

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 December, 1919.*

New South Wales.



ANNO DECIMO

GEORGI V REGIS.

Act No. , 1919.

An Act to provide for the purchase, resumption, and for taking leases of land, and for the disposal of such land for purposes of share-farming or under the Crown Lands Acts or the Closer Settlement Acts; to provide a basis of valuation in certain of such resumptions; to enable the Government to carry on share-farming; to regulate and control share-farming and share-farming agreements; to establish boards of control with certain powers and duties; to amend the Crown Lands Acts and certain other Acts; and for purposes consequent thereon or incidental thereto.

Share-farming.

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

Preliminary.

1. This Act may be cited as the "Share-farming Act, 1919." Short title.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,— Definitions.

"Board" means board of control constituted under this Act.

"District" means district notified under this Act.

"Minister" means the Secretary for Lands.

15 "Owner" means owner of any estate or interest in land.

"Prescribed" means prescribed by this Act or by any regulation made under it.

20 "Share-farmer" means any person who holds any land on terms of sharing with the Minister or the owner, the profits derived from the farming, occupation, or use of such land.

Unless the context necessarily requires a different meaning, expressions defined in the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts, **25** shall bear the same meaning in this Act.

3. This Act shall commence on a day to be proclaimed by the Governor and notified in the Gazette. Commencement.

Notification of districts and limitation of Act.

30 **4.** For the purposes of this Act the Minister may, by notification in the Gazette, establish and define the boundaries of districts, and this Act shall apply only with respect to land within such boundaries. He may by like notification revoke or alter any such notification. Limitation of Act to districts to be established.

Boards of control.

35 **5.** (1) The Governor may, for the purposes of this Act, constitute a board of control for any district, or for any number of districts, and may dissolve or re-constitute any such board. Boards of control for districts. Each

Share-farming.

Each board shall consist of not more than three members, who shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown.

- 5 One of such members shall be the chairman, who may be appointed as chairman of one or more boards, and shall be paid such salary as Parliament may appropriate. The chairman shall, if present, preside at all meetings of the board, and shall have an original vote on any
10 question before the board, and shall have a casting vote on any question on which the votes are equal.

The chairman shall have power on behalf of the board to deal with such matters as may be prescribed.

- 15 Every other member shall be paid such fee for each sitting as may be prescribed.

(2) In the event of the chairman being unable to act from any cause whatever, the Governor may appoint a deputy-chairman.

- 20 In the absence of the chairman or deputy-chairman the members present at any meeting may elect one of their number to act as chairman at such meeting or any adjournment thereof, who while so acting shall have all the powers and authorities of the chairman.

Two members shall form a quorum.

- 25 (3) Any member of a board who shall sit or act in any way as a member of such board in any case in which he is or has been directly or indirectly interested shall be liable to a penalty not exceeding five hundred pounds.

- 30 The resignation or bankruptcy of any member of a board, or his absence from three consecutive meetings of the board without leave of the Minister, shall cause a vacancy in his office, and the Governor may appoint a person to supply such vacancy or any vacancy caused
35 by the removal of a member of a board from his office.

6. The board and the chairman and the members
thereof shall in any inquiry and determination by the
board under this Act have respectively like powers as
are conferred on a local land board and its chairman and
40 members under section fourteen of the Crown Lands
Consolidation Act, 1913, in relation to proceedings
before a local land board. *Share-farming*

Share-farming.

Share-farming agreements.

7. (1) Where, after the commencement of this Act, any persons enter into or propose to enter into a share-farming agreement relating to land within a district, 5 any of such persons may within three months after the signing of such agreement or before the agreement is signed, as the case may be, submit the agreement or the proposed agreement to the board for the district for its approval. Share-farming agreements.
To be submitted to board.
- 10 (2) Such board may also, of its own motion, require any of the parties to an agreement, whether verbal or written, and whether made before or after the commencement of this Act, to submit it to the board for its approval. Any of such parties on being so requested 15 shall forward the agreement or a copy thereof to the board, and if he makes default shall be liable to a penalty not exceeding twenty-five pounds. Board may require submission.
Penalty.
- (3) Where any agreement or proposed agreement is submitted to a board, the board may hold an inquiry 20 and shall consider the terms of the agreement or proposed agreement, and may—
- (a) approve or disapprove thereof in the whole; or
 - (b) make objections to all or any of the terms or proposed terms; or
 - 25 (c) propose alterations in or additions to the terms or proposed terms;
- and shall in writing communicate its decision with respect to any of the above matters to the parties within three months after such submission.
- 30 (4) Any such agreement or proposed agreement shall be void and of no effect if the board disapproves thereof in the whole. Total disapproval : agreement void.
- (5) Any such agreement or proposed agreement may be declared by the board to be void and of no effect 35 if within one month after the communication of the board's decision as aforesaid the parties do not comply with the board's objections or agree to the proposed alterations or additions. Agreement may be avoided in certain events.
- Such declaration shall be communicated by the board 40 to the parties in writing.

