional leases.)
- Provided that the rent shall—
- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (ii) by omitting the proviso to paragraph (b1) of the same subsection and by inserting in lieu thereof the following proviso :—
- Provided that the rent shall—
- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b)

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(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 113.  
(Additional  
in virtue of  
conditional  
purchase  
leases,  
&c.)

(t) by omitting from subsection (2A) of section one hundred and thirteen the words "shall not be less than four dollars" and by inserting in lieu thereof the words "shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum";

Sec. 122.  
(Homestead  
farm:  
rent.)

(u) by omitting from section one hundred and twenty-two the words "Such annual rent shall be paid half-yearly in advance and shall not be less than four dollars." and by inserting in lieu thereof the words "The annual rent payable as aforesaid shall be paid half-yearly in advance and shall—

(a) in the case of a homestead farm to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.";

Sec. 123A.  
(Right of  
conversion.)

(v) by omitting from subsection five of section 123A the words "Provided further that such annual rent shall not be less than four dollars." and by inserting in lieu thereof the words—

Provided further that the rent shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b)

*Crown Lands and Other Acts (Amendment).*

- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. No. 28, 1970
- (w) by omitting from section one hundred and twenty-seven the words "Such annual rent shall be paid half-yearly in advance and shall not be less than four dollars." and by inserting in lieu thereof the words "The annual rent payable as aforesaid shall be paid half-yearly in advance and shall—
- (a) in the case of a suburban holding to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.";
- (x) by omitting from section one hundred and thirty-four the words "Provided that the annual rent shall not be less than four dollars, and that the rent payable for the next year after confirmation or approval shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial character, the improvements so effected—except boundary fencing—being in addition to those which may be otherwise required by the conditions as to improvements or expenditure attaching to the lease.

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." and by inserting in lieu thereof the words—

Provided that the rent shall—

- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

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(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

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

(y) by omitting from section 136c the words "Such annual rent shall be paid half-yearly in advance and shall not be less than four dollars." and by inserting in lieu thereof the words—

The annual rent payable as aforesaid shall be paid half-yearly in advance and shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 136k.  
(Permissive  
occupan-  
cies.)

(z) by inserting next after subsection one of section 136k the following new subsection :—

(1A) Where the rent per annum payable in respect of a permissive occupancy or permission to occupy Crown lands in existence at the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970, is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars.

This subsection shall not affect any rent otherwise payable in respect of any such permissive occupancy or permission to occupy Crown lands or which may hereafter become payable in respect of a permissive occupancy or permission to occupy Crown lands granted after such commencement.

Part VIII.  
Heading.

(aa) by omitting from the matter relating to Division 9 in the heading to Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233B";

(bb)

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- (bb) (i) by inserting at the end of subsection one of section 167A the following new paragraph :—

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

No such application shall be made in respect of a suburban holding 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, or in respect of any other holding abovementioned where the annual rent is that applicable by virtue of the operation of section 233A of this Act.

- (ii) by omitting from subsection four of the same section the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”;
- (cc) (i) by omitting from subsection six of section one hundred and eighty-three the words “Provided that such annual rent shall not be less than four dollars.” and by inserting in lieu thereof the words—

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

Provided that the rent shall—

- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (ii) by omitting from the same subsection the words “Provided that such rent shall not be less

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less than four dollars per annum.” and by inserting in lieu thereof the words—

Provided that the rent shall—

- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
  - (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (iii) by omitting from subsection (6A) of the same section the words “Provided that such annual rent shall not be less than four dollars per annum.” and by inserting in lieu thereof the words :—

Provided that the rent shall—

- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
  - (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (dd) (i) by omitting from paragraph two of section one hundred and eighty-five the words “that such rent shall not be less than four dollars per annum : Provided further”;
- (ii) by inserting at the end of the same paragraph the following proviso :—

Provided further that the rent shall—

- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b)

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

*Crown Lands and Other Acts (Amendment).*

- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum. No. 28, 1970
- (iii) by omitting from subparagraph (b) of paragraph (2A) of the same section the words "shall not be less than four dollars" and by inserting in lieu thereof the words "shall—
- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum";
- (ee) by omitting from subsection five of section one hundred and ninety the words "Provided that the annual rent shall not be less than four dollars." and by inserting in lieu thereof the words— Sec. 190. (Conversion of special lease.)
- Provided that the rent shall—
- (a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (ff) by omitting from paragraph (b) of section one hundred and ninety-three the words "Provided that the rent shall not be less than four dollars per annum;" and by inserting in lieu thereof the words— Sec. 193. (Provisions applicable to homestead selections or grants out of certain leases.)
- Provided that the rent shall—
- (a) in the case of a homestead selection or grant to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or
- (b)



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(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum :

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

(gg) by omitting from subsection eight of section 193A the words "Provided that such rent shall not be less than four dollars per annum." and by inserting in lieu thereof the words—

Provided that the rent shall—

(a) in the case of a lease to which section 233A of this Act applies be that applicable by virtue of the operation of that section; or

(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

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

(hh) (i) by omitting from paragraph (6A) of section one hundred and ninety-four the words "Provided that such annual rent shall not be less than four dollars."; ;

(ii) by inserting next after paragraph (8A) of the same section the following new paragraph :—

(8B) The rent payable pursuant to paragraph (6A), (6B) or (8) of this section shall, notwithstanding anything therein contained, be—

(a) in the case of a homestead farm to which section 233A of this Act applies that applicable by virtue of the operation of that section; or

(b) in any other case not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

(ii)

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- (ii) by omitting from section two hundred and two the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or where some other amount is prescribed, such other amount"; No. 28, 1970  
Sec. 202.  
(Enclosure of roads and water-courses.)
- (jj) by omitting from the heading to Division 9 of Part VIII the figures "233" and by inserting in lieu thereof the figures and letter "233B"; Part VIII.  
Division 9.  
Heading.
- (kk) by inserting next after section two hundred and thirty-three the following new sections and short headings thereto : — New secs.  
233A and  
233B.

*Annual rents in certain cases consequent upon transfer.*

233A. (1) In this section "holding" means a homestead selection (before or after grant) or a lease (whether a perpetual lease grant has or has not issued) under the Crown Lands Acts (other than an annual lease, a special lease the annual rent of which is not required under this Act or the conditions annexed to such lease to be determined separately for stated periods, a snow lease, a conditional lease in the Western Division or a lease within an irrigation area). Annual rent of homestead selection or grant or certain leases consequent upon transfer.

(2) Where a holding is, or any interest in a holding is wholly or partially, transferred (otherwise than by way of mortgage or discharge of mortgage) the annual rent payable in respect of such holding shall be as determined by this section.

The rent so determined shall notwithstanding any other provision of this Act be the rent payable in respect of such holding.

This subsection does not apply to any transfer—

- (a) in respect of such holding or interest therein or any part of an interest therein where such transfer was effected pursuant to any agreement entered into before the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970;
- (b)

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- (b) other than the transfer to which this subsection applies first effected in respect of such holding or interest therein or any part of an interest therein after such commencement;
- (c) to the spouse, child or children of the holder of the holding or interest therein or any part of an interest therein or where the transfer is of an interest therein or any part of an interest therein such transfer is to the spouse, child or children of any other holder having an interest in the holding;
- (d) to a trustee, executor, administrator or other person in his representative capacity.

(3) Where the annual rent for the full term of a holding upon which subsection two of this section operates has been fixed in pursuance of any provision in that behalf contained in the Crown Lands Acts or any other Act at a rate per centum of its capital value the annual rent of the holding shall, subject to subsection six of this section, as from the expiration of the day next preceding the day upon which the rent (whether payable yearly or half-yearly) becomes payable next after the transfer of the holding or any interest or partial interest therein be six per centum of such capital value.

(4) Whenever in the case of any part of a holding upon which subsection two of this section operates the annual rent thereof, in pursuance of any provision in that behalf contained in this Act or of any condition annexed to such holding, becomes subject to redetermination or in the case of a special lease, becomes subject to separate determination for stated periods, the local land board shall upon such redetermination or separate determination determine the capital value of such part of that holding and the annual rent of such part of the holding shall, subject to subsection six of this section, as from the expiration of

*Crown Lands and Other Acts (Amendment).*

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of the day next preceding the day upon which the rent (whether payable yearly or half-yearly) becomes payable next after such redetermination or separate determination be such amount not less than six per centum of that capital value as the local land board determines. No. 28, 1970

(5) Where in the case of a holding upon which subsection two of this section operates the determination of the annual rent thereof has not been provided for in subsection three or four of this section, the annual rent of such holding shall, subject to subsection six of this section, as from the expiration of the day next preceding the day upon which the rent (whether payable yearly or half-yearly) becomes payable next after the transfer of the holding or any interest or partial interest therein be six per centum of the capital value of the holding or be the amount equivalent to the annual rent which would have been payable in respect of the holding had such transfer not been effected, whichever amount is the greater. For the purposes of this subsection where any such holding does not have a notified or determined capital value, the capital value shall be deemed to be two dollars per acre.

(6) Where the transfer upon which subsection two of this section operates is a transfer of an interest or partial interest in a holding the increased rent (if any) which but for this subsection would be applicable in respect of the holding shall be reduced by an amount which bears the same proportion to the amount of the increase as the interest not transferred bears to the whole of the holding.

(7) The rent per annum of any holding upon which subsection two of this section operates shall notwithstanding anything in this section contained be not less than six dollars per annum or, where some other amount is prescribed, such other amount.

(8)

*Crown Lands and Other Acts (Amendment).*

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(8) For the purposes of this section a transfer shall be deemed to be effected as upon the date determined by the Minister. In making any such determination the Minister shall have regard to any of the following instruments, if any, evidencing such transfer—

- (a) a transfer in a form prescribed by regulation under this Act,
- (b) a memorandum of transfer or other instrument for effecting a transfer for the purposes of the Real Property Act, 1900,
- (c) an application for registration by transmission approved by the Minister in pursuance of any regulation under this Act.

*Minimum rents and license fees.*

Minimum  
rents and  
license fees.

233B. Any increase in rent, not being an increase pursuant to section 233A of this Act, or license fee effected by the amendments made by section five of the Crown Lands and Other Acts (Amendment) Act, 1970, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) or license fee, as the case may be, becomes payable next after the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970.

Sec. 258.  
(Provisions  
governing  
subdivided  
portions.)

- (II) (i) by omitting from section two hundred and fifty-eight the words “the right of conversion or purchase under”;
- (ii) by omitting from the same section the words “four dollars per annum” and by inserting in lieu thereof the words “six dollars per annum or, where some other amount is prescribed, such other amount per annum”;

(mm)

*Crown Lands and Other Acts (Amendment).*

- (mm) (i) by omitting from the proviso to subsection one of section two hundred and eighty-two the word "section" and by inserting in lieu thereof the word "subsection"; No. 28, 1970  
Sec. 282.  
(Conditional purchases before 10th August, 1875: condition of payment.)
- (ii) by inserting next after subsection two of the same section the following new subsection :—
- (3) Notwithstanding any other provision in this Act where the interest payable annually in respect of any conditional purchase not under the instalment system would but for the provisions of this subsection be less than six dollars such interest shall, on and from the day when interest is next payable after the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970, be six dollars or, where some other amount is prescribed, such other amount.
- (2) The Closer Settlement Act, 1904, is further amended— Further amendment of Act No. 37, 1904.
- (a) by omitting from section thirty-nine the word "fit:" and by inserting in lieu thereof the words "fit. Where the rent per annum in respect of a permit to occupy in existence at the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970, is four dollars, or more than four dollars and less than six dollars, such rent per annum shall be increased to six dollars. This provision shall not affect any rent otherwise payable in respect of any such permit to occupy or which may hereafter become payable in respect of any permit to occupy granted after such commencement."; Sec. 39.  
(Permits to occupy.)
- (b) by omitting from section forty-six the words "four dollars" wherever occurring and by inserting in lieu thereof the words "six dollars or, where some other amount is prescribed, such other amount". Sec. 46.  
(Enclosure of roads.)

(3)

*Crown Lands and Other Acts (Amendment).*

- No. 28, 1970  
Amendment  
of Act No.  
38, 1943.
- (3) The Closer Settlement Amendment (Conversion) Act, 1943, is amended—
- Sec. 1.  
(Short title,  
commence-  
ment and  
division  
into  
Parts.)
- (a) by omitting from the matter relating to Part V in subsection four of section one the figures “15” and by inserting in lieu thereof the figures and letter “15D”;
- Sec. 2A.  
(Conversion  
of settle-  
ment  
purchases  
taken up on  
or after  
15th  
December,  
1937.)
- (b) by inserting at the end of subsection three of section 2A the following proviso :—
- Provided that the rent shall—
- (a) in the case of a lease to which section 15A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be—
- (i) the amount as above prescribed, of
- (ii) six dollars per annum or, where some other amount is prescribed, such other amount per annum,
- whichever is the greater.
- Sec. 3.  
(Annual  
rent.)
- (c) by inserting in subsection one of section three after the words “so determined.” where secondly occurring the following proviso :—
- Provided that the rent shall—
- (c) in the case of a lease to which section 15A of this Act applies be that applicable by virtue of the operation of that section; or
- (d) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (d)

*Crown Lands and Other Acts (Amendment).*

- (d) by inserting at the end of section 3A the following No. 28, 1970  
proviso :—

Provided further that the rent shall—

- (a) in the case of a lease to which section 15A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 3A.  
(Certain debts to Crown may be taken into account for purposes of calculating annual rent.)

- (e) by inserting at the end of paragraph one of section 4B the following proviso :—

Provided that where the rent of a lease has been increased by the operation of section 15A of this Act the annual rent for the purpose of this paragraph shall be the rent which would have been applicable but for such increase.

Sec. 4B.  
(Conversion of settlement purchase lease or group purchase lease or closer settlement lease— conditions upon conversion.)

- (f) by inserting at the end of subsection five of section five the following proviso :—

Provided that the rent shall—

- (a) in the case of a homestead farm to which section 233A of the Crown Lands Consolidation Act, 1913, applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 5.  
(Reduction of rent.)

(g)



*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

Sec. 9.  
(Closer  
settlement  
leases.)

- (g) by omitting from paragraph (a) of subsection two of section nine the words "Provided further that the annual rent shall not be less than four dollars." and by inserting in lieu thereof the words—

Provided further that the rent shall—

- (i) in the case of a lease to which section 15A of this Act applies be that applicable by virtue of the operation of that section; or
- (ii) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 15.  
(Forfeiture  
of leases  
subject to  
securities  
held by  
Rural  
Bank.)

- (h) by inserting at the end of paragraph (b) of section fifteen the following proviso :—

Provided that the rent shall—

- (a) in the case of a lease to which section 15A of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

New secs.  
15A–15C.

- (i) by inserting next after section fifteen the following new sections :—

Annual  
rent of  
certain  
leases  
consequent  
upon  
transfer.

15A. (1) In this section "holding" means a settlement purchase lease, group purchase lease or closer settlement lease (whether a perpetual lease grant has or has not issued).

(2) Where a holding is, or any interest in a holding is wholly or partially, transferred (otherwise than by way of mortgage or discharge of mortgage) the annual rent payable in respect of such holding shall be as determined by this section.

This

*Crown Lands and Other Acts (Amendment).*

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This subsection does not apply to any No. 28, 1970 transfer—

- (a) in respect of such holding or interest therein or any part of an interest therein where such transfer was effected pursuant to any agreement entered into before the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970;
- (b) other than the transfer to which this subsection applies first effected in respect of such holding or interest therein or any part of an interest therein after such commencement;
- (c) to the spouse, child or children of the holder of the holding or interest therein or any part of an interest therein or where the transfer is of an interest therein or any part of an interest therein such transfer is to the spouse, child or children of any other holder having an interest in the holding;
- (d) to a trustee, executor, administrator or other person in his representative capacity.

(3) The annual rent of any settlement purchase lease or group purchase lease upon which subsection two of this section operates shall, subject to subsection five of this section, as from the expiration of the day next preceding the day upon which the rent becomes payable next after the transfer of the lease or any interest or partial interest therein be six per centum of the capital value of any such lease. For the purposes of this subsection the capital value of any such lease shall be deemed to be an amount equivalent to forty times the annual rent which would have been payable under this Act in respect of the lease had such transfer not been effected.

(4)

*Crown Lands and Other Acts (Amendment).*

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No. 28, 1970

(4) The annual rent of any closer settlement lease upon which subsection two of this section operates shall, subject to subsection five of this section, as from the expiration of the day next preceding the day upon which the rent becomes payable next after the transfer of the lease or any interest or partial interest therein be six per centum of the capital value of such lease.

(5) Where the transfer upon which subsection two of this section operates is a transfer of an interest or partial interest in a holding the increased rent (if any) which but for this subsection would be applicable in respect of the holding shall be reduced by an amount which bears the same proportion to the amount of the increase as the interest not transferred bears to the whole of the holding.

(6) The rent per annum of any holding upon which subsection two of this section operates shall notwithstanding anything in this section contained be not less than six dollars per annum or, where some other amount is prescribed, such other amount.

(7) For the purposes of this section a transfer shall be deemed to be effected as upon the date determined by the Minister. In making any such determination the Minister shall have regard to any of the following instruments, if any, evidencing such transfer—

- (a) a transfer in a form prescribed by regulations under the Closer Settlement Acts,
- (b) a memorandum of transfer or other instrument for effecting a transfer for the purposes of the Real Property Act, 1900,

(c)

*Crown Lands and Other Acts (Amendment).*

- (c) an application for registration by transmission approved by the Minister in pursuance of any regulation under the Closer Settlement Acts. No. 28, 1970

15B. Any increase in rent, not being an increase pursuant to section 15A of this Act, effected by the amendments made by section five of the Crown Lands and Other Acts (Amendment) Act, 1970, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes next payable after the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970. Operation of increased rentals.

15c. The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of the Closer Settlement Acts may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated. Regulations re rents.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

(4) The Returned Soldiers Settlement Act, 1916, is further amended— Further amendment of Act No. 21, 1916.

(a) by inserting next after subsection ten of section four the following new subsection :— Sec. 4.  
(Special provision for settlement of discharged soldiers.)

(11) The rent of any holding by way of lease under this section to which section twenty-four of this Act applies shall, notwithstanding anything in this or any other Act,—

(a) be that applicable by virtue of the operation of section twenty-four of this Act; or

(b)

*Crown Lands and Other Acts (Amendment).*

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(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 6.  
(Regulations.)

(b) by inserting next after subsection one of section six the following new subsection :—

(1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rents pursuant to any such prescription shall take effect from the prescribed date.

New secs.  
24, 25 and  
26.

(c) by inserting next after section twenty-three the following new sections and short headings thereto :—

*Rent of certain holdings consequent upon transfer.*

Rent of  
holding by  
way of  
lease under  
s. 4 con-  
sequent  
upon  
transfer.

24. (1) In this section "holding" means a holding by way of lease (before or after grant) under section four of this Act, other than a lease within an irrigation area.

(2) Where a holding is, or any interest in a holding is wholly or partially, transferred (otherwise than by way of mortgage or discharge of mortgage) the annual rent payable in respect of such holding shall be as determined by this section.

This subsection does not apply to any transfer—

(a) in respect of such holding or interest therein or any part of an interest therein where such transfer was effected pursuant to any agreement

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agreement entered into before the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970; No. 28, 1970

- (b) other than the transfer to which this subsection applies first effected in respect of such holding or interest therein or any part of an interest therein after such commencement;
- (c) to the spouse, child or children of the holder of the holding or interest therein or any part of an interest therein or where the transfer is of an interest therein or any part of an interest therein such transfer is to the spouse, child or children of any other holder having an interest in the holding;
- (d) to a trustee, executor, administrator or other person in his representative capacity.

(3) The rent of any holding upon which subsection two of this section operates shall as from the expiration of the day next preceding the day upon which the rent becomes payable next after the transfer of the holding or any interest or partial interest therein be six per centum per annum of the capital value of such holding.

(4) Where the transfer upon which subsection two of this section operates is a transfer of an interest or partial interest in a holding the increased rent (if any) which but for this subsection would be applicable in respect of the holding shall be reduced by an amount which bears the same proportion to the amount of the increase as the interest not transferred bears to the whole of the holding.

(5)

*Crown Lands and Other Acts (Amendment).*

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(5) The rent per annum of any holding upon which subsection two of this section operates shall notwithstanding anything in this section contained be not less than six dollars per annum or, where some other amount is prescribed, such other amount.

(6) For the purposes of this section a transfer shall be deemed to be effected as upon the date determined by the Minister. In making any such determination the Minister shall have regard to any of the following instruments, if any, evidencing such transfer—

- (a) a transfer in a form required under this Act,
- (b) a memorandum of transfer or other instrument for effecting a transfer for the purposes of the Real Property Act, 1900,
- (c) an application for registration by transmission approved by the Minister.

*Minimum rents.*Minimum  
rents.

25. Any increase in rent, not being an increase pursuant to section twenty-four of this Act, effected by the amendments made by section five of the Crown Lands and Other Acts (Amendment) Act, 1970, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970.

*Minimum rent for road or watercourse enclosures.*Minimum  
rent for  
road or  
watercourse  
enclosures.

26. Where in respect of any permission to enclose a road or watercourse under this Act subsisting at the commencement of section five of the  
Crown

*Crown Lands and Other Acts (Amendment).*

Crown Lands and Other Acts (Amendment) Act, No. 28, 1970  
 1970, the rent is less than six dollars per annum  
 such rent shall be increased to six dollars per annum  
 and upon some other amount per annum being  
 prescribed to such other amount per annum.

(5) The Prickly-pear Act, 1924, is amended—

Amendment  
 of Act No.  
 31, 1924.

(a) by omitting from subsection (3A) of section fifteen Sec. 15.  
 the words “section to less than four dollars per (Existing  
 annum.” and by inserting in lieu thereof the holdings.)  
 words “section—

(a) in the case of a holding to which section 21D  
 of this Act, section 233A of the Crown  
 Lands Consolidation Act, 1913, section 15A  
 of the Closer Settlement Amendment (Con-  
 version) Act, 1943, or section twenty-four  
 of the Returned Soldiers Settlement Act,  
 1916, applies to less than that applicable by  
 virtue of the operation of the relevant  
 section mentioned aforesaid; or

(b) in any other case to less than six dollars per  
 annum or, where some other amount is  
 prescribed, such other amount per annum.”;

(b) (i) by omitting from section seventeen the words Sec. 17.  
 “(not being less than four dollars per (Leasing  
 annum)” ; infested  
 land.)

(ii) by inserting in the same section after the word  
 “determine.” where firstly occurring the  
 following proviso :—

Provided that the rent shall—

(a) in the case of a lease to which section  
 21D of this Act applies be that  
 applicable by virtue of the operation  
 of that section; or

(b)



*Crown Lands and Other Acts (Amendment).*

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(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 18.  
(Leasing of  
commons  
and  
reserves.)

(c) (i) by omitting from section eighteen the words “(not being less than four dollars per annum)”;

(ii) by omitting from the same section the words “Any rent received in respect of any such lease shall be paid into the Consolidated Revenue Fund.” and by inserting in lieu thereof the words—

Provided that the rent shall—

(a) in the case of a lease to which section 21D of this Act applies be that applicable by virtue of the operation of that section; or

(b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

Sec. 20.  
(Leases.)