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(6) Provided that no agreement in existence at the coming into force of this Act or made within six months thereafter shall require the approval of the board unless all parties to the agreement apply for such approval.

Proviso.

Purchase of land.

8. It shall be lawful for the Minister to enter into an agreement with the owner of land within any district for the purchase or lease of such land or part thereof on such terms and conditions, and in the case of a lease for such period, as the Minister may consider proper.

Minister may purchase or lease land.

Every such agreement for lease may contain an option to purchase the land or part thereof at any time during the currency of the lease at a price agreed upon or to be agreed upon between the Minister and the owner.

Lease may be with option of purchase.

9. The purchase of land under this Act shall be effected by notification in the Gazette.

Notification of purchase and effect thereof.

Upon production of a copy of such notification duly certified under the hand of the Minister, it shall be the duty of the Registrar-General to deal with and give effect to such notification as if it were a memorandum of transfer duly executed under the Real Property Act, 1900, where the land concerned is under the said Act.

Upon such notification being made, the land or the estate or interest resumed shall vest in His Majesty, and where in pursuance of such resumption the fee-simple of the land is vested in His Majesty, such land shall be deemed to be Crown lands as defined in the Crown Lands Consolidation Act, 1913, but reserved from sale or lease, except sale or lease under this Act.

Appropriation of Crown lands.

10. The Minister may, by notification published in the Gazette, appropriate any Crown lands for the purposes of this Act. The effect of such publication shall be to cancel any dedication or reservation of the said land, and to render such land available for the purposes of this Act.

Appropriation of Crown lands.

Lease

*Share-farming.**Lease by Minister to share-farmer.*

11. Any land which, under the provisions of this Act, has been purchased, leased or appropriated, may be leased by the Minister to a share-farmer in accordance with this Act. Such lease may contain an option to purchase. Such lease is hereinafter referred to as a share-farming lease.

Lease by
Minister to
share-farmer.

Conditions of share-farming leases.

- 12.** Every such lease shall contain provision—
- 10 (a) for the cultivation and sowing with wheat or other approved seed or grain of such part of the land as the Minister may direct, or for the carrying on of any other form of farming that may be approved by the Minister ;
- 15 (b) for the yielding of a share of the produce of the crops or of the proceeds from the sale or use of stock or from any other form of farming approved by the Minister as aforesaid, in the proportion, manner, and at the dates and times
- 20 appointed to the Colonial Treasurer or any officer appointed by the Minister to receive the same ;
- 25 (c) for the fallowing, grazing, or such other use of the lands not being cultivated, as the Minister may direct ;
- 30 (d) for the performance of such other conditions as the Minister may consider necessary for the proper management, cultivation, occupation, use, and farming of the land, and the improvement thereof ;
- 35 (e) for the determination of the lease and the forfeiture of all improvements on the land and of all crops growing or garnered thereon, in the event of the breach or non-observance of any of the conditions of the lease.

Conditions of
lease.

Disposal

*Share-farming.**Disposal of moneys.*

13. (1) All moneys received by the Minister in respect of any share-farming lease made by the Minister in pursuance of this Act shall be paid to the credit of the Share-farming Fund in the Special Deposits Account at the Treasury.

Disposal of moneys.

Such moneys shall be applied in paying off the liability incurred by the Minister in respect of the purchase, or leasing by him under this Act of the land comprised in such share-farming lease:

(2) Provided that not more than fifty per centum thereof may, with the approval of the Minister, be advanced by way of loan to the share-farmer for the purpose of effecting improvements on the land, purchasing stock or farming plant, or in payment of moneys due by the share-farmer in respect of improvements, stock, seed, or plant. Any money so advanced shall be secured by mortgage or otherwise, as the Minister may determine.