(d) by omitting from subsection two of section twenty the words “rent to less than four dollars per annum.” and by inserting in lieu thereof the words “rent—

(a) in the case of a lease to which section 21D of this Act applies to less than that applicable by virtue of the operation of that section; or

(b) in any other case to less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.”;

(e)

*Crown Lands and Other Acts (Amendment).*

- (e) by omitting from subsection five of section 21A the words "Provided that the annual rent shall not be less than four dollars." wherever occurring and by inserting in lieu thereof the following proviso :—

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Sec. 21A.  
(Extension  
of term to  
lease in  
perpetuity.)

Provided that the rent shall—

- (i) in the case of a lease to which section 21D of this Act applies be that applicable by virtue of the operation of that section; or
- (ii) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.
- (f) by omitting from subsection three of section 21B the words "Provided that the rent shall not in any case be less than four dollars per annum." and by inserting in lieu thereof the following proviso :—

Sec. 21B.  
(Subdivision  
of leases.)

Provided that the rent shall—

- (a) in the case of a portion of a subdivided lease to which section 21D of this Act applies be that applicable by virtue of the operation of that section; or
- (b) in any other case be not less than six dollars per annum or, where some other amount is prescribed, such other amount per annum.

- (g) by inserting next after section 21C the following new sections :—

New secs.  
21D and  
21E.

21D. (1) In this section "holding" means a lease granted under this Act or the Prickly-pear Destruction Act of 1901.

Annual rent  
of leases  
consequent  
upon  
transfer.

(2) Where a holding is, or any interest in a holding is wholly or partially, transferred (otherwise than by way of mortgage or discharge of mortgage) the annual rent payable in respect of such holding shall be as determined by this section.

**This**

*Crown Lands and Other Acts (Amendment).*

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This subsection does not apply to any transfer—

- (a) in respect of such holding or interest therein or any part of an interest therein where such transfer was effected pursuant to any agreement entered into before the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970;
- (b) other than the transfer to which this subsection applies first effected in respect of such holding or interest therein or any part of an interest therein after such commencement;
- (c) to the spouse, child or children of the holder of the holding or interest therein or any part of an interest therein or where the transfer is of an interest therein or any part of an interest therein such transfer is to the spouse, child or children of any other holder having an interest in the holding;
- (d) to a trustee, executor, administrator or other person in his representative capacity.

(3) Where the annual rent of a holding upon which subsection two of this section operates has been fixed in pursuance of any provision in that behalf contained in this Act at a rate per centum of its capital value the annual rent of the lease shall, subject to subsection five of this section, as from the expiration of the day next preceding the day upon which the rent becomes payable next after the transfer of the holding or any interest or partial interest therein be six per centum of such capital value.

(4) Where in the case of a holding upon which subsection two of this section operates the determination of the annual rent thereof has not been provided for in subsection three of this subsection, the annual rent of such holding shall, subject

*Crown Lands and Other Acts (Amendment).*

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subject to subsection five of this section, as from the No. 28, 1970 expiration of the day next preceding the day upon which the rent becomes payable next after the transfer of the holding or of any interest or partial interest therein be six per centum of the capital value of the holding or be the amount equivalent to the annual rent which would have been payable in respect of the holding had such transfer not been effected, whichever amount is the greater. For the purposes of this subsection where any such holding does not have a notified or determined capital value, the capital value shall be deemed to be two dollars per acre.

(5) Where the transfer upon which subsection two of this section operates is a transfer of an interest or partial interest in a holding the increased rent (if any) which but for this subsection would be applicable in respect of the holding shall be reduced by an amount which bears the same proportion to the amount of the increase as the interest not transferred bears to the whole of the holding.

(6) The rent per annum of any holding upon which subsection two of this section operates shall notwithstanding anything in this section contained be not less than six dollars per annum or, where some other amount is prescribed, such other amount.

(7) For the purposes of this section a transfer shall be deemed to be effected as upon the date determined by the Minister. In making any such determination the Minister shall have regard to any of the following instruments, if any, evidencing such transfer—

- (a) a transfer in a form prescribed by regulations under this Act,
- (b) a memorandum of transfer or other instrument for effecting a transfer for the purposes of the Real Property Act, 1900,
- (c)

*Crown Lands and Other Acts (Amendment).*

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- (c) an application for registration by transmission approved by the Minister in pursuance of any regulation under this Act.

Minimum rents.

21E. Any increase in rent, not being an increase pursuant to section 21D of this Act, effected by the amendments made by section five of the Crown Lands and Other Acts (Amendment) Act, 1970, shall operate as from the expiration of the day next preceding the day upon which the rent (whether payable yearly, half-yearly or in any other manner) becomes payable next after the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970.

Sec. 34.  
(Regulations.)

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

(1A) The Governor in prescribing some amount other than that otherwise fixed as the minimum rent pursuant to the provisions of this Act may apply such prescription to all holdings or to particular holdings only or may prescribe different amounts in respect of different classes of holdings or may prescribe the bases on which such minimum rent shall be calculated.

Any increase in rent pursuant to any such prescription shall take effect from the prescribed date.

Further amendment of Act No. 7, 1913.

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

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

- (a) (i) by omitting from section fifty-two the words "shall be forty years" and by inserting in lieu thereof the words "shall in any case to which paragraph (a), (b) or (c) applies and in any case to which paragraph (d) applies to a conditional lease the title to which commenced before the commencement of section six of the Crown Lands and Other Acts (Amendment) Act, 1970, be forty years";
- (ii)

*Crown Lands and Other Acts (Amendment).*

- (ii) by omitting from the same section the words **No. 28, 1970** "conditional lease as is within a reserve for mining" and by inserting in lieu thereof the words "conditional lease the title to which commenced before the commencement of section six of the Crown Lands and Other Acts (Amendment) Act, 1970, as is within a reserve for mining";
- (iii) by omitting from the same section the words ", but such application shall not be granted except with the approval of the Secretary for Mines";
- (b) by omitting from subsection one of section fifty-seven the words ", or to any part of a conditional lease which is for the time being covered by a reserve from alienation under the Mining Act, 1906, or any Act amending or replacing the same" and by inserting in lieu thereof the words ". Nothing in the Mining Act, 1906, shall operate to preclude the conversion under this section of any part of a conditional lease which is for the time being covered by a reserve from alienation under that Act"; Sec. 57. (Conversion of conditional lease into additional conditional purchase.)
- (c) (i) by omitting from subsection (1A) of section sixty-three the words "any reserve for mining or mining purposes or"; Sec. 63. (Sale by auction of Crown lands.)
- (ii) by omitting from the same subsection the words "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" and by inserting in lieu thereof the words "the consent thereto";
- (d) (i) by omitting from subsection (4A) of section 75A the words "paragraph (a), (b)" and by inserting in lieu thereof the words "paragraph (a)"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)
- (ii)

*Crown Lands and Other Acts (Amendment).*

- No. 28, 1970
- (ii) by inserting in subsection six of the same section after the word "requirements;" the word "or";
- (iii) by omitting paragraph (b) of the same subsection;
- Sec. 75B.  
(Special leases in perpetuity for miscellaneous purposes.)
- (e) (i) by omitting from subsection (4A) of section 75B the words "or (b)";
- (ii) by omitting paragraph (b) of subsection six of the same section;
- Sec. 81.  
(Purchase of residential lease.)
- (f) (i) by omitting from subsection two of section eighty-one the words "shall be referred to the Secretary for Mines for consideration, and if he concurs therein it";
- (ii) by omitting from subsection four of the same section the words "and the concurrence of the Secretary for Mines";
- Sec. 85.  
(Power to classify Crown lands.)
- (g) (i) by omitting from subsection four of section eighty-five the words "any reserve for mining or mining purposes or";
- (ii) by omitting from the same subsection the words "in the case of a reserve for mining or mining purposes the consent thereto of the Secretary for Mines or in the case of a timber reserve" and by inserting in lieu thereof the words "the consent thereto";
- Sec. 101.  
(Original settlement lease.)
- (h) by omitting subparagraph (iii) of paragraph (b) of subsection two of section one hundred and one;
- Sec. 107.  
(Term and rent of conditional purchase lease.)
- (i) (i) by inserting in section one hundred and seven after the words "the provisions of this section." the following proviso :—
- Provided that the term of a conditional purchase lease the title to which commenced after the commencement of section six of the
- Crown

*Crown Lands and Other Acts (Amendment).*

Crown Lands and Other Acts (Amendment) No. 28, 1970  
 Act, 1970, as to so much of the land comprised therein as is within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906, shall be a lease in perpetuity.

- (ii) by omitting from the same section the words "conditional purchase lease as is within a reserve" and by inserting in lieu thereof the words "conditional purchase lease the title to which commenced before the commencement of section six of the Crown Lands and Other Acts (Amendment) Act, 1970, as is within a reserve";
- (iii) by omitting from the same section the words "but such application shall not be granted except with the approval of the Secretary for Mines";
- (j) (i) by inserting in section one hundred and thirty-four after the words "the provisions of this section." the following proviso :—
 

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

Provided that the term of a Crown-lease the title to which commenced after the commencement of section six of the Crown Lands and Other Acts (Amendment) Act, 1970, as to so much of the land comprised therein as is within a reserve for mining or for mining purposes, or within an area exempted from alienation under the Mining Act, 1906, shall be a lease in perpetuity.
- (ii) by omitting from the same section the words "Crown-lease as is within a reserve" and by inserting in lieu thereof the words "Crown-lease the title to which commenced before the commencement of section six of the Crown Lands and Other Acts (Amendment) Act, 1970, as is within a reserve";
- (iii)



*Crown Lands and Other Acts (Amendment).*

- No. 28, 1970 (iii) by omitting from the same section the words “, but such application shall not be granted except with the approval of the Secretary for Mines”;
- Sec. 188. (Conversion of settlement lease or Crown-lease: exempt land.) (k) (i) by omitting from section one hundred and eighty-eight the words “of land within a reserve for mining or mining purposes except with the approval of the Secretary for Mines. or”;
- (ii) by inserting at the end of the same section the following new paragraph :—  
Nothing in the Mining Act, 1906, shall operate to preclude any such conversion of land which is within a reserve for mining or mining purposes.
- Sec. 190. (Conversion of special lease.) (l) (i) by omitting paragraph (a) of subsection two of section one hundred and ninety;
- (ii) by omitting from subsection (4A) of the same section the symbols and letter “(a).”;
- Sec. 193A. (Conversion of prickly-pear leases.) (m) by omitting paragraph (c) of subsection (5A) of section 193A;
- Sec. 194. (Conversion of certain holdings into homestead farms.) (n) by omitting paragraph (2B) of section one hundred and ninety-four;
- Sec. 307. (Conversion of existing conditional leases into additional conditional purchases.) (o) by omitting from subsection one of section three hundred and seven the words “, or of any land which is for the time being covered by a reserve from alienation under the Mining Act, 1906, or any Act amending or replacing the same” and by inserting in lieu thereof the words “. Nothing in the Mining Act, 1906, shall operate to preclude the conversion under this section of any part of a conditional

*Crown Lands and Other Acts (Amendment).*

conditional lease which is for the time being covered by a reserve from alienation under that Act".

(2) The Prickly-pear Act, 1924, is further amended by omitting subparagraph (iii) of paragraph (b) of subsection four of section 21A.

Further amendment of Act No. 31, 1924.  
Sec. 21A.  
(Extension of term to lease in perpetuity.)

(3) The amendments made by subsection one of this section (paragraphs (c) and (g) excepted) and subsection two of this section extend to applications made before and pending at the commencement of this section and any provision of the Mining Act, 1906, which would preclude the provisions of the Crown Lands Acts, and the Prickly-pear Act, 1924, as amended by subsection one of this section, from having operation and effect shall cease to have any operation or effect.

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

Further amendment of Act No. 7, 1913.

(a) by omitting section 83A;

Sec. 83A.  
(Leases and licenses of land within areas of erosion hazard or catchment areas.)

(b) by omitting section 136J;

Sec. 136J.  
(Leases of land within areas of erosion hazard or catchment areas.)

(c) by omitting from section one hundred and sixty-four the words "Land within an area of erosion hazard notified under the Soil Conservation Act,"

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

1938.

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

1938, or within a catchment area notified or constituted under that Act, shall not be included under any lease or license in pursuance of this section, except with the concurrence of, and subject to such special conditions as may be determined by the Catchment Areas Protection Board.”;

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

- (d) by omitting from section one hundred and eighty-two the words “: Provided that where the whole or any part of the land held under lease is within the area of erosion hazard constituted under the Soil Conservation Act, 1938, or within any area of erosion hazard notified under that Act or within a catchment area notified or constituted under that Act, the variation, modification, revocation or addition of any condition or purpose shall not be made except upon the recommendation of, and subject to any further conditions recommended by the Catchment Areas Protection Board”;

Sec. 190.  
(Conversion of special lease.)

- (e) (i) by omitting paragraph (d) of subsection two of section one hundred and ninety ;  
(ii) by omitting from subsection (4A) of the same section the symbols and letter “(d),”;

Sec. 198A.  
(Exchanges affecting land within areas of erosion hazard or catchment areas.)

- (f) by inserting at the end of section 198A the following new paragraph :—  
This section does not apply to Crown lands not within an irrigation area.

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

- (g) by omitting section 229B.

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(2) The Prickly-pear Act, 1924, is further amended by omitting subparagraph (iv) of paragraph (b) of subsection four of section 21A.

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Further amendment of Act No. 31, 1924.

Sec. 21A.

(Extension of term to lease in perpetuity.)

(3) The amendments made by subsections one and two of this section extend to applications made before and pending at the commencement of this section.

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

Further amendment of Act No. 7, 1913.

- (a) (i) by omitting from section fifty-one the words “The holder” where firstly occurring and by inserting in lieu thereof the words “Except as elsewhere provided the holder”;
- (ii) by inserting in the same section after the words “Provided that” the words “in the case of a conditional purchase that is not a conversion of any holding other than a conditional lease or prickly-pear lease”;
- (iii) by inserting in the same section after the words “of the land.” where secondly occurring the following new paragraphs :—

Sec. 51.

(Balance of purchase money, how paid.)

Where the title to the conditional purchase commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section eight of the Crown Lands and Other Acts (Amendment) Act, 1970, the balance of purchase money together with interest shall be paid by annual instalments at the rate of seven per centum of the price of the land on each recurring date of the application therefor until the

balance

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

balance of the purchase money together with interest thereon at the rate of four per centum per annum shall have been paid : Provided that in the case of a conditional purchase the title to which has not at the commencement of section eight of the Crown Lands and Other Acts (Amendment) Act, 1970, been in force for three years from the date of application the first such instalment shall be payable at the end of such period of three years.

Where the title to the conditional purchase commenced after the commencement of section eight of the Crown Lands and Other Acts (Amendment) Act, 1970, the balance of purchase money together with interest shall be paid by annual instalments at the rate of six per centum of the price of the land on each recurring date of the application therefor until the balance of purchase money together with interest thereon at the rate of five per centum per annum shall have been paid.

Sec. 59.  
(Special areas and conditional purchases therein.)

- (b) (i) by inserting in subsection one of section fifty-nine after the word "prices" the words ", instalments and interest rates";
- (ii) by omitting from subsection two of the same section the words "and instalments" and by inserting in lieu thereof the words ", instalments and interest rates";

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

- (c) by inserting at the end of subsection eleven of section eighty-seven the following proviso :—

Provided that the provisions of section fifty-one of this Act relating to the payment of the balance of the purchase money in respect of a title to a conditional purchase or an additional conditional purchase which commenced after the commencement of section eight of the Crown Lands and

Other

*Crown Lands and Other Acts (Amendment).*

Other Acts (Amendment) Act, 1970, shall apply No. 28, 1970  
 as if the first instalment was payable at the end of  
 the third year after the date of application in lieu  
 of at the end of the first year after such date.

- (d) by omitting from subsection two of section one hundred and nine the word "five" and by inserting in lieu thereof the word "six";

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

- (e) by omitting from section one hundred and ten the words "The balance of purchase money shall be paid by equal annual instalments, each of which shall be at the rate of five per centum of the purchase money. The first of such instalments shall be paid twelve months after the date of the application for conversion, and payment of such instalments shall be continued until the balance of purchase money together with interest thereon at the rate of two and one-half per centum per annum shall have been paid : Provided that it shall be lawful for the conditional purchaser to pay off the whole or any number of such instalments at any time." and by inserting in lieu thereof the following paragraph :—

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

The balance of purchase money shall be paid in accordance with section fifty-one of this Act according to the date on which the title to the conditional purchase commenced subject in all cases to the first instalment being paid on the first recurring date of the application for conversion and any subsequent instalments being paid on each subsequent recurring date of such application.

- (f) (i) by omitting from subsection one of section one hundred and eighty-three the word "five" and by inserting in lieu thereof the word "six";

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

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

(d) the balance of the purchase money of any conditional purchase shall be paid in accordance with section fifty-one of this Act according to the date on which the title to the conditional purchase commenced subject in all cases to the first instalment being paid on the first recurring date of the application for conversion and any subsequent instalments being paid on each subsequent recurring date of such application.

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

(g) by omitting from paragraph (g) of subsection one of section one hundred and eighty-four the word “five” and by inserting in lieu thereof the word “six”;

Sec. 186.  
(Conversion  
of settlement  
lease:  
price and  
payment.)

(h) by omitting subsection two of section one hundred and eighty-six and by inserting in lieu thereof the following subsection :—

(2) The balance of the purchase money shall be paid in accordance with section fifty-one of this Act according to the date on which the title to the conditional purchase commenced subject in all cases to the first instalment being paid on the first recurring date of the application for conversion and any subsequent instalments being paid on each subsequent recurring date of such application.

Sec. 189.  
(Conversion  
of non-  
residential  
conditional  
purchase.)

(i) by omitting from subsection two of section one hundred and eighty-nine the words “The balance of purchase money shall be paid by annual instalments of five per centum of the purchase money, one of such instalments being paid in each and every year on the recurring date of the application for conversion, until the said balance together with interest thereon at the rate of two and one-half per centum

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centum per annum shall have been paid : Provided that the holder of the conditional purchase may pay off the whole or any number of such instalments at any time.” and by inserting in lieu thereof the words “The balance of purchase money shall be paid in accordance with section fifty-one of this Act according to the date on which the title to the conditional purchase commenced subject in all cases to the first instalment being paid on the first recurring date of the application for conversion and any subsequent instalments being paid on each subsequent recurring date of such application.”; No. 28, 1970

- (j) by omitting from subsection seven of section one hundred and ninety the words “by annual instalments of five per centum thereof, one of such instalments being paid in each and every year on the recurring date of the application for conversion until the balance of purchase money together with interest thereon at the rate of two and one-half per centum per annum shall have been paid : Provided that the holder of the conditional purchase may pay off the whole or any number of such instalments at any time;” and by inserting in lieu thereof the words “in accordance with section fifty-one of this Act according to the date on which the title to the conditional purchase commenced subject in all cases to the first instalment being paid on the first recurring date of the application for conversion and any subsequent instalments being paid on each subsequent recurring date of such application.”; Sec. 190.  
(Conversion of special lease.)
- (k) (i) by omitting from subsection two of section 193A the words “five per cent.” and by inserting in lieu thereof the words “six per centum”; Sec. 193A.  
(Conversion of prickly-pear leases.)
- (ii) by omitting subsection (7B) of the same section and by inserting in lieu thereof the following subsection :—
- (7B) The balance of purchase money shall be paid in accordance with section fifty-one of this Act according to the date on which the
- title



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title to the conditional purchase commenced subject in all cases to the first instalment being paid on the first recurring date of the application for conversion and any subsequent instalments being paid on each subsequent recurring date of such application.

Sec. 307.  
(Conversion of existing conditional leases into additional conditional purchases.)

- (1) by inserting at the end of subsection four of section three hundred and seven the following proviso :—

Provided that in the application of section fifty-one of this Act to the payment of the balance of the purchase money of any such additional conditional purchase the first instalment shall be paid on the first recurring date of the application for conversion and any subsequent instalment shall be paid on each subsequent recurring date of such application. Provided further that in the case of an additional conditional purchase the title to which has not at the commencement of section eight of the Crown Lands and Other Acts (Amendment) Act, 1970, been in force for three years from the date of application for conversion the first such instalment shall be payable at the end of such period of three years.

Amendment of Act No. 70, 1901.

- (2) The Western Lands Act of 1901 is amended by omitting subsection seven of section 28BB and by inserting in lieu thereof the following subsection :—

Sec. 28BB.  
(Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

- (7) The purchase money of any conditional purchase shall be paid by instalments, one of such instalments being paid in each and every year on the recurring date of the application for conversion until the balance of purchase money, together with interest thereon, shall have been paid : Provided that the holder of the conditional purchase may pay off the whole or any number of such instalments at any time.

Each

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Each instalment together with interest shall be at the No. 28, 1970 rate of—

- (a) where the title to the conditional purchase commenced before the commencement of the Crown Lands (Amendment) Act, 1964—five per centum of the purchase money, the rate of interest payable on the balance of purchase money and included in any such instalment being two and one-half per centum per annum;
- (b) where the title to the conditional purchase commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section eight of the Crown Lands and Other Acts (Amendment) Act, 1970—seven per centum of the purchase money, the rate of interest payable on the balance of purchase money and included in any such instalment being four per centum per annum;
- (c) where the title to the conditional purchase commenced after the commencement of section eight of the Crown Lands and Other Acts (Amendment) Act, 1970—six per centum of the purchase money, the rate of interest payable on the balance of purchase money and included in any such instalment being five per centum per annum.

(3) The Finances Adjustment Act, 1932, is amended by inserting at the end of subsection (3A) of section three the following new paragraph :—

Amendment  
of Act No.  
27, 1932.  
Sec. 3.

This subsection shall not apply to interest accruing due—

(Interest.)

- (a) on or after the commencement of section five of the Crown Lands and Other Acts (Amendment) Act, 1970, in respect of a conditional purchase made before the tenth day of August, one thousand eight hundred and seventy-five, which is not under the instalment system;

(b)

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- (b) in respect of the balance of purchase money payable on a conditional purchase the title to which commences after the commencement of section eight of the Crown Lands and Other Acts (Amendment) Act, 1970.

**Amendment of Act No. 7, 1964.**

**Sec. 3 (2).  
(Payments on conditional purchases.)**

- (4) The Crown Lands (Amendment) Act, 1964, is amended by omitting subsection two of section three.

- (5) The amendments made by paragraph (d), subparagraph (i) of paragraph (f), paragraph (g) and subparagraph (i) of paragraph (k) of subsection one of this section do not extend to or affect any application made before the commencement of those amendments or a holding granted pursuant to any such application.

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

**Sec. 47.  
(Condition of residence on conditional purchases and conditional leases generally.)**

**Sec. 47A.  
(Erection of dwelling to be condition of certain conditional purchases.)**

**Sec. 53.  
(Inquiries by board: certificates of conformity.)**

- 9. (1) The Crown Lands Consolidation Act, 1913, is further amended—**

- (a) by omitting section forty-seven ;

- (b) by omitting section 47A ;

- (c) by omitting from section fifty-three the words "The local land board shall hold an inquiry after the expiration of five years from the date of the application for a conditional purchase as to whether all conditions attaching thereto, other than payment of

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of the balance of purchase money and such other moneys as may be payable, have been duly complied with: Provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid. No. 28, 1970

If upon any such inquiry the local land board and by inserting in lieu thereof the words "Where the local land board has reason to believe that all conditions attaching to a conditional purchase, other than payment of the balance of purchase money and such other moneys as may be payable, have been duly complied with, the local land board shall hold an inquiry and if it";

- (d) by omitting from section fifty-four the words "the condition of residence, or the condition of fencing or improvement, or the condition requiring the erection of a dwelling," and by inserting in lieu thereof the words "the condition of fencing or improvement"; Sec. 54.  
(Forfeiture for non-performance of residence, fencing, improvement, etc.)
- (e) by omitting from subsection five of section fifty-seven 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"; Sec. 57.  
(Conversion of conditional lease into additional conditional purchase.)
- (f) (i) by omitting from subsection one of section fifty-nine the word "residence,"; Sec. 59.  
(Special areas and conditional purchases therein.)
- (ii) by omitting from subsection two of the same section the word "residence";
- (g) by omitting from section sixty the words "Provided that for two years immediately before such application he has been, and that at the time of making the same he is, resident on such freehold, and using it for the maintenance of his family by farming pursuits"; Sec. 60.  
(Additional conditional purchase and conditional lease in virtue of freehold.)
- (h)

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**Sec. 75c.**  
(Removal of restrictions on transfer and condition of residence and substitution of a building condition in respect of certain special leases.)