Minister may make advances to share-farmer.

Price of land and conditions of sale.

14. (1) Any land acquired by the Minister under this Act may be subdivided into such areas as he may consider suitable and may be sold subject to the provisions of this Act at such prices and on such terms and conditions as the Minister may determine and notify by publication in the Gazette or by regulation. In the setting apart of any such land, the Minister may restrict applications therefor to discharged soldiers as defined in the Soldiers Settlement Act, 1916, or to bona fide share-farmers, and may on the recommendation of the local board allow the holder of a share-farming lease a preferential right to purchase any such land.

Subdivision.

Conditions of sale.

Restriction on applications.

(2) Any such land not required for the purposes of this Act may be disposed of under the Closer Settlement Acts or the Crown Lands Consolidation Act, 1913, or any amendments of those Acts.

Disposal of superfluous land.

(3) The proceeds of all sales of land under this section shall be paid to a special account in the Treasury, and shall be applied in paying off all liabilities incurred by the Minister in respect of the acquisition by him of such land.

Application of proceeds of sale.

Qualification

*Share-farming.**Qualification to lease or purchase land.*

15. Any British subject not being under the age of twenty-one years shall be qualified to apply to lease or purchase land under this Act, provided that he is not the owner of any land which, when added to the area he desires to lease or purchase, would in the opinion of the Minister substantially exceed a reasonable home-maintenance area. Qualifications of applicants.

Before granting a lease the Minister may require to be satisfied of the applicant's qualifications to satisfactorily occupy and develop the land, and that he is otherwise a suitable person to be granted a lease.

Transfers and other dealings.

16. Land sold or leased to a share-farmer in pursuance of this Act shall not be transferred or conveyed without the consent of the Minister, and any such dealing made without such consent whether before or after grant shall be invalid and void: Provided that nothing in this section shall apply to transfers by way of mortgage or release of mortgage. Minister to consent to transfer, &c.
Exceptions.

Forfeiture of purchases or leases.

17. Upon being satisfied that any condition, covenant, or provision attached to any purchase or lease made in pursuance of this Act has not been or is not being duly performed, or that default has been made in the payment of any moneys due to the Crown in respect of such purchase or lease, the Minister may by notification in the Gazette declare such purchase or lease to be forfeited, whereupon the land and any improvements thereon, together with any moneys paid in respect of the purchase or lease, shall revert to the Crown, and the land shall be reserved from sale or lease until otherwise notified by the Minister in the Gazette. Forfeiture.

Crown grant.

18. Upon payment of the balance of purchase money, deed fee, and stamp duty in respect of land purchased Crown grant.

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purchased under this Act, and upon the Minister being satisfied that the conditions of the purchase have been complied with, a Crown grant shall be issued in the prescribed form.

5 *Lease by owner with the Minister's approval.*

19. In respect of any agreement that has been or may hereafter be made between the owner of land and a share-farmer for the cultivation of such land or part thereof for the growth of wheat or other seed or grain or for any other form of farming approved by the Minister, an application may be made to the Minister in the prescribed form for his approval of such agreement, and upon approval being given the owner of the land shall be given a guarantee by the Minister on behalf of the Crown of a return equal to five per centum of the capital value as determined by him of the land leased under such share-farming agreement :

Guarantee of return to lessor of land to share-farmer.

20 Provided that such approval shall only be granted if the board so recommends and only in respect of a lease having at least ten years to run, and where the owner agrees to sell the land at the price and upon terms and condition approved by the Minister.

Regulations.

20. The Governor may make regulations for—
- 25 (a) the proper regulation and control and review of share-farming agreements, including the making of standard or special agreements; the settlement of disputes in the carrying out of any agreement;
- 30 (b) such other matters as in the opinion of the Governor may be necessary or expedient for the purpose of giving full effect to the provisions of this Act.

Regulations.

All regulations under this Act shall be published in the Gazette, and a copy thereof shall be laid before both Houses of Parliament within fourteen days after the publication

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publication thereof if Parliament be then in session, or otherwise within fourteen days after the commencement of the next ensuing session.

If either House of Parliament passes a resolution of 5 which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.