(h) by omitting subsection two of section 75c;

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

- (i) (i) by omitting from subsection two of section eighty the words "Residence may be carried out on any part of the land under lease.";
- (ii) by omitting from subsection three of the same section the words "—and
- (c) the condition of residence attaching to the residential lease may be fulfilled on the lease or on the land on which such person was theretofore resident";

**Sec. 81.**  
(Purchase of residential lease.)

(j) by omitting from subsection one of section eighty-one the words "after the first five years of his lease";

**Sec. 91.**  
(Conditions precedent to homestead grant.)

(k) by omitting paragraphs (c) and (d) of subsection one of section ninety-one;

**Subst. sec. 92.**

(l) by omitting section ninety-two and by inserting in lieu thereof the following section :—

**Homestead selection: inquiries by board.**

92. (1) Where the local land board has reason to believe that all conditions precedent to the right to a homestead grant have been duly performed the local land board shall hold an inquiry and if upon the inquiry the local land board is satisfied that all the said conditions have been duly performed up to the date of the inquiry it shall issue a certificate to that effect.

**If**

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If upon inquiry as aforesaid or at any other time No. 28, 1970 the local land board is not satisfied that any condition precedent to the right to a homestead grant has been duly performed the homestead selection shall be liable to be forfeited.

(2) Where the rent payable in respect of a homestead selection has not been duly paid the homestead selection shall, whether an inquiry as aforesaid has or has not been held, be liable to be forfeited.

- (m) by omitting from subsection one of section ninety-three the words “, upon the expiration of five years after the date of the confirmation of the application for a homestead selection, issue a grant thereof” and by inserting in lieu thereof the words “issue a grant of a homestead selection”; Sec. 93. (Homestead grant.)
- (n) (i) by omitting subsection (2A) of section ninety-seven; Sec. 97. (Additional homestead selection.)
- (ii) by omitting from subsection three of the same section the words “, notwithstanding that five years may not have elapsed after the confirmation of the application for the additional homestead selection”;
- (iii) by omitting subsection (3A) of the same section;
- (o) (i) by omitting paragraph three of subsection one of section one hundred and one; Sec. 101. (Original settlement lease.)
- (ii) by omitting from paragraph (c) of subsection four of the same section the words “of residence or”;
- (p) by omitting subsection (2A) of section one hundred and three; Sec. 103. (Additional settlement lease.)
- (q)

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- Sec. 108.  
(Original conditional purchase lease: conditions.)
- Sec. 109.  
(Conditional purchase leases.  
Conversion into conditional purchases and conditional leases.)
- Sec. 113.  
(Additional in virtue of conditional purchase leases, etc.)
- Sec. 116.  
(Conditions attaching to special conditional purchase leases.)
- Sec. 118A.  
(Provision for additional homestead farms.)
- Sec. 119A.  
(Certificates of preferential right.)
- Sec. 121.  
(Homestead farm: condition of residence.)
- (q) by omitting paragraph four of section one hundred and eight;
- (r) by omitting paragraph (c) of subsection seven of section one hundred and nine;
- (s) by omitting subsection five of section one hundred and thirteen;
- (t) by omitting from section one hundred and sixteen the words "shall not be subject to any condition of residence, but otherwise";
- (u) (i) by omitting subsection three of section 118A;  
(ii) by omitting from subsection four of the same section the words ", notwithstanding that five years may not have elapsed after the confirmation or approval of the application for the additional homestead farm";  
(iii) by omitting subsection five of the same section;
- (v) by omitting subsection (4B) of section 119A;
- (w) by omitting section one hundred and twenty-one;
- (x)

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- (x) by omitting from subsection two of section one hundred and twenty-three the words "After the expiration of five years after the confirmation of the application for a homestead farm, the local land board shall hold an inquiry whether all the conditions other than payment of moneys due to the Crown attaching to the homestead farm have been duly complied with; provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid; and if it be found by the local land board" and by inserting in lieu thereof the words "Where the local land board has reason to believe that all the conditions other than payment of moneys due to the Crown attaching to a homestead farm have been duly complied with, the local land board shall hold an inquiry and if it be found by the local land board";
- No. 28, 1970  
Sec. 123.  
(Homestead farm: inquiry by board and issue of grant.)
- (y) by omitting from subsection three of section 123A the words "The term of residence attaching to the Crown lease shall be reduced by the period during which continuous residence has been performed on the land either by the applicant or his predecessors in title :
- Sec. 123A.  
(Right of conversion.)
- 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.";
- (z) by omitting section one hundred and twenty-six ;
- Sec. 126.  
(Suburban holding: condition of residence.)
- (aa) (i) by omitting paragraph (a) of subsection one of section 126A ;
- Sec. 126A.  
(Erection of dwelling to be condition of certain suburban holdings.)
- (ii) by omitting from the same subsection the words "This subsection shall not apply to a suburban
- suburban



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suburban holding whereon a dwelling has been erected at the confirmation of the application as aforesaid.”;

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

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

- (bb) (i) by omitting from subsection two of section one hundred and twenty-eight the words “After the expiration of five years after the confirmation of the application for a suburban holding, the local land board shall hold an inquiry whether all conditions other than payment of moneys due to the Crown attaching to the suburban holding have been duly complied with; provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid; and if it be found by the local land board” and by inserting in lieu thereof the words “Where the local land board has reason to believe that all conditions other than payment of moneys due to the Crown attaching to a suburban holding have been duly complied with, the local land board shall hold an inquiry and if it be found by the local land board”;

- (ii) by omitting from subsection three of the same section the words “, notwithstanding that five years may not have elapsed after the granting of the application for the additional suburban holding”;

Sec. 129A.  
(Additional suburban holdings.)

- (cc) (i) by omitting from subsection two of section 129A the words “who is in residence thereon”;
- (ii) by omitting subsection five of the same section;

(dd)

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- (dd) (i) by omitting paragraph (g) of subsection one of section 129B; No. 28, 1970  
Sec. 129B.
- (ii) by omitting paragraph (a) of subsection two of the same section; (Purchase of suburban holdings.)
- (iii) by omitting subsection three of the same section;
- (ee) (i) by omitting subsection three of section 130A; Sec. 130A.
- (ii) by omitting subsection five of the same section; (Provision for additional Crown-leases.)
- (ff) by omitting section one hundred and thirty-three; Sec. 133.  
(Crown-lease: condition of residence.)
- (gg) by omitting from subparagraph (iii) of paragraph (b) of section one hundred and thirty-four the words "of residence or"; Sec. 134.  
(Crown-lease: term and rent.)
- (hh) by omitting section 136E; Sec. 136E.  
(Condition of residence.)
- (ii) (i) by omitting paragraph (c) of section 136I; Sec. 136I.  
(Joint holders may apply for conversion.)
- (ii) by omitting from the same section the words "but any residence condition may be fulfilled by one of such persons";
- (jj) (i) by omitting paragraph (c) of section 155A; Sec. 155A.
- (ii) by omitting from the same section the words "but any residence condition attaching thereto may be fulfilled by one of such persons"; (Joint applicants for additional holdings.)
- (kk) (i) by omitting from subsection one of section one hundred and seventy-four the word "residence"; Sec. 174.  
(When originals and additional form one holding.)
- (ii)

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- (ii) by omitting from subsection two of the same section the words “, and the condition of residence attaching to the original and additional holdings may be performed on one of such holdings”;
- (iii) by omitting from subsection three of the same section the words “, and the condition of residence attaching to the original and additional holdings may be performed on one of such holdings”;
- Sec. 175A.  
(Residence by husband and wife.)
- (ll) by inserting at the end of section 175A the following new paragraph :—
- This section shall not apply to a conditional purchase, a homestead selection or a lease, other than a lease within an irrigation area, under the Crown Lands Acts.
- Sec. 176A.  
(Residence by devisees.)
- (mm) by inserting at the end of section 176A the following new paragraph :—
- This section only applies to a holding within an irrigation area.
- Sec. 177A.  
(Reduction of term of residence.)
- (nn) by omitting section 177A;
- Sec. 178.  
(Suspension or remission of conditions other than payment.)
- (oo) (i) by omitting paragraph (a) of subsection one of section one hundred and seventy-eight;
- (ii) by omitting from the same subsection the words “, remission, or permission”;
- Sec. 183.  
(Conversion of homestead selection or grant or homestead farm.)
- (pp) by omitting paragraph (c) of subsection three of section one hundred and eighty-three;
- (qq)

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(qq) by omitting section one hundred and eighty-seven; No. 28, 1970

Sec. 187.  
(Conversion  
of settle-  
ment lease  
or Crown-  
lease:  
residence.)

(rr) by omitting from subsection one of section one hundred and eighty-nine the words “: Provided that the term of five years’ residence shall commence from the date of the application for conversion, but such term shall be reduced by any period of continuous residence on the land by the holder or his predecessors in title up to and immediately before such application for conversion”;

Sec. 189.  
(Conversion  
of non-  
residential  
conditional  
purchase.)

(ss) (i) by omitting from paragraph (a) of subsection seven of section one hundred and ninety the words “the term of residence if applicable shall commence within three months after the date of the Minister’s approval of the conversion and shall be reduced and shall be deemed to have been reduced by the period during which continuous residence has been performed by the applicant or his predecessors in title upon the special lease or upon the holding in virtue of which such special lease has been converted into an additional holding whether the application for conversion was made before or after the commencement of the Crown Lands (Amendment) Act, 1917: Provided that”;

Sec. 190.  
(Conversion  
of special  
lease.)

(ii) by omitting from the same paragraph the words “the holding shall be exempt from any condition of residence”;

(iii) by omitting from the same paragraph the word “proviso” and by inserting in lieu thereof the word “paragraph”;

(tt)

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- No. 28, 1970**  
 Sec. 193.  
 (Provisions applicable to homestead selections or grants out of certain leases.)
- (tt) by omitting paragraphs (c) and (d) of section one hundred and ninety-three;
- Sec. 193A.  
 (Conversion of prickly-pear leases.)
- (uu) by omitting from subsection eleven of section 193A the words “—except that the holding into which a prickly-pear lease has been converted under this section shall not be subject to any condition of residence, but” and by inserting in lieu thereof the word “and”;
- Sec. 194.  
 (Conversion of certain holdings into homestead farms.)
- (vv) by omitting paragraph (8A) of section one hundred and ninety-four;
- Sec. 194A.  
 (Conversion of homestead farms into settlement purchases.)
- (ww) by omitting paragraph (g) of section 194A;
- Sec. 194B.  
 (Conversion by joint holders.)
- (xx) (i) by omitting paragraph (c) of section 194B;  
 (ii) by omitting from the same section the words “, but any residence condition may be fulfilled by one of such persons”;
- Sec. 198.  
 (Exchange may include conditional purchase or conditional lease.)
- (yy) by omitting from section one hundred and ninety-eight the words “to have completed the condition of residence attaching thereto, or”;
- Sec. 262.  
 (Transfer of homestead selection.)
- (zz) by omitting section two hundred and sixty-two;
- Sec. 263.  
 (Transfer of settlement lease.)
- (aaa) by omitting section two hundred and sixty-three;
- (bbb)

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- (bbb) by omitting section two hundred and sixty-four; **No. 28, 1970**  
(Transfer of conditional purchase lease.)
- (ccc) by omitting section 264A; **Sec. 264A.**  
(Further right to transfer holdings.)
- (ddd) by omitting from section two hundred and sixty-six the words "the last eight preceding sections" and by inserting in lieu thereof the words "sections two hundred and fifty-nine, two hundred and sixty, two hundred and sixty-one and two hundred and sixty-five of this Act"; **Sec. 266.**  
(Limits of operation of last eight preceding sections.)
- (eee) (i) by omitting from section two hundred and sixty-seven the words "(although a condition of residence may attach to such conditional purchases or conditional purchase leases)"; **Sec. 267.**  
(Transfers upon additions to holdings.)
- (ii) by omitting from the same section the words "residence and";
- (fff) by omitting subsection two of section two hundred and sixty-eight; **Sec. 268.**  
(Transfers upon exchanges between private persons.)
- (ggg) (i) by omitting from subsection one of section two hundred and sixty-nine the words "If any holder of a homestead selection, or of any lease (not being a conditional lease or conditional purchase lease) under the Crown Lands Acts dies or becomes of unsound mind (whether before or after the passing of this Act)" and by inserting in lieu thereof the words "If any holder of a holding within an irrigation area dies or becomes of unsound mind"; **Sec. 269.**  
(Devolution upon death or unsoundness of mind.)

(ii)

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 (ii) by omitting from the same subsection the words "homestead selector's or lessee's" and by inserting in lieu thereof the word "holder's";
- (iii) by omitting subsections two and three of the same section;
- Sec. 270.  
 (Transfers under legal process, etc.)
- (hhh) by inserting in subsection two of section two hundred and seventy after the word "residence" the words "in respect of a lease within an irrigation area other than a town lands block";
- Sec. 271.  
 (Protection of certain holdings.)
- (iii) by inserting in subsection two of section two hundred and seventy-one after the word "residence" the words ", if any";
- Sec. 273.  
 (Transfers, etc., of homestead farms, and Crown-leases.)
- (jjj) by omitting section two hundred and seventy-three;
- Sec. 292.  
 (Existing original conditional purchases: current residence.)
- (kkk) by omitting section two hundred and ninety-two;
- Sec. 293.  
 (Existing additional conditional purchase or conditional lease: current residence.)
- (lll) by omitting section two hundred and ninety-three;
- Sec. 294.  
 (Existing additional conditional purchase or conditional lease: current residence.)
- (mmm) by omitting section two hundred and ninety-four;
- (nnn)

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- (nnn) by omitting section two hundred and ninety-five; **No. 28, 1970**  
 Sec. 295.  
 (Existing additional conditional purchase or conditional lease: current residence.)
- (ooo) by omitting section two hundred and ninety-six; **Sec. 296.**  
 (Existing additional conditional purchase or conditional lease: current residence.)
- (ppp) by omitting section two hundred and ninety-seven; **Sec. 297.**  
 (What additional conditional purchases free from residence.)
- (qqq) by omitting from section three hundred and three the word "residence"; **Sec. 303.**  
 (Existing conditional purchases and conditional leases: inquiries by board.)
- (rrr) by omitting paragraph one of section three hundred and six; **Sec. 306.**  
 (Existing additional conditional purchases made out of conditional leases.)
- (sss) by omitting from subsection four of section three hundred and seven the words ": Provided that where the conditional lease was applied for before the first day of June, one thousand eight hundred and ninety-five, any additional conditional purchase made out of the conditional lease shall not be subject to any condition of residence". **Sec. 307.**  
 (Conversion of existing conditional leases into additional conditional purchases.)



*Crown Lands and Other Acts (Amendment).*

**No. 28, 1970** (2) The Closer Settlement (Amendment) Act, 1909.  
 Further amendment of Act No. 21, 1909. Sec. 21. (Setting apart for closer settlement.)  
 is further amended by omitting from subsection (3A) of section twenty-one the words "The term of residence attaching to the homestead farm shall be reduced by the period of residence performed in respect of the settlement purchase; and the condition of residence attaching to either the settlement purchase or the homestead farm may be carried out on one of such holdings" and by inserting in lieu thereof the words "The condition of residence attaching to the settlement purchase may be carried out on either the settlement purchase or the homestead farm".

Further amendment of Act No. 38, 1943. Sec. 9. (Closer settlement leases.)  
 (3) The Closer Settlement Amendment (Conversion) Act, 1943, is further amended by inserting at the end of paragraph (b) of subsection two of section nine the following new proviso :—

Provided further that upon application and upon sufficient reason being shown the local land board may suspend or remit wholly or partly the condition of residence attaching to a closer settlement lease or permit the condition to be carried out anywhere within a reasonable working distance of the lease or, in the case of a closer settlement lease, other than such a lease which is vested under section 9F of this Act in any person who is the holder or the owner (subject to mortgage) of any other land or which is allowed to any person as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, permit the condition to be carried out upon any one of two or more holdings held by one person or members of one family. Any suspension, remission or permission granted under this proviso may be for such periods and on such conditions as the local land board may determine; and the non-performance or breach of any condition imposed by the local land board shall render the closer settlement lease liable to be forfeited.

(4)

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(4) The Western Lands Act of 1901, is further No. 28, 1970  
amended—

Further  
amendment  
of Act No.  
70, 1901.

- (a) by omitting from subparagraph (ii) of paragraph (b) of subsection six of section 28BB the word “and” where secondly occurring;
- (b) by omitting from subparagraph (iii) of the same paragraph the word “holdings.” and by inserting in lieu thereof the words “holdings; and”;
- (c) by inserting at the end of the same subparagraph the following new subparagraph :—

Sec. 28BB.  
(Application  
for conver-  
sion of leases  
after com-  
mencement  
of Western  
Lands  
(Amend-  
ment) Act,  
1949.)

(iv) where application is made and sufficient reason is shown the local land board may suspend or remit wholly or partly the condition of residence attaching to a conditional purchase or permit the condition to be carried out anywhere within a reasonable working distance of the purchase 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. Any suspension, remission, or permission granted under this subparagraph may be for such periods and on such conditions as the local land board may determine; and the non-performance or breach of any condition imposed by the local land board shall render the conditional purchase liable to be forfeited.

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

In the application of sections fifty-four, 175A, 176A and 194B of the Crown Lands Consolidation Act, 1913, to conditional purchases as aforesaid the amendments effected to those sections by section nine of the Crown Lands and Other Acts (Amendment) Act, 1970, shall be deemed not to have been made.

(5)

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

Further  
amendment  
of Act No.  
21, 1916.Sec. 4B.  
(Soldiers'  
group  
purchases.)

(5) The Returned Soldiers Settlement Act, 1916, is further amended by omitting from subsection eleven of section 4B the words "The term of residence attaching to the homestead farm shall be reduced by the period of residence performed in respect of the group purchase; and the condition of residence attaching to either the group purchase or the homestead farm may be carried out on one of such holdings."

(6) The amendments made by subsection one of this section apply to and in respect of a holding to which such amendments relate irrespective of whether the title to such holding commenced before or after the commencement of the said subsection.

(7) Any condition of residence attaching to any holding under the Crown Lands Acts, otherwise than by any express provision of those Acts, shall cease to have any force or effect as from the commencement of this section.

Further  
amendment  
of Act No.  
7, 1913.New sec.  
56A.Conditional  
leases in  
perpetuity:  
issue of  
grant.

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

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

*Issue of perpetual lease grants for conditional leases in perpetuity.*

56A. (1) In the case of a conditional lease the title to which is a lease in perpetuity as to the whole of the land comprised therein the Governor shall, subject to subsection two of this section, issue a grant of the conditional lease to the lessee his heirs and assigns for ever, such grant being made subject to the conditions attaching to such conditional lease.

(2) A grant shall be issued under subsection one of this section where—

(a) all moneys due to the Crown in respect of the lease have been paid, and

(b).

*Crown Lands and Other Acts (Amendment).*

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- (b) in the case of a conditional lease the title to which commenced before the commencement of section nine of the Crown Lands and Other Acts (Amendment) Act, 1970, the Minister is satisfied that all conditions other than payment of moneys due to the Crown attaching to the lease have been duly complied with, and
- (c) in the case of a conditional lease the title to which commences after such commencement the local land board upon inquiry finds that all conditions other than payment of moneys due to the Crown attaching to the lease have been duly complied with.
- (b) (i) by inserting next after paragraph (a) of subsection one of section fifty-seven the following new paragraph :—
- (a1) If the perpetual lease grant has been issued in respect of the conditional lease a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.
- If the application is wholly disallowed, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him.
- (ii) by inserting next after subsection three of the same section the following new subsection :—
- (3A) Where a conditional lease, in respect of which a perpetual lease grant has been issued, has been converted in part into an additional conditional purchase and such grant has been surrendered in accordance with
- paragraph

Sec. 57.  
(Conversion of conditional lease into additional conditional purchase.)

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

paragraph (a1) of subsection one of this section, a perpetual lease grant for the remaining area of the conditional lease shall be issued by the Governor containing such of the conditions attaching to the lease as are applicable.

Sec. 75A.  
(Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

- (c) by inserting at the end of subsection twelve of section 75A the following new paragraph :—

Subject to section 75C of this Act, the provisions of this subsection shall not cease to apply after the issue of a perpetual lease grant, if any, and no transfer or other dealing or conveyance or assignment in contravention of such provisions shall be valid for any purposes whatsoever.

Sec. 75B.  
(Special leases in perpetuity for miscellaneous purposes.)

- (d) by inserting at the end of subsection eleven of section 75B the following new paragraph :—

Subject to section 75C of this Act, the provisions of this subsection shall not cease to apply after the issue of a perpetual lease grant, if any, and no transfer or other dealing or conveyance or assignment in contravention of such provisions shall be valid for any purposes whatsoever.

New sec.  
75D.

- (e) by inserting next after section 75C the following short heading and new section :—

*Issue of perpetual lease grants for special leases in perpetuity.*

Special leases in perpetuity: issue of grant.

75D. (1) In the case of a special lease the title to which is a lease in perpetuity as to the whole of the land comprised therein the Governor shall, subject to subsection two of this section, issue a grant of the special lease to the lessee his heirs and assigns for ever, such grant being made subject to the conditions reservations and provisions annexed to the special lease as are applicable.

(2)

*Crown Lands and Other Acts (Amendment).*

(2) A grant shall be issued under No. 28, 1970 subsection one of this section where—

- (a) all moneys due to the Crown in respect of the lease have been paid, and
  - (b) in the case of a special lease to which conditions are annexed requiring the improvement of or the erection of improvements on the land comprised therein the Minister—
    - (i) is satisfied that such conditions have been sufficiently complied with, or
    - (ii) decides notwithstanding that such conditions have not been sufficiently complied with that a grant should issue.
- (f) (i) by inserting in paragraph (j) of section 82A **Sec. 82A.** after the word “purchased.” the words “If a (Leasing of Crown lands within towns.) perpetual lease grant has been issued in respect of the lease a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application. If the application is wholly refused, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him.”;
- (ii) by inserting next after the same paragraph the following new paragraph :—
- (ja) Where an application to purchase the land comprised in a lease held under this section is granted for part of that land and a perpetual lease grant has been issued in respect of such lease and such grant has been surrendered in accordance with paragraph (j) of this section, a perpetual lease grant for the remaining area of the lease shall be issued by the Governor
- containing

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

containing such of the provisions conditions and covenants attaching to the lease as are applicable.

New sec.  
82B.

- (g) by inserting next after section 82A the following short heading and new section :—

*Issue of perpetual lease grants for leases of town lands.*

Leases of  
Crown  
lands  
within  
towns:  
issue of  
grant.

82B. (1) The Governor shall, subject to subsection two of this section, issue a grant of a lease under section 82A of this Act to the lessee his heirs and assigns for ever, such grant being made subject to the provisions conditions and covenants attaching to such lease as are applicable.

(2) A grant shall be issued under subsection one of this section where—

- (a) all moneys due to the Crown in respect of the lease have been paid, and
- (b) any instrument of lease issued under this Act in respect of the holding and which has not been lost or destroyed has been lodged with the Department of Lands in order that it may be cancelled.

Sec. 101.  
(Original  
settlement  
lease.)

- (h) (i) by omitting from subsection one of section one hundred and one the words “lease shall be in the prescribed form, and shall contain provisions to secure” and by inserting in lieu thereof the word “lessee”;
- (ii) by omitting from paragraphs (1), (2), (4), (5) and (6) of the same subsection the words “that the lessee” wherever occurring;
- (iii) by omitting from the same subsection the words “(7) that the Minister may forfeit the lease upon breach of any of the conditions covenants and provisions therein contained.

The

*Crown Lands and Other Acts (Amendment).*

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The lease may also contain such additional provisions conditions and covenants as to the Minister may seem expedient in the public interest.” and by inserting in lieu thereof the following paragraph :—

The Minister may forfeit the lease upon breach by the lessee of any of the foregoing conditions covenants and provisions or of any conditions the Minister may have notified in accordance with subsection one of section one hundred and three of this Act in respect of any additional settlement lease held by that lessee. The Minister may also forfeit any settlement lease the title to which commenced before the commencement of section ten of the Crown Lands and Other Acts (Amendment) Act, 1970, upon breach of any of the conditions covenants and provisions attaching to such lease.

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

(1A) The restriction upon assignment or subletting of any settlement lease without the Minister's consent, other than a settlement lease to which section two hundred and seventy-two of this Act applies, shall not cease to apply after the issue of a perpetual lease grant, if any, and no transfer or other dealing or conveyance or assignment in contravention of this provision shall be valid for any purposes whatsoever.

- (v) by omitting subsection three of the same section ;
- (vi) by omitting paragraph (a) of subsection four of the same section ;

(vii)



*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

(vii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—

(b) the term of that part of the settlement lease not extended to a lease in perpetuity shall be the balance of the term of the settlement lease subsisting at the date upon which the application under subsection two of this section is granted;

(viii) by omitting from paragraph (c) of the same subsection the words “such new leases” and by inserting in lieu thereof the words “any part of the settlement lease”;

(ix) by omitting from paragraph (d) of the same subsection the words “the new leases” and by inserting in lieu thereof the words “the several parts of the settlement lease”;

(x) by omitting from paragraph (e) of the same subsection the word “leases” and by inserting in lieu thereof the words “parts of the settlement lease”;

(xi) by omitting from subsection five of the same section the words “new leases issued in pursuance of this section” and by inserting in lieu thereof the words “several parts of the settlement lease”;

New sec.  
103A.

(i) by inserting next after section one hundred and three the following short heading and new section :—

*Issue of perpetual lease grants for settlement leases in perpetuity.*

Settlement  
leases in  
perpetuity:  
issue of  
grant.

103A. (1) In the case of a settlement lease the title to which is a lease in perpetuity as to the whole of the land comprised therein the Governor shall,  
subject

*Crown Lands and Other Acts (Amendment).*

subject to subsection two of this section, issue a grant of the settlement lease to the lessee his heirs and assigns for ever, such grant being made subject to the conditions covenants and provisions attaching to such settlement lease. No. 28, 1970

(2) A grant shall be issued under subsection one of this section where—

- (a) all moneys due to the Crown in respect of the lease have been paid, and
  - (b) any instrument of lease issued under the Crown Lands Acts in respect of the holding and which has not been lost or destroyed has been lodged with the Department of Lands in order that it may be cancelled, and
  - (c) (i) the local land board upon inquiry finds that all conditions other than payment of moneys due to the Crown attaching to the lease have been duly complied with, or
    - (ii) a certificate that the condition of residence has been duly performed in respect of the lease has been issued in pursuance of the Crown Lands Acts before the commencement of section nine of the Crown Lands and Other Acts (Amendment) Act, 1970.
- (j) by inserting next after section one hundred and eight the following short heading and new section :— New sec. 108A.

*Issue of perpetual lease grants for conditional purchase leases in perpetuity.*

108A. (1) In the case of a conditional purchase lease the title to which is a lease in perpetuity as to the whole of the land comprised therein the Governor shall, subject to subsection two of this section, Conditional purchase leases in perpetuity: issue of grant.

issue

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

issue a grant of the conditional purchase lease to the lessee his heirs and assigns for ever, such grant being made subject to the conditions terms and provisions attaching to such conditional purchase lease.

(2) A grant shall be issued under subsection one of this section where—

- (a) all moneys due to the Crown in respect of the lease have been paid, and
- (b) any instrument of lease issued under the Crown Lands Acts in respect of the holding and which has not been lost or destroyed has been lodged with the Department of Lands in order that such instrument may be cancelled, and
- (c) a certificate in the prescribed form that all conditions attaching to the lease have been duly complied with has been issued by the local land board.

Sec. 109.  
(Conditional purchase leases.

Conversion into conditional purchases and conditional leases.)

- (k) by inserting at the end of subsection two of section one hundred and nine the following new paragraph :—

If the perpetual lease grant has been issued in respect of the lease a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application. If the application is disallowed, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him.

(1)

*Crown Lands and Other Acts (Amendment).*

(1) (i) by omitting from section one hundred and thirty-four the words "Where an instrument of lease has issued in respect of the Crown-lease the following provisions shall have effect :—"  
No. 28, 1970  
 Sec. 134.  
 (Crown-lease: term and rent.)

(a) if the Crown-lease has been extended to a lease in perpetuity as to the whole of the land comprised therein, the instrument of lease shall be lodged with the Department of Lands in order that a notification of such extension may be endorsed thereon;

(b) if the Crown-lease has been extended to a lease in perpetuity as to part only of the land comprised therein—

(i) the Crown-lease shall be surrendered and separate leases issued for such part and for the residue of the land comprised in the Crown-lease; and where any person has an interest as mortgagee or otherwise in the Crown-lease so surrendered the document evidencing or agreement creating such interest shall except in the case of a transfer under this Act, be read and construed as if the reference in such document or agreement to the Crown-lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer

*Crown Lands and Other Acts (Amendment).*

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No. 28, 1970

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

- (ii) the new leases shall commence on the date of publication in the Gazette of the notification that the Minister has granted the application and the term of the new lease for such residue shall be the balance of the term of the Crown-lease subsisting at that date;"

and by inserting in lieu thereof the words "Where an application under this section has been granted as to part only of the land comprised in a Crown-lease—

- (i) the term of that part of the lease not extended to a lease in perpetuity shall be the balance of the term of the Crown-lease subsisting at the date upon which such application is granted;"
- (ii) by omitting from the same section the words "(iii) no additional" and by inserting in lieu thereof the words "(ii) no additional";
- (iii) by omitting from the same section the words "such new leases" and by inserting in lieu thereof the words "any part of the Crown-lease";

(iv)

*Crown Lands and Other Acts (Amendment).*

- (iv) by omitting from the same section the words <sup>No. 28, 1970</sup> “(iv) the new leases” and by inserting in lieu thereof the words “(iii) the several parts of the Crown-lease”;
- (v) by omitting from the same section the words “new leases issued in pursuance of this section” and by inserting in lieu thereof the words “several parts of the Crown-lease”;
- (m) by inserting next after section 134A the following <sup>New Sec. 134B.</sup> short heading and new section :—

*Issue of perpetual lease grants for Crown-leases in perpetuity.*

134B. (1) In the case of a Crown-lease the title to which is a lease in perpetuity as to the whole of the land comprised therein the Governor shall, subject to subsection two of this section, issue a grant of the Crown-lease to the lessee his heirs and assigns for ever, such grant being made subject to the conditions attaching to such Crown-lease.

(2) A grant shall be issued under subsection one of this section where—

- (a) all moneys due to the Crown in respect of the lease have been paid, and
- (b) any instrument of lease issued under this Act in respect of the holding and which has not been lost or destroyed has been lodged with the Department of Lands in order that such instrument may be cancelled, and
- (c) (i) the local land board upon inquiry finds that all conditions other than payment of moneys due to the Crown attaching to the lease have been duly complied with, or

(ii)

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

(ii) a certificate that the condition of residence has been duly performed in respect of the lease has been issued in pursuance of this Act before the commencement of section nine of the Crown Lands and Other Acts (Amendment) Act, 1970;

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

(n) (i) by omitting from section one hundred and eighty-two the words "The Minister may require the instrument evidencing the title to any such lease to be produced for the purpose of being indorsed with a memorandum of any such variation modification revocation or addition as aforesaid.";

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

(2) The provisions of this section shall apply to any lease specified in subsection one hereof both before and after the issue of a perpetual lease grant, if any, and the Registrar-General may make such entries on the grant or any certificate of title as may be necessary with respect to any such variation modification revocation or addition as aforesaid.

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

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

(g1) If the perpetual lease grant has been issued in respect of either the settlement lease or Crown-lease, the subject of the application, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application. If the application is disallowed, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and surrender returned to him.

(p)

*Crown Lands and Other Acts (Amendment).*

- (p) (i) by inserting at the end of subsection three of section one hundred and ninety the following new paragraph :—

No. 28, 1970  
 Sec. 190.  
 (Conversion  
 of special  
 lease.)

If the perpetual lease grant has been issued in respect of the lease a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application. If the application is wholly refused, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him.

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

(6A) Where a special lease, in respect of which a perpetual lease grant has been issued, has been converted in part into a conditional purchase or an additional conditional purchase and such grant has been surrendered in accordance with subsection three of this section, a perpetual lease grant for the area of the special lease not so converted shall be issued by the Governor containing such of the conditions reservations and provisions attaching to the lease as are applicable.

- (q) (i) by inserting at the end of subsection four of section 193A the following new paragraph :—

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

If the perpetual lease grant has been issued in respect of the lease a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application. If the application is wholly disallowed, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him.

(ii)



*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

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

Where the lease, in respect of which a perpetual lease grant has been issued, has been converted in part into a conditional purchase and such grant has been surrendered in accordance with subsection four of this section, a perpetual lease grant of the area of the prickly-pear lease not so converted shall be issued by the Governor containing such of the provisions conditions and special conditions attaching to the lease as are applicable.

Sec. 257.  
(Subdivision  
of holdings.)

- (r) (i) by omitting from section two hundred and fifty-seven the words “, and in the case of a Crown-lease, conditional lease settlement lease conditional purchase lease or town-lands lease the lease, if any, shall be surrendered and a separate lease issued for each portion :

Provided always that leases so issued shall contain such covenants and conditions as the Minister may approve”;

- (ii) by omitting from the same section the words “homestead farm, and to section one hundred and twenty-nine of this Act where the grant is of a suburban holding to the transfer of which the consent of the Minister is required under that section,” and by inserting in lieu thereof the words “homestead farm if that section affected the grant, and to section two hundred and seventy-four of this Act where the grant is of a Crown-lease if that section affected the grant, and to section two hundred and seventy-two of this Act where the grant is of a conditional lease if that section affected

**the**

*Crown Lands and Other Acts (Amendment).*

the grant, and to section two hundred and seventy-two of this Act where the grant is of a settlement lease if that section affected the grant or, as the case may be, to the provision of such grant securing that the lessee shall not assign (except by way of mortgage or discharge of mortgage) or sublet the land comprised in such lease without the Minister's consent, and to section one hundred and twenty-nine of this Act where the grant is of a suburban holding to the transfer of which the consent of the Minister is required under that section, and to sections two hundred and sixty-five and two hundred and seventy-two of this Act where the grant is of a conditional purchase lease if those sections affected the grant, and to, as the case may be, either subsection twelve of section 75A or subsection eleven of section 75B of this Act where the grant is of a special lease, and to paragraph (h) of section 82A of this Act where the grant is of a town-lands lease,";

- (s) by inserting in subsection one of section two hundred and sixty-five after the word "restriction" the words "shall not cease to apply after the issue of a perpetual lease grant, if any, in respect of any such conditional purchase lease or conditional lease but such restriction";

No. 28, 1970  
 Sec. 265.  
 (Restrictions as to assignment and assigns of conditional purchase lease.)

- (t) by omitting from subsection five of section two hundred and seventy-two the words "It shall" and by inserting in lieu thereof the words "The provisions of this section shall not cease to apply after the issue of a perpetual lease grant, if any, in respect of any such original or additional settlement lease

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

or

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

or original or additional conditional purchase lease as aforesaid or in respect of any conditional lease to which this section applies and it shall”;

Sec. 307.  
(Conversion of existing conditional leases into additional conditional purchases.)

(u) (i) by inserting next after paragraph (a) of subsection one of section three hundred and seven the following new paragraph :—

(a1) If the perpetual lease grant has been issued in respect of the lease a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application is wholly disallowed, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant and the surrender returned to him.

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

(3A) Where a conditional lease, in respect of which a perpetual lease grant has been issued, has been converted in part into an additional conditional purchase and such grant has been surrendered in accordance with paragraph (a1) of subsection one of this section, a perpetual lease grant for the area of the conditional lease not so converted shall be issued by the Governor containing such of the conditions attaching to the lease as are applicable.

Sec. 311.  
(Conditional leases: term, &c.)

(v) by omitting from section three hundred and eleven the words “section fifty-two” and by inserting in lieu thereof the words “sections fifty-two and 56A”.

(2)

*Crown Lands and Other Acts (Amendment).*

(2) The Prickly-pear Act, 1924, is further amended—

Further amendment of Act No. 31, 1924.

- (a) by inserting next after section 21A the following new section :—

New sec. 21AB.

21AB. (1) In the case of a lease granted under this Act or the Act hereby repealed where the term thereof has been extended to a lease in perpetuity as to the whole of the land comprised therein the Governor shall, subject to subsection two of this section, issue a grant of the lease to the lessee his heirs and assigns for ever, such grant being made subject to such provisions and special and other conditions attaching to such lease as are applicable.

Leases in perpetuity: issue of grant.

(2) A grant shall be issued under subsection one of this section where—

- (a) all moneys due to the Crown in respect of the lease have been paid, and
- (b) a certificate has been issued by the Commissioner in the prescribed form that the pear clearing conditions attaching to the lease have been complied with.
- (b) by inserting next after subsection four of section 21B the following new subsection :—

Sec. 21B. (Subdivision of leases.)

(4A) In the case of a subdivision of a perpetual lease grant the consent of the Minister shall be in the form prescribed.

Where the consent is given the Registrar-General may register such instruments affecting the various portions of the grant as conform to the consent and may issue separate certificates of title for such portions. The Registrar-General may also make such entries on the grant or any certificate of title as may be necessary with respect to land which the consent shows as having been surrendered under subsection four of this section for roads of access.

A

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

A certificate of title for portion of a perpetual lease grant shall expressly refer to the grant and to subsection three of section twenty of this Act and to subsection five of this section, and shall be subject to the conditions of the grant and to the provisions of such subsections.

Further amendment of Act No. 7, 1913.

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

Sec. 59.  
(Special areas and conditional purchases therein.)

(a) by inserting next after subsection three of section fifty-nine the following new subsections :—

(3A) The applicant for a block notified as available under this section 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 and in the case of any block which is subject to a condition requiring the erection of a dwelling thereon the applicant shall also satisfy the local land board that he is in need of the block as a home site for personal residence and that he will be able to comply with the conditions that will attach to the conditional purchase. The local land board shall confirm the application if satisfied as to the relevant matters aforesaid, unless it permits the applicant to withdraw the same. The local land board shall disallow the application if not so satisfied or if in its opinion the amount of capital held by the applicant or by his or her spouse is such as to warrant such disallowance.

There shall be no appeal to the Land and Valuation Court from the disallowance under this subsection of an application for a conditional purchase of a block which is subject to a condition requiring the erection of a dwelling thereon.

(3B)

*Crown Lands and Other Acts (Amendment).*

(3B) Two or more persons may apply jointly No. 28, 1970 for any block notified by the Minister under this section and shall for all purposes of disqualification from applying, satisfying the local land board and complying with the conditions that will attach to the conditional purchase be deemed to be one person.

(3C) 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.

- (b) by inserting in paragraph (a) of section one hundred and fifty-three after the word "thereon" Sec. 153. (Simultaneous conflicting applications.) wherever occurring the words ", conditional purchases of blocks notified as available under section fifty-nine hereof which are subject to a condition requiring the erection of a dwelling thereon";
- (c) by omitting from section eighty-six the words "either of the last two preceding sections" and by inserting Sec. 86. (Correction, &c., of notifications under preceding sections.) in lieu thereof the words "section eighty-four or eighty-five of this Act";
- (d) by omitting from section two hundred and eight the words "conditional purchase lease" wherever occurring and by inserting in lieu thereof the word Sec. 208. (Waiver of forfeiture.) "lease";
- (e) by omitting section two hundred and sixty and by Subst. sec. 260. inserting in lieu thereof the following section : —

260. An original conditional purchase, non-residential original conditional purchase, additional conditional purchase or conditional lease may, subject to any requirement in this Act relating to the transfer thereof, be transferred at any time. Transfers of conditional purchases and other holdings.

(f)

*Crown Lands and Other Acts (Amendment).*

- No. 28, 1970**  
 Sec. 282.  
 (Conditional purchases before 10th August, 1875: condition of payment.)
- (f) by omitting from paragraph three of subsection one of section two hundred and eighty-two the words “, less any sum by which it may be reduced under section two hundred and eighty-nine hereof.”;
- Sec. 288.  
 (Conditional purchases made before 10th August 1875: bringing under instalment system.)
- (g) by omitting from subsection one of section two hundred and eighty-eight the words “the next two succeeding sections” and by inserting in lieu thereof the words “section two hundred and ninety of this Act”;
- Sec. 289.  
 (Conditional purchases made before 10th August, 1875: reduction of balance.)
- (h) by omitting section two hundred and eighty-nine.
- Further amendment of Act No. 37, 1904.
- (2) The Closer Settlement Act, 1904, is further amended—
- Sec. 29.  
 (Settlement purchase, title, and general conditions.)
- (a) by omitting from paragraph (c) of subsection one of section twenty-nine the words “: Provided that nothing in this subsection shall limit the power of the local land board to prescribe the value of improvements to be effected under the provisions of subsection (b)”;
- Sec. 34.  
 (Grant.)
- (b) by omitting from subsection one of section thirty-four the words “or a group purchase lease” and by inserting in lieu thereof the words “(or the settlement purchase of which it was a conversion) or a group purchase lease (or the soldiers’ group purchase of which it was a conversion)”;
- Sec. 38.  
 (Township settlement areas.)
- (c) by inserting in section thirty-eight after the word “person” the words “within five years from the date of the sale under this section of any allotments”.

(3)

*Crown Lands and Other Acts (Amendment).*

(3) The Closer Settlement (Amendment) Act, No. 28, 1970 1909, is further amended by inserting in subsection five of section twenty-one after the words "to each farm." the words :—

Further amendment of Act No. 21, 1909.

Sec. 21.

Any such conditions or any restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

(Setting apart for closer settlement.)

12. (1) The Crown Lands Consolidation Act, 1913, is further amended by inserting next after section two hundred and fifty-nine the following short heading and new section :—

Further amendment of Act No. 7, 1913.

New sec. 259A.

*Protection of Persons Registering Transfers,  
Transmissions or Devolutions.*

259A. Any provision in any other Act whereby a person acquiring title to land whether by devolution or otherwise, or the Registrar-General, Crown Solicitor, or other person registering or certifying title is protected against notice of any matter or fact or excused from the need to enquire into any matter or fact (including satisfaction of condition, exercise of power or want of authority) shall extend and be deemed to have always extended to a person acquiring title to any land or holding under this Act, or the Minister, or in the case of a holding within an irrigation area the Commission, in the course of registering any transfer, transmission or devolution of any land or holding under this Act, as the case may require.

Protection of persons registering transfers.



*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

Further  
amendment  
of Act No.  
37, 1904.  
New sec.  
31c.

(2) The Closer Settlement Act, 1904, is further amended by inserting next after section 31B the following new section :—

Protection  
of persons  
registering  
transfers.

31c. Any provision in any other Act whereby a person acquiring title to land whether by devolution or otherwise, or the Registrar-General, Crown Solicitor, or other person registering or certifying title is protected against notice of any matter or fact or excused from the need to enquire into any matter or fact (including satisfaction of condition, exercise of power or want of authority) shall extend and be deemed to have always extended to a person acquiring title to any land or holding under the Closer Settlement Acts, or the Minister, in the course of registering any transfer, transmission or devolution of any land or holding under the Closer Settlement Acts, as the case may require.

Further  
amendment  
of Act No.  
70, 1901.New sec.  
18GA.

(3) The Western Lands Act of 1901, is further amended by inserting next after section 18G the following new section :—

Protection  
of persons  
registering  
transfers.

18GA. Any provision in any other Act whereby a person acquiring title to land whether by devolution or otherwise, or the Registrar-General, Crown Solicitor, or other person registering or certifying title is protected against notice of any matter or fact or excused from the need to enquire into any matter or fact (including satisfaction of condition, exercise of power or want of authority) shall extend and be deemed to have always extended to a person acquiring title to any land or holding under this Act, or the Minister, in the course of registering any transfer, transmission or devolution of any land or holding under this Act, as the case may require.

(4)

*Crown Lands and Other Acts (Amendment).*

(4) The Returned Soldiers Settlement Act, 1916, is further amended by inserting next after section 10B the following new section :—

No. 28, 1970  
 Further amendment of Act No. 21, 1916.  
 New sec. 10C.

10C. Any provision in any other Act whereby a person acquiring title to land whether by devolution or otherwise, or the Registrar-General, Crown Solicitor, or other person registering or certifying title is protected against notice of any matter or fact or excused from the need to enquire into any matter or fact (including satisfaction of condition, exercise of power or want of authority) shall extend and be deemed to have always extended to a person acquiring title to any land or holding under this Act, or the Minister, or in the case of a holding within an irrigation area the Commission, in the course of registering any transfer, transmission or devolution of any land or holding under this Act, as the case may require.

Protection of persons registering transfers.

(5) The Prickly-pear Act, 1924, is further amended by inserting next after section twenty the following new section :—

Further amendment of Act No. 31, 1924.  
 New sec. 20A.

20A. Any provision in any other Act whereby a person acquiring title to land whether by devolution or otherwise, or the Registrar-General, Crown Solicitor, or other person registering or certifying title is protected against notice of any matter or fact or excused from the need to enquire into any matter or fact (including satisfaction of condition, exercise of power or want of authority) shall extend and be deemed to have always extended to a person acquiring title to any land or holding under this Act, or the Minister, in the course of registering any transfer, transmission or devolution of any land or holding under this Act, as the case may require.

Protection of persons registering transfers.

(6)

*Crown Lands and Other Acts (Amendment).*

No. 28, 1970

Amendment  
of Act No.  
39, 1953.New sec.  
23A.Protection  
of persons  
registering  
transfers.

(6) The Lord Howe Island Act, 1953, is amended by inserting next after section twenty-three the following new section :—

23A. Any provision in any other Act whereby a person acquiring title to land whether by devolution or otherwise, or the Registrar-General, Crown Solicitor, or other person registering or certifying title is protected against notice of any matter or fact or excused from the need to enquire into any matter or fact (including satisfaction of condition, exercise of power or want of authority) shall extend and be deemed to have always extended to a person acquiring title to any land or holding under this Act, or the Minister for Lands, in the course of registering any transfer, transmission or devolution of any land or holding under this Act, as the case may require.